

APPENDIX G

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAJOR MARGARET WITT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
AIR FORCE, et al,

Defendants.

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No. C06-5195 RBL

DEPOSITION UPON ORAL EXAMINATION OF
MASTER SERGEANT STACEY JULIAN

TAKEN AT

Carney Badley Spellman
701 Fifth Avenue, Suite 3600
Seattle, WA 98104

MARCH 18, 2010

THURSDAY, 1:30 P.M.

Reported by:
MARIE WHITE, CSR # WH-IT-EM-*29906

COPY

1 to Major Witt? Or is everything being found out
2 indirectly through one-on-one conversations with
3 people?

4 A. I don't recall if we ever had a briefing our
5 Commander's Call that everything was said or anything
6 was said.

7 Q. So you don't recall whether Colonel Walker ever said
8 anything to the unit about it?

9 A. I don't recall.

10 Q. All right, in Paragraph 13 about midway through there,
11 the sentence begins, "Our squadron has always had
12 gays and lesbians in it, and their presence is
13 widely known, but until this decision to seek a
14 discharge against Major Witt it has never been
15 an issue."

16 First of all, when you say "always", what do
17 you mean by "always"?

18 A. That, well, I know of people that have -- that are gay
19 or lesbian that have been in the squadron.

20 Q. And are we talking about people that are no longer,
21 some of these people are no longer in the unit?

22 A. Yes.

23 Q. Some of those people were in the unit when you joined
24 the unit; is that what we are saying?

25 A. Yes.

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1 Q. So you know people that are out now, out of the Air
2 Force now that when you got to the unit in 1980 --?

3 A. Four.

4 Q. 1984.

5 A. Five.

6 Q. -- were there in the unit?

7 A. Yes.

8 Q. And at least from the point of time that they got out
9 of the military, you know that they were gay or
10 lesbian? Am I making sense?

11 A. After they got out it was confirmed.

12 Q. It was confirmed?

13 A. Yes.

14 Q. By them? How did it get confirmed?

15 A. One of them, yes.

16 Q. Okay.

17 A. Well, both of them.

18 Q. Okay. I'm not going to ask you any questions about the
19 identity of anybody who is gay or lesbian and that is
20 presently in the unit or is presently in the Air Force.

21 A. Mm-hmm.

22 Q. But I did intend to ask you about the identify of
23 people who are no longer in the Air Force.

24 A. Mm-hmm.

25 Q. So you had mentioned that apparently there are two

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1 people who are no longer in who have confirmed that
2 they are either gay or lesbian?

3 A. Yes.

4 Q. Who are they?

5 A. One of them is Bill Barkley.

6 Q. Mm-hmm.

7 A. And Major Peshay.

8 Q. Do you have any idea how we spell that?

9 A. No. I can't even remember the first name.

10 Q. That is a woman?

11 A. Yes.

12 Q. Peshay.

13 A. And she is in a book that from Vietnam, she was a
14 Vietnam Aero Nurse, she got out I think '87 or so. And
15 she was -- there is a portion of the book or that she
16 is listed in this book from the Vietnam Nurse, she was
17 a lesbian. I can't think of it.

18 Q. Okay. Now, let me go back to Bill Barkley for a
19 moment. He was in the unit when you got there?

20 A. Yes.

21 Q. Do you happen to know was he an officer?

22 A. No. He was enlisted.

23 Q. When he retired he was a sergeant?

24 A. I think he made Master Sergeant.

25 Q. Master Sergeant, okay. And how is it, I'm not sure,

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1 was this one of the people that you say was confirmed
2 afterwards?

3 A. He talked about his partner and him. So he talked
4 about coming to Seattle on Valentine's Day with his
5 partner.

6 Q. To you?

7 A. Yes.

8 Q. So are you still -- when was that that he would have
9 told you this?

10 A. I don't recall.

11 Q. I mean is it within the last five years?

12 A. Oh, no.

13 Q. Okay.

14 A. It was a long time ago.

15 Q. Longer than ten years ago?

16 A. Yes. It was in the '80s some time.

17 Q. In the '80s?

18 A. Yes.

19 Q. So that means that it is somewhere in your first six
20 years of service with the 446th?

21 A. It would have been the 40th.

22 Q. The 40th at that time.

23 A. Mm-hmm.

24 Q. Somewhere within that first six years Barkley came back
25 to Seattle to visit from somewhere and had this

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1 Q. Now was Major Peshay somebody that you knew personally?

2 A. Yes, I flew with her.

3 Q. You flew with her. So if she served in the Vietnam
4 War, by the time you flew with her she must have
5 already have been there about twenty years or
6 something?

7 A. Yes.

8 Q. Okay. And she is one of the people that it was
9 confirmed, your prior assumption was confirmed that she
10 was lesbian; correct?

11 A. Yes.

12 Q. What is it prior to her confirmation of it that made
13 you assume that she was lesbian?

14 A. Like what led me to assume that?

15 Q. Yes.

16 A. Mannerisms, I guess. Just the way she acted, walked
17 and talked, I don't know how to, you know.

18 Q. Mm-hmm.

19 A. Just say that.

20 Q. How was it that your assumption about her orientation
21 was confirmed in that case?

22 A. Rumor.

23 Q. Was it because of this book?

24 A. Well, the book came out. And then someone else said
25 that, yes, she was. And I don't remember who said

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1 that, but she came back to the squadron and talked
2 about the book at one point.

3 MR. LOBSENZ: Hang on one second.

4 (Off the record)

5 MR. LOBSENZ: I was trying to think if I
6 could think of the name of the book.

7 A. I wouldn't remember the name of it.

8 Q. And the name of this author that I can think of, Randy
9 Shultz, that doesn't ring any bells?

10 A. I don't read a whole lot.

11 Q. All right. While Barkley served in the unit did you
12 ever hear anybody complain that -- complain about
13 serving with someone that they thought was a gay man?

14 A. No.

15 Q. Did you ever hear anybody complaining about serving
16 with Major Peshay?

17 A. No. Just she was loud.

18 Q. Loud?

19 A. Loud.

20 Q. Okay. Paragraph 13, I'm not sure that I read all the
21 way to the end of that sentence. But I'll read the
22 whole sentence again. "Our squadron has always had
23 gays and lesbians in it, and their presence is
24 widely known, but until this decision to seek a
25 discharge against Major Witt it has never been

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1 of people that were in the squadron when she was there
2 aren't there anymore.

3 Q. So there is some people, many people in the unit who
4 never knew her?

5 A. Right.

6 Q. Okay. I want to make sure I stay on the right side of
7 this line. I said I'm only going to ask about the
8 identity of people who are gay or lesbian who are no
9 longer in the service. So first let me ask you, did
10 you know or do you know a service member named Lisa
11 Chisa?

12 A. Chisa.

13 Q. How do you spell that?

14 A. I don't know.

15 Q. And I have at least one person testify that she is no
16 longer in the military; is that your understanding?

17 A. Yes.

18 Q. At any time, I guess, back when she was in or when she
19 got out, did you have an assumption that she was a
20 lesbian?

21 A. After she was out.

22 Q. What was that based on?

23 A. Her.

24 Q. What was the -- after Lisa Chisa was out, what was
25 the --

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1 A. Yes, her.

2 Q. Oh, she said?

3 A. Well, she didn't say that she was. But she introduced
4 me to her partner.

5 Q. Was that the 50th party for the unit?

6 A. Yes.

7 Q. The summer of 2009?

8 A. Okay.

9 Q. Is that the one?

10 A. Yeah, I don't know for sure when it was.

11 Q. Okay. So in the summer of 2009 there is this -- it's
12 the 50th anniversary which used to be the 40th --

13 A. Right.

14 Q. -- and became the 446th; right?

15 A. Right.

16 Q. That is on base; right?

17 A. It was.

18 Q. The party? Attended by how many people roughly, you
19 are not going to give me an exact count, but hundreds?

20 A. Yes.

21 Q. Two or three hundred people? More? I don't really
22 know.

23 A. I would say two.

24 Q. Okay. Many former members of the unit came to that?

25 A. Yes.

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1 Q. Of which Chisa was one?

2 A. Yes.

3 Q. And at least to you she introduced the woman who came
4 with her as my partner?

5 A. Yes.

6 Q. Did you see anybody at that party appear to react
7 negatively to Lisa Chisa or her partner?

8 A. No.

9 Q. Did you see anybody who seemed to be bothered that she
10 came to the unit celebration with another woman?

11 A. No.

12 Q. Did it bother you?

13 A. No.

14 Q. Do you remember where you were when she introduced you
15 to her partner? I mean is this a conversation you can
16 picture in your mind, we were standing here?

17 A. I'm trying to think of the aircraft. I think it was
18 close to the 141.

19 Q. Are you alone when she makes this introduction to her
20 partner?

21 A. There was other people around, but it was to me.

22 Q. Around, other people within ear shot, other people who
23 are? I'm trying to figure out.

24 A. I doubt it.

25 Q. You doubt it, okay. Did you attend Sergeant Jim

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1 Major Witt?

2 A. Because I don't normally sign them, because I have
3 horrible penmanship.

4 Q. All right.

5 A. So I usually let my wife do that.

6 Q. Okay, well, if you happen to see your wife's signature
7 on here, would you let me know that, too?

8 A. Sure.

9 Q. I have to, as you can see, take my glasses off and I
10 don't see --

11 A. No, I don't think I have got my signature on it.

12 Q. Okay. I'm sorry if I have just asked you this, but I
13 don't remember.

14 Do you remember if Major Witt was at Sergeant
15 Shafer's retirement ceremony?

16 A. She was.

17 Q. Do you remember -- how do you remember that?

18 A. When Jim was up talking, I believe he made a comment or
19 had Margie stand up and said something, and we
20 applauded.

21 Q. Okay. When you say we applauded?

22 A. The squadron.

23 Q. The squadron, okay. And I'm sure you don't remember
24 the exact words that Sergeant Shafer said about her,
25 but do you remember the general tenor of what he is

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1 Q. Do you have a personal opinion of the "Don't Ask, Don't
2 Tell" Policy?

3 A. Yes.

4 Q. What is your opinion?

5 A. I believe that it shouldn't be there. I don't think
6 that it's a detriment to the military to have gays or
7 lesbians serving in the military.

8 Q. Is it your understanding that this lawsuit might help
9 change or even overturn the "Don't Ask, Don't Tell"
10 Policy?

11 A. Say that again?

12 Q. Is it your opinion that this lawsuit might overturn the
13 "Don't Ask, Don't Tell" Policy?

14 A. No.

15 MR. BUCKINGHAM: Okay, thank you.

16 * * * * *

17 REDIRECT EXAMINATION

18 BY MR. LOBSENZ:

19 Q. You speak kind of softly, I just want to make sure I
20 heard all of the words in the last sentence to one of
21 your answers.

22 Did you say, "I don't think it is a detriment to
23 have gays and lesbians in the military"?

24 A. I do not.

25 Q. You do not think that it is a detriment?

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APPENDIX H

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

MAJOR MARGARET WITT,)
)
Plaintiff,)
)
vs.) C065195RBL
)
UNITED STATES DEPARTMENT OF)
THE AIR FORCE; COLONEL MARY L.)
WALKER, Commander 446th)
Aeromedical Evacuation)
Squadron, McChord Air Force)
Base; and JAMES G. ROCHE,)
SECRETARY, DEPARTMENT OF THE)
AIR FORCE,)
)
Defendants.)

DEPOSITION UPON ORAL EXAMINATION OF JILL ROBINSON

APPEARANCES:

FOR THE PLAINTIFF: JAMES E. LOBSENZ
CARNEY, BADLEY, SPELLMAN
701 FIFTH AVENUE, SUITE 3600
SEATTLE, WASHINGTON 98104

FOR THE DEFENDANTS: PETER J. PHIPPS
STEPHEN J. BUCKINGHAM
U.S. DEPARTMENT OF JUSTICE
20 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20044

MARCH 16, 2010

1 in the 40th and 446, right? During the whole time
2 you've been in the Air Force has anyone else besides
3 Maj. Witt at McChord to your knowledge ever been
4 discharged for being either gay or lesbian?

5 A No.

6 Q So, in all your time at McChord, so far as you know,
7 she's the only one?

8 A That I know of, yes.

9 Q Besides Maj. Witt, do you believe there have been other
10 lesbians who served in the 446?

11 A Yes.

12 Q And why do you say that?

13 A Well, there's Lisa Chisa thought to be lesbian. She was
14 I believe medically discharged. She had a partner.
15 They had a thing at their house. She was artificially
16 inseminated, and they've had a baby since. So, was
17 there question and rumors that she was? Yes. And is.

18 Q How do you -- Pardon.

19 A Go ahead.

20 Q How do you spell Chisa?

21 A C-H-I-S-A.

22 Q When was she medically discharged roughly, if you know?
23 How many years ago are we talking about?

24 A Maybe three, four years ago. Three years ago.

25 Q What was the medical reason for discharge, if you know?

1 A I don't, I don't remember.

2 Q Were you friends with her?

3 A Uh-huh, I was. I would consider...

4 Q Did you know her partner?

5 A Yes. After.

6 Q After. Who was that?

7 A I don't remember her name. They live over in Purdy.

8 Q You mentioned a party. Did you go to this party?

9 A I did.

10 Q Was this in Purdy?

11 A Yes.

12 Q Party in Purdy?

13 A Yes. I don't go to Purdy very often for any party.

14 Q And I'm not clear, was the party related to the
15 artificial insemination or what?

16 A Yes.

17 Q Okay.

18 A They were choosing a dad, and so we sat around with the
19 biological information of somebody on paper choosing
20 Italian versus Irish.

21 Q Polish? Did anybody suggest Polish?

22 A They did not, that I recall.

23 Q This is how long after she'd been discharged? It is
24 after she'd been discharged for medical reasons?

25 A Yeah, I believe it was.

1 Q Besides you, were there any other people of the unit
2 that went to that party?

3 A Yes.

4 Q Who?

5 A Leslie Pellegrini.

6 Q Anyone else?

7 A I believe that's who I went there with is Leslie. There
8 was, I believe there was. It was years ago... Leslie I
9 know for sure. I will...

10 Q And you know that because you went there with her?

11 A Correct.

12 Q So, let me see if I understand. Before she was
13 discharged, Lisa Chisa fell into this category of she
14 didn't tell you that she was lesbian but you believed
15 she was; is that right?

16 A Correct.

17 Q After she had got her medical discharge apparently she
18 actually told you or -- Right?

19 A Correct.

20 Q Are there any other people that fall into that category
21 who told you after discharge?

22 A No. She's the one that was most open about it
23 afterwards, telling her parents and...

24 Q And her partner, whoever she was, was she a service
25 member or not?

1 A No.

2 Q Or do you know? She was not. Besides Lisa Chisa, are

3 there other people that you believed, other people in

4 the 446 that you believed were lesbians?

5 A Yes.

6 Q Who are they?

7 A This is where I get this gray line of names. I just...

8 Q Gray line?

9 A I don't -- This is where I get shaky on throwing names

10 out of people.

11 Q Are any of these people in this list of names out of the

12 military now?

13 A No.

14 Q Okay.

15 A Yes. There's a couple that are out that were never

16 asked but were assumed.

17 Q And they're out now?

18 A Correct.

19 Q Do you have any difficulty telling me their names?

20 A Tony Wilson.

21 Q Okay.

22 A Bill Barkley.

23 Q Anyone else who's out, out of the military?

24 A Thanks for the clarification.

25 Q Okay.

- 1 A Those are two that -- And Lisa.
- 2 Q So, Tony Wilson was in the 446th?
- 3 A She was in the 40th at the time. I think, I want to
4 believe she got out while she was still in -- I forget
5 when we changed names from the 40th to the 446th, so
6 transition I don't remember if she was.
- 7 Q Okay.
- 8 A And that, while she never came and said "I am," it was
9 assumed that she was.
- 10 Q It was assumed by...?
- 11 A Me.
- 12 Q By who?
- 13 A Other people that knew her.
- 14 Q And why was it that you assumed that about her?
- 15 A Oh, God, perceptions.
- 16 Q Did she bring a woman to social events or something?
- 17 A No.
- 18 Q What about Bill Barkley?
- 19 A If I recall, he was married to somebody, Annie, Ann...
20 At some point, and it was a huge dramatic -- well, not
21 huge. It was just an odd relationship and that he ended
22 and he never came out to say he was. It was assumed on
23 perceptions.
- 24 Q Okay.
- 25 A And I don't know where he -- I think he was from Utah,

1 but I don't -- I haven't seen him since he left.

2 Q Did you ever hear anyone in the unit complain that they
3 were serving with Toni Wilson believed to be a lesbian?

4 A No.

5 Q Did you ever hear anyone complain that they were serving
6 with Bill Barkley, a man assumed to be a gay person?

7 A No.

8 Q No?

9 A Odd behaviors. He was just a quirky guy and but there
10 wasn't...

11 Q Let's see, did you say, did Toni Wilson have a partner?

12 A I did not say. I don't know if she did.

13 Q And Bill Barkley after his break up of his marriage, do
14 you know whether he had a partner or not?

15 A No.

16 Q Now, aside from those three people, Lisa Chisa,
17 Toni Wilson, Bill Barkley, there's some other people who
18 are still in; is that correct?

19 A Yes.

20 Q Who you believe to be gay or lesbian; right?

21 A Correct.

22 Q First of all, just how many in numbers, other people is
23 that group in your mind?

24 A Six.

25 Q Six. Okay. And of those six, how many are gay men and

1 Q how many are women, lesbian women?

2 A So, I... Five and one.

3 Q Five which way?

4 A Five women.

5 Q Five women. One man. Okay. Are you capable of saying
6 whether you think your belief that these six people are
7 gay and lesbian is shared by others?

8 A I'm -- Yes, they're shared by some.

9 Q And without naming their names, but have you had
10 discussions with other people about your suspicions or
11 assumptions that these other people are gay or lesbian?

12 A No, I've not had that discussion about suspicions.

13 Q Do you know Stacey Julian, J-U-L-I-A-N?

14 A Yes.

15 Q And Stacey is S-T-A-C-E-Y. How long have you known him?

16 A Same amount of time I've been in the squadron. I
17 believe he got there before I did, so twenty-three
18 years.

19 Q So, twenty-three years almost?

20 A Uh-huh.

21 Q I want to read you one paragraph, part of one paragraph
22 from the declaration he signed. And then I'm just going
23 to ask you if you agree with his statement.

24 A Okay.

25 Q "Our squadron has always had gays and lesbians in it,

1 and their presence is widely known. But until this
2 decision to seek a discharge against Maj. Witt, it has
3 never been an issue." Would you agree with that?

4 MR. PHIPPS: Objection. Incomplete.

5 A Parts of it.

6 Q Okay. Which parts would you agree with?

7 A Parts that there were assumptions that people know
8 there's gay and lesbians there. Whether everybody knew
9 about it, I don't know if that's correct exactly. You
10 said it with that but...

11 Q His exact words are "and their presence is widely
12 known."

13 A I don't know about the "widely" part.

14 Q And is there some part of it that you don't agree with
15 or you just don't know?

16 A I believe that there are people who believe there are
17 gay and lesbians in our squadron, and but as far as
18 widely disseminated, I, I don't know about that.

19 (Comments off the record.)

20 Q You've had occasion to speak to Col. Moore-Harbert about
21 Maj. Sharon Carlson; correct?

22 A Correct.

23 Q And why, why did you have occasion to speak to the
24 commander about her?

25 A Pandora's Box. An alleged domestic violence dispute

1 with her partner, or... Yeah.

2 Q How did you first learn about the alleged domestic
3 violence incident?

4 A I saw bruises on Candace's arm.

5 Q Did then did you ask Candace about that?

6 A Yes.

7 Q What did she say?

8 A Myself and Leslie Pellegrini were in the office and
9 asking her about it, and she stated that she's fine,
10 that she was fine. And bruises were there. And it came
11 back to be centered on Sharon that had caused the
12 bruises. And then from there, I believe what was
13 transpired was there ended up being an exercise that
14 went overseas to Hawaii that the majority of the
15 squadron went on, and then at that point somebody had
16 stated that I had gone in and up-channeled information
17 related to Sharon up the chain of the Air Force. And
18 Sharon approached me about it asking why. And I had no
19 part of up-channeling of any information. So,... There
20 was an accusation made that I had turned her in, I had
21 access to Col. Moore-Harbert's office while she was gone
22 as the commander on this deployment and floated this
23 upward.

24 Q So, is this right, Sharon basically approached you,
25 approached you and accused you of outing her?

1 A Yes.

2 Q You said that it began with a discussion I guess
3 somewhere in the building in the office about bruises.
4 At that point, did you know prior to that day that
5 Sharon lived with Candace?

6 A Yes.

7 Q Prior to that day, did you believe Sharon and Candace to
8 be having a relationship?

9 A Yes.

10 Q And I take it that's something Sharon never told you;
11 right? She never said, "I am a lesbian"?

12 A Correct.

13 Q And Candace never said, "I am a lesbian"?

14 A Correct.

15 Q But it's something you believed?

16 A Correct.

17 Q Prior to this day that you saw the bruises on
18 Candace Newberry, did you know anything about how Sharon
19 and Candace had come to be together?

20 A I believe it was started as, I believe -- and this is
21 where I can be wrong, that it was on a deployment
22 overseas.

23 Q That they met?

24 A Yes.

25 Q Had you ever been to their house that they shared?

1 A Yes.

2 Q Had you been to their house prior to there domestic
3 violence incident?

4 A Yes.

5 Q One thing I didn't understand is you mentioned something
6 about an exercise that the whole unit was on, an
7 exercise; is that what you said?

8 A Yes. There was -- I forgot the -- I don't remember the
9 name of it. But it was over in Hawaii. And so
10 Col. Moore-Harbert was over there along with many other
11 people. And there was only a few people in the squadron
12 back here just coming in to do their requirements.

13 Q So, I don't understand. What happened while you were in
14 Hawaii that's related to this?

15 A I wasn't in Hawaii. I was at the squadron.

16 Q Okay.

17 A And so what came back was while I was at the squadron,
18 Sharon was also there, and all doing our own independent
19 things. And then I got a call while I was at home from
20 her stating that information had gotten back to people
21 in Hawaii that I had up-channeled information.

22 Q Oh, I see.

23 A And so, I -- Yeah, I spent a good couple hours talking
24 to Sharon about it, and I don't...

25 Q So, at this point, when most of the unit is in Hawaii,

1 you and Sharon are not in Hawaii?

2 A Correct.

3 Q And when you're saying you spent a couple hours talking
4 to Sharon, is that in person or over the phone?

5 A Over the phone.

6 Q I take it in this conversation Sharon is upset?

7 A Yes.

8 Q Angry at you?

9 A Maybe. Confused. Not understanding why I got
10 information.

11 Q And because you're the executive assistant, you have
12 access to the commander's desk; is that right?

13 A I do not.

14 Q You do not?

15 A I do not.

16 Q But Sharon thought you did?

17 A Correct. Or there was, there was a belief assumed that
18 I did, therefore I was the one that was responsible for
19 the information getting out there, and that I had
20 up-channeled it.

21 Q So, you told Sharon, I take it, "I did not up-channel
22 it. I did not tell Moore-Harbert anything"?

23 A I -- Right. I mean, Col. Moore-Harbert was over there,
24 and I went through the whole explanation of my access,
25 my inability to get access to that information. I don't

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1 have access to her office. Don't have access to the
2 information that she thought was forwarded upward.

3 Q So, you told Sharon this?

4 A Correct.

5 Q And what did she say?

6 A I felt as though I lost a friendship.

7 Q Did she say whether she believed you or not when you
8 said, "I didn't do this"?

9 A No, I don't believe that she actually said anything. It
10 was a matter of I was put in a place to convince.

11 Q Then what happened?

12 A I spoke to Col. Moore-Harbert about it when she got
13 back --

14 Q What did --

15 A -- and asked her to explain it to Sharon, that I don't
16 have this information.

17 Q And was she willing to do that?

18 A Yes.

19 Q Did she do that?

20 A I believe she did.

21 Q What makes you say you believe that she spoke to --

22 A -- because I was there when the three of us talked.

23 Q So --

24 A -- And so it was explained in her office that while this
25 allegation was there, that I wasn't the source, that I

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1 didn't have access.

2 Q Did Col. Moore-Harbert explain what was the source of
3 her information?

4 A No.

5 Q Did she mention the police report?

6 A The police report was part of what the source was, but I
7 don't recall her actually explaining it to Sharon about
8 the specific police report. I remember the
9 conversations that when reports come through with
10 domestic violence and the police officers arrive at the
11 house and they're military, it still gets crossed over
12 to the military side. So, that I recall is information,
13 and so...

14 Q That information that the police share their reports
15 with the military, was that information, did it come
16 from Col. Moore-Harbert or someone else?

17 A I believe it came from Col. Moore-Harbert.

18 Q In this three-person conversation, did you form an
19 opinion as to whether Sharon was convinced that you were
20 not the person who outed her?

21 A I don't think she'll ever be convinced.

22 Q You don't?

23 A (Non-verbal negative response.)

24 Q So, did it permanently damage the friendship?

25 A Uh-huh.

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1 Q Are you, do you think you're friends today?

2 A Passively.

3 Q Apparently that means something different from the way
4 it was before?

5 A We had -- I mean, there was conversations and talks
6 about jobs and stuff and those conversations just, they
7 got short, subsided. I still talk to her, and we still
8 are friendly. I mean, it's -- But it's a pretty big hit
9 to take.

10 Q Yeah. Was there any impact on this incident on your
11 relationship with Candace Newberry?

12 A Candace left the squadron, so...

13 Q Do you know the circumstances of why she left?

14 A Not specifically.

15 Q Unspecifically, do you know?

16 A Unspecifically is Sharon found somebody else and Candace
17 found out. Candace tried to work this out with Sharon,
18 and it was just -- and so Candace left.

19 Q I don't think I asked you but what's the relationship
20 between ranks between Carlson and Newberry?

21 A Enlisted and officer.

22 Q Is it against military policy for an enlisted person
23 serving under an officer to share quarters with them
24 like that?

25 MR. PHIPPS: Objection. Calls for a legal

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conclusion.

A I don't... I lived with an officer. I was enlisted.

Q Okay.

A Different squadrons. Engaged.

Q Uh-huh.

A So, --

Q -- Different squadrons?

A Yes.

Q So, one was not directly under the command of the other?

A Correct.

Q But you were not under the command of the other?

A Correct.

Q But Candace Newberry was under the command of Carlson or not?

A No, no.

Q No?

A Because Candace had a position within squadron that was enlisted the side that was unrelated to falling under Sharon for flying. Candace was a flyer. She was part of a CCATT team, and she stopped doing that to come into the squadron to do more clerical work.

Q In that conversation that the three of you had, Moore-Harbert and you and Carlson, was there any discussion of the fraternization policy of the Air Force?

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1 A Yes, that she'd be admonished.

2 Q Do you know whether Sharon was admonished?

3 A I don't know.

4 Q In the normal course of -- Well, let me back up. As the
5 executive officer serving under Col. Moore-Harbert, did
6 you have any duties to process paperwork for
7 disciplinary letters like letters of admonishment?

8 A No.

9 Q Would you ever see those in the normal course of
10 business?

11 A No.

12 Q So, if I got this right, Col. Moore-Harbert said,
13 "You're going to be admonished," but you don't know
14 whether it happened or not?

15 A Correct.

16 Q What about Sgt. Newberry, do you know, was anything said
17 about what would happen to her?

18 A No.

19 Q Do you know whether anything happened to her one way or
20 another?

21 A I don't know.

22 Q And so what did Col. Moore-Harbert say Carlson was going
23 to be admonished for?

24 A Maintaining a house with an enlisted as an officer.

25 Q Was there any discussion in that meeting of the three of

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1 you about whether or not there would be any action taken
2 for being lesbian?

3 A No, that the action would be taken for the officer and
4 enlisted relationship.

5 Q Did Maj. Carlson express any concern that action might
6 be taken because of her sexual orientation?

7 A No. She voiced concern with me related to the
8 information flow of the impact of that information being
9 out there and what would potentially happen with it.

10 Q But what about to Moore-Harbert?

11 A I don't know.

12 Q No, you don't know?

13 A No.

14 Q After that meeting of the three of you in Col.
15 Moore-Harbert's office, did you ever have any subsequent
16 conversation with Col. Moore-Harbert about that
17 incident?

18 A No, because I wanted closure to move on from it, and my
19 biggest angst was the fact of a friendship.

20 Q After that incident, were there any times you either had
21 conversations with other members of the unit about this
22 incident with Carlson?

23 A Leslie.

24 Q Leslie. Anyone else?

25 A Not that I re... Leslie and Candace because she was

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1 involved in it.

2 Q What was the conversation with Leslie?

3 A How do I fix it, what do I do? I mean, I wasn't
4 involved with the information flow. There was
5 frustration about Sharon, confusion why the aggressive
6 behavior happened, the pretense to it, the idea it takes
7 two sides, who pushed what, the whole, how did it all
8 happen. So,...

9 Q So, did you get some information either from Sharon or
10 Candace about the actual incident which gave rise to
11 these bruises?

12 A Candace --

13 Q What did Candace say?

14 A -- gave the majority of the information, that she had
15 e-mails and information that Sharon had met somebody
16 else and Candace was unsure what she was going to do and
17 so they got in a verbal conflict about it at home. And
18 it escalated.

19 Q Did Candace describe how she ends up with bruises?

20 A Yes. That she, Sharon held her and so that was...
21 Whether implications on how, why she was being held,
22 there are two sides, and I just know that that's what
23 Candace had said.

24 Q Did you get the other side?

25 A It filtered out that there was fist throwing and

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1 punching, so that Candace was essentially physically
2 restrained by Sharon by holding her from being not hit,
3 so...

4 Q I'm sorry, you said it was Leslie and Candace were the
5 two people you had conversations with after the meeting
6 with Moore-Harbert?

7 A This was before. This was before.

8 MR. LOBSENZ: Well, now you look like you
9 might want a break.

10 THE WITNESS: I'm exhausted.

11 MR. LOBSENZ: Want to take a little one or go
12 on to other subjects?

13 THE WITNESS: Okay. All right.

14 (Recess in proceedings.)

15 Q After this incident did anyone in the unit, did you ever
16 hear anyone in the unit say they didn't want to work
17 with Sharon Carlson anymore?

18 A No.

19 Q After this incident did you ever hear anyone say, "I
20 don't want to -- I don't like the fact that we have a
21 lesbian in the unit and her name is Sharon Carlson"?

22 A No.

23 Q Okay. Done with that. Now, at some point apparently in
24 the summer of 2009, there was a ceremony for the 50th
25 anniversary of the unit of the 446th; correct?

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1 Q You said at one point, Col. Linda Carneal was the
2 commander of the unit; correct?

3 A Correct.

4 Q She was succeeded by Col. Walker; correct?

5 A Correct.

6 Q What's your understanding of why Col. Carneal was
7 replaced by Col. Walker?

8 A I think it's multi-faceted.

9 Q Okay.

10 A I believe part of it may be time. I believe another
11 component was she commanded the squadron and gave
12 special privileges to her executive officer related to
13 time and flexible hours and a perception that -- He was
14 married. Kevin Windsor is his name. Kevin Windsor is
15 married but would ride in with Col. Carneal in the
16 morning and take her home. They would go to lunches
17 together. It was just, it was... It was a dirty
18 feeling. It wasn't -- didn't seem appropriate. So,
19 over time, it got to be suffocating for us to watch, so
20 a group of us that were present from different AFCs went
21 across to Command, across the street to 446, and I
22 believe it was Col. Spencer at the time, and had a
23 sit-down discussion about the perceptions and impact
24 that it had and the angst it had on the squadron.

25 Q It did have an effect on the squadron?

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1 A Yes, there was a group of, I believe it ended up being
2 seven or eight of us, med' tech', nurse, MSC officer.
3 So, we went over as representation not just of one
4 specific AFSC for a perceived balanced view based on
5 different areas in the squadron that saw what was
6 occurring and felt that it was inappropriate.

7 Q How long after the time you went across the street and
8 told command did she retire?

9 A Six months maybe. I don't really remember at that
10 point. And then Kevin Windsor left the squadron and
11 subsequently got promoted.

12 MR. LOBENZ: It could be that I'm done. So,
13 maybe we could take another short break; I'm going to
14 consult with my co-counsel and see if I have any more
15 questions, and then Mr. Phipps may have some questions.

16 THE WITNESS: Yes, got it. Okay.

17 (Recess in proceedings.)

18 MR. PHIPPS: Good morning, I just have a few
19 follow-up questions for you.

20 EXAMINATION

21 BY MR. PHIPPS:

22 Q First, I'd like to start with something relatively
23 basic. Do you want to be deposed today?

24 A No.

25 Q Why not?

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1 while he had a position of power, it was respected as
2 such. While there may be other people who disagree with
3 his choices, I still remain -- he's still our Commander
4 In Chief.

5 Q Now, do you support the don't ask/don't tell policy
6 personally?

7 A Personally, no.

8 Q Do you think it should be repealed?

9 A Yes.

10 Q Do you think that this lawsuit would help or assist
11 repeal of the policy?

12 A I hope, hope it's revisited. I hope it's looked at more
13 objectively.

14 Q And you think that this lawsuit will contribute to that?

15 A I think the culmination of addressing this over and over
16 again may at some point change this. Whether it's her,
17 whether it's somebody else, whether she doesn't win
18 this, whether she does, maybe somebody else. It's a
19 pathway. I do believe that needs to be revised.

20 Q So, you would like to see her win this case?

21 A I would like to see people who are willing to serve
22 their country and to take ownership of their life for it
23 be given the opportunity to do that. So, this don't
24 ask/don't tell policy negates the ability for some
25 people to do that; I believe that.

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1 A I believe that she is the best commander that we've
2 since I've been there.

3 Q Do you think related to the timing of Margaret Witt's
4 suspension/discharge, the current commander wasn't the
5 commander then; was she?

6 A No.

7 Q Do you think that any of the reactions that you have
8 identified to Margaret Witt's suspension related to who
9 the commander was at the time?

10 MR. LOBSENZ: I just object to vagueness
11 grounds and also on competency grounds. Go ahead.

12 A I'm not really sure how to answer except to say that
13 Col. Moore-Harbert was the people's commander in the
14 sense that there was a full knowledge that
15 Col. Moore-Harbert knew the job, knew how to lead with
16 clear distinct visions than Col. Walker did. And while
17 Col. Walker was the commander at the time, this fell on
18 her shoulders. Do I believe that it may have been
19 handled differently if Col. Moore-Harbert was the
20 commander? I do.

21 MR. PHIPPS: Thank you. I have nothing
22 further.

23 EXAMINATION

24 BY MR. LOBSENZ:

25 Q When you say you may have been handled differently if

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1 Col. Moore-Harbert had been the commander at the time of
2 the investigation of Maj. Witt back in the fall of '04,
3 are you saying that you think Col. Moore-Harbert would
4 have reacted differently to orders coming from outside
5 the squadron and above?

6 A I do.

7 Q You think she would have said, "I'm not doing it; she's
8 no problem in the unit"?

9 A I believe that.

10 Q So, if I understand you correctly, but for the fact that
11 Col. Walker didn't have the fortitude to say "I'm not
12 doing this," there would never have been a problem, we
13 would never have had this case?

14 MR. PHIPPS: Objection. Speculation.

15 A Yeah, I don't, I don't know. Col. Walker wasn't
16 respected for her ability to lead.
17 Col. Moore-Harbert has been the people's commander
18 within our squadron for a number of years because of her
19 navigation and how-to exercises, how to -- she's... So,
20 Walker was assigned the position, and it was not -- she
21 was never given the respect a commander probably should
22 have been given.

23 Q I don't know if you've already mentioned this, but
24 there's some date which you have in mind coming up where
25 you are actually going to retire; right?

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1 have to worry but because I testify before June 1
2 something's going to happen to me before June 1"?

3 A Yeah, I suppose I would, but what --

4 Q -- Okay.

5 A Yeah.

6 Q Lastly, I didn't understand one thing. When Mr. Phipps
7 questioned you about conversations with Maj. Witt, I'm
8 not sure what exact time frame of this was, but you said
9 "I've contacted her and I've apologized." I don't
10 understand that comment. What would you have been
11 apologizing for?

12 A Her having to go through all of this.

13 Q You were apologizing that Maj. Witt had to go through
14 discharge?

15 A Uh-huh.

16 Q And I just, what I don't understand is why are you
17 apologizing for that? You don't have anything to do
18 with it; do you?

19 A But we do.

20 Q As an institution?

21 A Yes.

22 MR. LOBENZ: Thank you.

23 THE WITNESS: Okay

24 (Comments off the record.)

25 (Witness excused at 11:03.)

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