PREECE DEPOSITION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DIANE J. SCHROER,
Plaintiff,
v. : CA No. 06-763
JAMES H. BILLINGTON,
Defendant.

Washington, D.C.

Thursday, January 11, 2007

Deposition of CHARLOTTE P. PREECE, called for examination by counsel for Plaintiff, pursuant to notice, at the Law Offices of 1875 Pennsylvania Avenue, N.W., Washington, D.C., and commencing at 9:10 a.m., before Barbara a. Huber, Notary Public in and for the District of Columbia, when were present on behalf of the respective parties:

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responsibilities?
A I supervise about just shy of a hundred people, probably about 85 research analysts, who do work for the United States Congress on foreign affairs, defense, and trade.
Q And how many of those analysts are in positions requiring security clearances?
A Most of the trade people not. Most of the foreign policy people do. All the defense people do.
Q And, roughly, the number of -- of the 85 research analysts, what number does that amount to of analysts that have a security clearance component of their job?
A I'd say 75 to 80 percent have clearances.
Q Who do you report to?
A The director of the Congresional Research Center.
Q Who is?
A Dan Mulhollan.
Q Okay. And who reports to you?

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A The people that I supervise. I have six intermediate managers, or seven rather section heads. I have a deputy. I have an administrative support person. I have two project management coordinators. And the rest are analysts.
Q And how long have you been with the Library of Congress?
A Since 1976.
Q And when did you take over the position that you currently hold?
A I became acting division chief in late 1991. I became permanent division chief in early 1994. There was a reorganization roughly six years ago. And trade people were moved into the division. And then instead of being a division chief, I became the assistant director for foreign affairs, defense, and trade.
Q And that was 2000 or 2001?
A Roughly 2000, yes.
Q Do the analysts that you report to report directly to you?
A No. They have a section head.

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Q And for the position of terrorism specialist, to whom would that analyst report?
A The head of the foreign policy management and global issues section. And that would be Francis Miko, M-I-K-O.
Q And Mr. Miko was the supervisor at the time of the events in this case; is that right?
A That's correct.
Q Were you the person responsible for hiring the terrorism specialist?
A Yes, I was the security officer.
Q Okay. Was the terrorism specialist position a newly created position that you were filling?
A No.
Q Okay. Who held the position previously?
A Audrey Kurth Cronin.
Q Can you spell that name?
A Kurth is K-U-R-T-H. And Cronin is C-R-O-N-I-N. Audrey is her first name.
Q Oh, Audrey. Okay.
A I saw you had it written down, so --

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Q When did Ms. Kurth Cronin inform you that she intended to leave the position?
A In July of 2004.
Q And did she inform you why she was leaving the position?
A Yes.
Q And why was that?
A She had accepted a teaching position, a faculty position, at the National War College.
Q And what was her last day on the job?
A It was the last week of July. I can't remember the specific date.
Q Did you need to do anything to get approval to begin the process of replacing Ms. Kurth Cronin in the position?
A I did.
Q What did you do?
A I had to make a special appeal to the director.
Q And what did that involve?
A A short memo, going down to talk to him, saying why we needed a person when we did, because

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it was out of our hiring cycle.
Q And what did you say in that memo?
A Basically the exegesis of the job requirements, particularly post 9/11, this position was in high demand. It was important that we fill it as soon as possible.
Q And to whom did you send this memo?
A I'm not even sure if it was a memo or a conversation. It was just a discussion of going down. And it was all very quick, because I didn't have much timing from the time I think she was going to take the position.
Q Okay. And with whom did you speak or with whom did you have this conversation?
A The director.
Q And can you tell me what you remember from the conversation about how you described how quickly you wanted to fill the position?
A I think I said as soon as possible. We only have two people, or had two people at the time we who worked in terrorism. And so when one left, we were very short-staffed and scrambling.

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Q And how did the director respond to your request?
A Favorably.
Q And by favorably, what does that mean?
A That he said we'll work with our workforce development people to get the posting up as soon as possible.
Q And did Mr. Mulhollan have to produce any paperwork to get that process started?
A I don't know.
Q Okay. Do you remember seeing any memo from Mr. Mulhollan, after your conversation, about the fact that he had approved your request?
A No.
Q Okay. As part of your conversation with Mr. Mulhollan, did you share any documents with him?
A No.
Q Okay. Did you request permission to conduct this hire on an expedited basis?
A Not on an expedited basis, but out of normal cycle. We normally have a quarterly

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sometimes only semiannual staffing call. And this did not -- this timeframe did not coincide with that staffing call. So in that sense it was special.
Q Other than being an out-of-cycle hire, was there any other option that you had for expediting the hire?
A Just to stay on top of it and make sure each stage of the process moved along as quickly as it could.
Q Do all employment vacancies in your unit need to be filled on an urgent basis?
A No.
Q Okay. Which ones do not?
A For example, we're in the process of having a staffing call now. We just recently had one, and positions were approved. I met yesterday with the workforce development staffing people to come up with a timeframe and set priorities of which positions I wanted to fill first, which ones I could afford to fill later in the fiscal year, so --

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Q Okay. And if you could explain sort of which -- which positions did you consider more urgent and which ones less so?
A Okay. In this case, the urgent ones were a specialist in weapons of mass destruction proliferation, non-proliferation policy; a specialist in military operations. Two less urgent were an analyst in international trade and finance. Oh, I cannot -- a fourth position, excuse me. An analyst and a junior analyst in international narcotics and crime.
Q How many hires have you overseen?
A I would dare say 40 to 50.
Q And by overseeing, correct me if I'm wrong, but that means that you were the selecting official for those positions; is that correct?
A That's correct.
Q Okay. And how many of those hires were for analyst positions?
A 95 percent of them.
Q And how many of those positions did not need to be filled on an urgent basis?

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Q Okay. Did you request a waiver of the pre-appointment security clearance investigation for this person?
A Yes.
Q And was it granted?
A Yes.
Q Okay. So we now have applicant A through F.
Are there any other applicants or employees that had -- that brought to your attention information that had a security clearance dimension that you needed to address?
A That's all I can think of.
Q Okay. Have you ever decided to go with a candidate who -- for employment who perhaps originally was your second or third choice over the candidate who had been your first choice, due to concerns that your first choice candidate might take longer to go through the security clearance process?
A No. I mean, if the interview is completed and nothing comes up during the

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interview that would lead me to question, then I -- I'm shooting kind of blind.
Q Okay.
A Do you understand what I mean?
Q I'm not sure, actually.
A If the person -- if two people come through and interview -- and you're the first choice and you're second choice --
Q And you're referring to me and James, as --
A Exactly.
Q -- hypothetical people?
A I'm sorry. Exactly. Person A and person B. And nothing comes up to lead me to be suspicious or questioning of your qualifications or credentials, I would go with applicant A. If Cynthia Wilkins subsequently turned up something in an investigation that would change our mind, then I could switch to person B.
Q Okay. And am I right that the situation that we were discussing with respect to employee C, the individual who had information come up

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after the background check, is perhaps the closest case to that, where this candidate had been your top choice, you found information, didn't go with them; but in that case, rather than going with a second choice from that original pool, you decided to re-post; is that correct?
A That's correct.
Q Okay. And so thinking back through all of your interviews with the various applicants, has there ever been a situation where you had, you know, applicant A and applicant B; and applicant A was your top choice, based on everything you had heard in the interview, but then at the end, in response to your anything else question they revealed some information that may or may not have a security clearance component, might lead to a delay or a more cumbersome security clearance process?
Has there ever been a case like that, where you've had an applicant reveal that information, and then you said, you know, I'm actually going to go with applicant B so I don't

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have to deal with the issues that applicant A, you know, may or may not have, based on what they've just told me?
A I can't think of one.
Q In the beginning, we started off talking about the process for hiring the terrorism specialist position. So I just wanted to go back to that. You know, we were talking about sort of how the vacancy first emerged. And that, you said, was due to someone leaving the position.
At that point, with respect to beginning the process for filling the position, were you involved in any processes for determining the qualifications that would be necessary for someone filling the terrorism specialist position?
A Yes.
Q Who else was involved?
A Francis Miko, and Steven Bowman.
Q And who are they?
A Two of the seven section heads. Francis Miko holds -- is the section head where this position resides, the specialist in terrorism.

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A Could you define urgency for me?
Q Well, were there positions that you felt needed to be filled on an urgent basis; and if so, I would ask you to describe how you determined that they were urgent?
A By the workload.
Q And what do you mean by workload?
A CRS fields questions from members of Congress. We also -- it's part of our job, as well as to anticipate, to look out -- to have products prepared on issues that we see coming down the road. And so our analysts are both reacting to requests they're receiving, as well as looking ahead and trying to prepare.
Q And of the 40 to 50 hires that you've been involved in, how many were hires that you requested to be filled out of cycle?
A Very few. I'm trying to think if there was -- I can't remember another time of going to the director out of cycle and saying we need to fill immediately, as soon as we can.
Q So your testimony is that the terrorism

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specialist position was the first and only time you've gone to the director with a request for a hire out of cycle?
A Since we started this process. We didn't always have this staffing cycle. Back in the day when I first became division chief, when you wanted a position you would just go down and talk to the director. There wasn't an organized systematic staffing call like there is now.
Q And do you need to fill out any paperwork in order to request a hire out of cycle?
A I just don't recall whether I did or not. I may have.
Q With respect to the terrorism specialist position, if Mr. Mulhollan had not approved your request to fill the position out of cycle, how long would it have taken for you to be able to fill that position?
MS. RUSSELL: Objection, to the extent that a response calls for speculation.
But you can go ahead and answer if you understand.

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THE WITNESS: I do understand it. I don't know when the next staffing call was. I think it was in the fall sometime of '04.
BY MS. McGOWAN:
Q And when -- from the time in which this staffing call takes place, what is the lag time between when the staffing call happens and when you can actually begin filling the positions that you've identified during the staffing call?
A Sometimes it's weeks, sometimes it's months. In the case now, we're operating under a CR, and uncertain about the budget. It can be longer.
Q And by CR you mean?
A Continuing resolution. I'm sorry.
Q Okay. And are requests to fill a vacancy for a position that already exists impacted by the continuing resolution?
A I'm sorry. Please again.
Q This is because in some part I'm unfamiliar with how the --
A Right.

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Q -- continuing resolution works.
A Right.
Q My understanding is that under the continuing resolution, the funding stays at the same level. So bringing on new positions would obviously be very difficult because no new money would be coming.
My question is with respect to positions that have already existed and it's simply filling a vacancy in a pre-existing position, does the continuing resolution impact your ability to fill vacancies for pre-existing positions?
A It could.
Q Okay. How so?
A As you said, the money wouldn't be there to fund the position. It wouldn't affect staff on board now. We don't anticipate that it will. But instead of being allowed to say hire 20 people across the service, they might decide we only have a budget for ten people.
Q And with respect to this question of whether or not there would be any new funding

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Steve Bowman is head one of one of our defense sections that does special operations and military operations connected with counterterrorism.
Q How did they become part of the hiring team?
A I asked them to be.
Q And what were the most important qualifications for the terrorism specialist position?
A You're familiar with the term KSA's, knowledges, skills, and abilities?
Q I have become familiar with the terms, yes.
A Okay. There were three critical components: Knowledge, policy analysis, and writing.
Q Okay. And how did you decide that -- well, let me back up.
Is it accurate to say that these three things were the most important qualifications for the job?
A Right. What it would mean is that if

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you didn't score at least to the minimally successful in these three areas, you could be disqualified from further consideration.
Q Were there other qualifications for the position?
A Yes.
Q Okay. And what were they?
A Research methodology, world communications, leadership, ability to work collaboratively with others, objectivity, judgment, and discretion. One, two, three, four five, six, seven, eight. I think there were nine. There may be a tenth one, but I think those are the ones.
Q Okay. And how did you -- I'm sorry. That's the list?
A Yes.
Q Okay. How did you decide that these were the qualifications for the position?
A They're the qualifications for every position in CRS, with the exception of the leadership that is only at the GS-15 level.

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Q And to the extent that these are qualifications for every CRS position, in addition to these were there any other qualifications unique to the terrorism specialist position?
A What we do is the knowledge is customized for the position, for each position.
Q Okay. Is there anything else regarding the qualifications that -- either additional qualifications or customized qualifications with respect to the terrorism specialist position?
A That it required a top secret clearance.
Q Okay. Now, was an active top secret clearance a prerequisite for the job?
A No.
Q Okay. So would you have considered someone who did not already hold a top secret security clearance?
Would you have considered someone like that to be competitive for the position?
A Yes, particularly if they had held a clearance before.
Q Okay. How likely did you think it was

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that the top candidate for the position would not have an active top secret clearance?
MS. RUSSELL: Objection to the form. It calls for speculation.
But you can answer if you understand it.
BY MS. McGOWAN:
Q With respect to your thoughts about who the likely top candidate or candidates would be, did you expect that the top candidate or candidates would probably be actively holding a top secret security clearance?
A Yes. Yes.
Q Okay. I'm going to show you a document that we will mark Exhibit 19.
(Deposition Exhibit No. 19 marked for identification.)
BY MS. McGOWAN:
Q Actually, I'm handing you the wrong document this is the one I meant to you give you.
(Deposition Exhibit No. 20 marked for identification.)
BY MS. McGOWAN:

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we scored that individual the way we did.
Q. And do you recall any discussions of that nature happening with respect to these candidates?
A. I'm sure there were.
Q. Okay.
A. I mean, given the 18 across nine, ten categories, there probably were areas where we did have discussions. And I don't remember which individuals or which factors, no.
Q. Okay. Focusing on a couple of the applicants, do you remember any discussion about disparities in scoring with respect to Ms. Schroer's application?
A. I really can't remember.
Q. Okay. And similarly with respect to Mr. Rollins?
A. I can't remember.
Q. At any point -- and I'm referring to Exhibit 24, looking at the interview schedule -- at any point did you go back to Rita and point out that there was a gap of almost a week between

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November 8th and November 15th where no interviews were happening?
A. I don't remember.
Q. Do you know of any particular reason why there was this gap in the interviews?
A. No, I don't.
Q. Okay. When you saw this list and saw that the last interview was taking place on November 16th, were you concerned at all about the length of time the interviews were taking, or did this seem average to you?
A. Seemed average to me.
Q. I'll next show you a document which we'll mark as Number 25.
(Deposition Exhibit No. 25 marked for identification.)
BY MS. McGOWAN:
Q. And then I'm also going to ask you to look at a document that has been previously marked Number 12.
A. (Witness examined document).
Q. Turning first to Exhibit 25, do you

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recognize this e-mail?
A. Uh-huh.
Q. What is it?
Actually, I'm sorry. Before we go on, let me just identify what this document is for the record. This, which has been marked as Exhibit Number 25, is a document produced by the Government in discovery. It's Bates-stamped number 148. At the top says, Charlote Preece references for terrorism position.
And so, I'm sorry, if you can tell me what the e-mail is.
A. It is letting my fellow panelists know that we would begin reference checks. And it's proposing who would do reference checks on each of these three people.
Q. And how did you select these three people as the applicants that you would continue to pursue?
A. I always like to talk to the current supervisor. These other people are people listed as choices.

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Q. Okay. I think my question was a little unclear.
With respect to the fact that it was John Rollins, David Schroer, and Kel Britvec --
A. Yes.
Q. -- that were the applicants for whom you were going to reference checks --
A. Yes.
Q. -- how did you select these three applicants as individuals that you describe as your final list?
A. Based on discussions among the three of us of who we thought our top candidates are, and to pursue reference checks, who we wanted to pursue reference checks with. We were free to select any of the applicants that scored above a three, three or above. So when you see this final referral list documents, 12, we could have selected any one of these individuals.
Q. Okay. And how did you select the three that you did: Mr. Rollins, Ms. Schroer, and Kel Britvec, from the applicants here on this final

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referral list?
A We thought those were the best applicants. There was one woman who withdrew, or she would have been in this mix, as well. That was Dana Lesemann.
Q I wasn't sure if Dana was a male or a female, so -- okay. So Ms. Lesemann withdrew.
At what point did she inform you that she was withdrawing?
A Within a day or so, within a day or two.
Q Within a day or two of what?
A The interview.
Q Okay. And staying with Exhibit 12 for a moment. This is a document marked Bates-stamp number 155. It's the final referral list that we were referring to, with the number of applicants names and their interview scores. And looking here at the staffing specialist name where Edith Friday has signed it -- well, first let me ask you that.
Am I right that that's Edith Friday's signature?

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A I'm not sure I would know what --
MS. RUSSELL: Objection. Lacks foundation.
BY MS. McGOWAN:
Q Okay. Do you know who the staffing specialist on --
A I know Edith Friday --
Q Okay.
A -- but I'm not familiar with her handwriting.
Q Okay. With respect to this signature here under the staffing specialist name and date, do you know what it being signed and dated by the staffing specialist means?
A It means that's the day she signed it and I received it.
Q Is she the one who would have produced this form?
A Yes.
Q Okay. And am I right that you received the form on November 30th, 2004, the date that's listed here under the staffing specialist's name?

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A That was probably the case.
Q Okay. Looking back in Exhibit 25, with respect to these three applicants, was there an order of preference with respect to these three finalists?
A No.
Q How did you intend to decide what your final order of preference was going to be for the applicants on this list?
A We were going to call a reference for each of them, three references for each of them. When I called -- first, the first thing that I do is call or e-mail the applicants to let them know that we are about to begin reference checks. Because I would like to talk to their current supervisor. They may want to first inform their boss that they have applied for another position. I always ask them to get back to me and let me know if that's okay.
So obviously this e-mail was sent before I had heard back from them. Also, in many cases you need to ask them, even though they've

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initialed off on a reference check form, we need to get more current information about the whereabouts of these folks.
There's usually a fair bit of interplay, or there can be, that if one of the references they've listed is overseas or unavailable, can you give me an additional reference so I can call. So there's that kind of interchange that takes place.
Q When was the next time you had contact with Ms. Schroer after the interview?
A Probably sometime within a couple of weeks, ten days or two weeks of this, maybe even sooner.
Q And what was the purpose of that contact?
A Trying to get more current addresses for people.
Q Okay. Anything else?
A Well, we did have one exchange I remember, about Walt Chrietzberg, who was his supervisor at the time. And I asked David if I could -- if it was okay to call him. David

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Q Why not?
MS. RUSSELL: Objection to the form, lacks foundation.
BY MS. McGOWAN:
Q Why did you think it was not appropriate to ask Mr. Alderman why Ms. Schroer didn't want you talking to Mr. Chrietzberg?
A Just thought it was personal information.
Q Okay. How did you wrap things up with Mr. Alderman at the end of the conversation?
A By this time, I was pretty certain who I wanted to recommend. And so I appreciated the call. I thanked him for spending the time. As I did say, this was the last reference. And by that time I probably told him that he was my top candidate. Because by this time Mr. Schroer was my top candidate.
Q And do you recall saying anything to Mr. Alderman along the lines of the fact that the call was a formality?
A Yes, I think I did say something like

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that. I had the reference checks I needed. The fact that he finally got back to me or I finally got back to him -- I think he called me -- I -- you know we -- we included it, but I wouldn't have had to include it.
Q And so you mentioned that by that time you had decided Ms. Schroer was your top candidate.
When did you decide that?
A We were formulating it all along. The three of us were talking. We'd get reference checks back. We'd share those references with one another. We would sit down and talk. And certainly by the middle of December Mr. Schroer was my top candidate.
Q And why?
A I thought he had the best interview. He impressed me the way he thought on his feet.
Q Anything else?
A It was difficult, because the qualifications of the top three people were all exceptional. I would have been happy to have any

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one of them.
Q Okay.
A In terms of their knowledge, the breadth and depth of their knowledge, the level -- high level positions of responsibility they were given. Those were all good and equal. The distinguishing factor that led Schroer to be my top candidate was his performance at the interview.
Q After talking with Marc Alderman, did you -- well, let's ask this.
When did you next speak to Ms. Schroer?
A I can't give you the date.
Q Okay. Do you recall having a conversation with Ms. Schroer sometime after this last correspondence regarding references?
A Yes.
Q Okay.
A And calling him up and asking him if he were still interested in the position, and when he might be available, letting him know that I was about to write up a recommendation.
Q And did you ever indicate to Ms. Schroer

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that you wanted to offer her the job, but only if she was still interested?
MS. RUSSELL: Objection to the form.
But you can answer if you understand.
THE WITNESS: Please, again.
BY MS. McGOWAN:
Q Sure. During the conversation, did you ever make a statement to the affect of: I want to hire you, but I only want to go forward with the hiring if you actually want the job?
A Usually I ask the person first are you still interested in the position. And then I let him know I would like to recommend him.
Q Do you recall having any conversations about the salary for that position during that conversation?
Let me just back up for a moment. In your last response you said that usually you ask the person if they're still interested.
And so with respect to the conversation that you actually had with Ms. Schroer, what did you say?

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A I don't remember exactly what I said. But I probably said, David, you're my top candidate. Are you still interested in the position? And he said very much so. And I said, well, then I'd like to begin preparing the paperwork for the recommendation.
Q Okay. And do you recall having any discussions about the salary for that position at that point?
A We did. I can't remember whether it was at that conversation or a subsequent conversation.
Q And what was the nature of that conversation?
A The position was a GS-15 step one. And Mr. Schroer claimed that he was making more money than that in his current capacity, and was there any room for negotiation. And I said I would have to contact our personnel specialist, whose name is Chuck Freyder, and get back to him with that information. And I think I did the following day. I can't remember whether I phoned him or sent him an e-mail.

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Q Who's the "him" in that sentence you called?
A David.
Q David. Okay.
And so at some point did you follow up with Ms. Schroer about what you had learned from --
A Yes. That's what I mean. I --
Q -- what you had learned from your conversation with Mr. Freyder?
A Yes.
Q And tell me about that conversation.
A I can't remember whether it was a conversation or an e-mail. But the response was basically if he could provide proof of the salary level, it'd be possible to bring him on as high as a GS-15, step ten.
Q After this correspondence about salary, how did you leave things with Ms. Schroer, once you had let her know that you had information about the salary?
A I told him that I would start processing

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the paperwork.
Q And at any point did you have a conversation where Ms. Schroer suggested that you meet?
A Yes.
Q Okay.
A We did.
Q Tell me about that conversation.
A He said that he would like to get together for either coffee or lunch, to discuss more about the job and to -- how did he phrase it? There was something he wanted to tell me.
Q Was there any additional description of what that was?
A No.
Q Did you ask?
A No.
Q Did you have any suspicions about what Ms. Schroer might want to discuss with you?
A I wondered, yes. I mean, I wondered enough to stop writing the recommendation about four or five sentences into it. I thought I'll

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wait to see what he tells me on Monday.
Q So with respect to the written recommendation, when did you start writing those first few lines that you were just describing?
A After the conversation where I asked him if he was interested in the job, and the salary seemed to work out, resolve okay, seemed there was no impediment from there.
Q And was the discussion that you had about the salary and the discussion in which Ms. Schroer suggested that you meet, was that two discussions, or one?
A I think two, as I recall. I'm not sure.
Q And so when did -- did you agree to meet?
A Yes. Uh-huh.
Q And when did you agree that you would meet?
A The Friday before the Monday that we met.
Q Okay.
A We agreed to meet for lunch on Monday.

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my division.
Q And do you recall what you said in making this introduction?
A This is David Schroer, we hope to have him working with us on terrorism issues in the not-too-distant future.
Q Did you say anything to the affect of: Here is the new guy that we're bringing on?
A Here's the new guy that we're bringing on? I don't remember using that terminology. But certainly words to the affect that we had hoped to bring Mr. Schroer on board, yes.
Q At some point were you and Ms. Schroer in your office?
A Yes.
Q And did you have any conversation while you were in your office?
A Other than to exchange pleasantries, I don't recall an -- any conversation at all in my office.
Q Did you talk at all about your preparing of the paperwork for Ms. Schroer?

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A That's quite possible, that I said I was in the process of preparing paperwork, yes, uh-huh.
Q Do you recall showing Ms. Schroer, you know, paperwork regarding her application while you were in your office?
A No.
Q On your way out to lunch, leaving your office, did you encounter anyone?
A Yes. There were a few people walking by. And I introduced David to those people. I can't remember who they were.
Q Did you -- do you recall encountering Francis Miko on the way out?
A I don't recall.
Q Do you recall anything about those conversations on the way out?
A Not other than what I told you. They were very brief. We were -- I said from the time that David arrived in my office, we were three or four minutes until we left.
Q And do you recall anything that these

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individuals to whom you were introducing Ms. Schroer, do you recall what they said?
A No.
Q Did anyone say things to the affect of, you know, welcome on board or --
A Quite possibly. It would be good to have you. I don't know. I assume people were pleasant.
Q Is there anything else about the part of the meeting that happened while you were at the -- at your office at the Library?
A No. It was very brief.
Q Okay. Did you and Ms. Schroer converse on the way to where you were having lunch?
A I assume we chatted.
Q Tell me what you remember about that conversation.
A Nothing. The restaurant is two minutes from the Library.
Q Did you talk about the job?
A I do not recall.
Q Do you recall having any conversation

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about the people who work at the Library?
MS. RUSSELL: Objection. Vague.
THE WITNESS: At the luncheon we did.
BY MS. McGOWAN:
Q Okay. I'll hold off then for a second. I'll get us to lunch.
A Okay.
Q And so anything else about your conversation on your way to the restaurant that you remember?
A No.
Q Okay. And once you're at lunch, can I assume that conversation continued between you and Ms. Schroer?
A Yes.
Q Okay. Describe what you remember about that conversation.
A I was talking about what it was like to work at CRS. I was talking about our mission to serve Congress, our values of objectivity and nonpartisanship. I was describing how the sections were laid out, and the organization of

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the office. I was describing how we do our work. I described our research design and briefing process. I talked a little bit about what I call the culture of the office.
Q And how did you describe the culture?
A I remember telling him it was a very diverse and eclectic group of people, that we weren't stereotyped like many institutions are: The State Department, or the Intelligence Agency or, God forbid, lawyers.
MS. RUSSELL: I guess I can't raise an objection to that.
THE WITNESS: That people came from different backgrounds: People from academia, people from the military, people from other executive agencies, people from think tanks, and that I thought that that enriched the work of our division because people brought various perspectives to examining foreign and defense policy issues.
BY MS. McGOWAN:
Q Did you ever discuss why Ms. Schroer had

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emerged as your top candidate?
A He asked me that question. And I responded to it. And I told him pretty much what I told you, that I thought his answers were a bit more creative, that his contacts that he brought to bear, would bring to bear, would be useful in his position.
Q Anything else?
A I think I told him that we had a very strong applicant pool, and we had another highly qualified candidate that we looked at very carefully.
Q And did you have any conversation about why Ms. Schroer had beaten out that other candidate?
A Yes. That was the conversation based on the a little bit more creativity, imagination. Very strong interview, I told him he had a strong interview.
Q Anything else?
A In the conversation at lunch?
Q About this part of the conversation

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about --
A The qualifications?
Q Yes.
A That's what I recall.
Q At some point did Ms. Schroer tell you she had something she wanted to discuss with you?
A Yes.
Q Okay. Describe that conversation.
A He said that he had something personal that he wanted to talk to me about. And then he asked me if I knew what transgender migration was or what I knew about it.
Q And was that the precise term that --
A That's the term I recall.
Q Okay. And what did you say when she asked you that?
A Very little, if anything.
Q And then where did the conversation go from there?
A He proceeded to describe it, and --
Q And how did he describe it?
A Well, he talked about that he'd always

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felt uncomfortable, there was something -- a level of discomfort in his life, and that he'd come to the realization over the years that he felt more comfortable -- he would feel more comfortable living life as a woman than a man.
And he told me that he was under -- had been consulting with a psychiatrist, and that was part of the process, and that he had been taking hormone treatment for about a year, and wanted to complete the other physical processes required for the migration, and that he would like to start work at CRS in January as a woman.
Q What was the first thing that went through your mind when you heard Ms. Schroer tell you that she wanted to start work as a woman?
A Wow, I can't believe this. I was stunned.
Q And how did you feel?
A Surprised, disbelieving.
Q Were you upset?
A Not initially. I think I was more just shocked.

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MS. RUSSELL: Objection. Lacks foundation.
MS. McGOWAN: I'm sorry. Sure.
BY MS. McGOWAN:
Q Did you have a conversation with Ms. Schroer about the fact that you were filling out paperwork for the position and needed to know what name to use?
A No. I asked him how I could hire him as David and he would start work as Diane. And I was confused about paperwork, as well.
Q And tell me about that conversation. Sort of what did Ms. Schroer say when you posed this question to her?
A I don't recall, other than he seemed to think that it could be worked out.
Q When you asked Ms. Schroer how could you hire her as David and have her start work as Diane, was it just a question of paperwork that you were concerned about, or did you mean something more?
A Well, I certainly knew I needed to check

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on the security clearance. That was foremost in my mind.
Q And why did you think that?
A Because David had a clearance. Diane didn't.
Q And what conversations, if any, did you have with Ms. Schroer at the time about this security clearance issue?
A I asked him how this was likely to affect his ability to get a security clearance.
Q And did you, at the moment you're asking Ms. Schroer the question, have a gut instinct about what impact it would have?
A I certainly had a feeling that it could slow things down a great, great deal.
Q Did you think that David Schroer would lose his security clearance over this issue?
A David, I didn't know about whether David would, but I knew Diane didn't have one.
Q Did you have any conversations at all about what of this information David -- what information, if any, David had already reported to

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the entity currently holding his security clearance?
A No.
Q Why not?
MS. RUSSELL: Objection. Calls for speculation.
But you can answer if you understand the question.
THE WITNESS: I didn't think of it at the time. You know, at this -- by this point, I needed advice.
BY MS. McGOWAN:
Q So I wanted to ask you, to the extent that you are articulating a concern that David had a clearance but Diane didn't, why did you think that the clearance that Ms. Schroer held as David would not apply to Diane, as well?
A I just didn't think it would. But that's why I ended the conversation, because I needed to go back and get advice from the security people.
Q Did you think that David would become a

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different person as Diane?
MS. RUSSELL: I'm going to object to the form of the question.
But you can answer if you understand.
THE WITNESS: Can you say what you mean by a different person?
BY MS. McGOWAN:
Q To the extent that David had a security clearance and the concern was that Diane did not, my question is did you think that David would be a different person as Diane, such that the information that they knew about David and that formed the basis for his security clearance decision would no longer be relevant for Diane?
A I don't think I thought of him as different in terms of what he knows. He would still have the same experiences he had, to carry with him as Diane. But how that affected the security clearance, I had a lot of questions about.
Q And what were those questions? What were you concerned about?

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A Was Diane going to be able to be cleared; and, if so, in a timely fashion.
Q And why were you concerned that Diane might not be cleared?
A Because the position required a top secret clearance, and because it was needed particularly to do this job.
Q And understanding that the position itself needed a clearance, why were you concerned that Diane might not get that clearance --
A In a timely way? Because he, himself, told me that he would likely have to have a psychological fitness for duty prior to a determination whether to proceed with the clearance.
Q Other than that information, was there any other concern that you had; for example, with regard to honesty?
A Yes. I felt deceived, somewhat deceived.
Q And did you address that concern with Ms. Schroer?

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A No.
Q At any point did you say something along the lines of: Why are you just telling me this now?
A I don't know if I -- I don't recall. I may have. I may not have. I don't recall.
Q When I asked you sort of your reaction when you first heard this information, my understanding is you said that you weren't upset initially?
A Yes.
Q Is there a point at which you became upset?
A Not upset visibly. But as the conversation went on, I thought -- I did think to myself certainly why are you telling me this and why are you telling me now? Why didn't you come to the interview dressed as a woman? He had told me, during the course of the conversation, that he was presenting himself as a woman except in work settings.
Q And what did you think about that?

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MS. RUSSELL: Lacks foundation.
But you can answer if you understand the question. And it also -- no, I'll just stick with the same objection. It lacks foundation.
But you can answer if you understand.
THE WITNESS: Certainly my personal preference was that if he were open and honest about this and come to the interview dressed as a woman, at least I wouldn't have been -- felt deceived.
BY MS. McGOWAN:
Q And did you have any conversations with Ms. Schroer about what her legal name was at that point?
A He told me that he would be changing his name early in January to Diane.
Q So up until that point, Ms. Schroer's legal name was still David Schroer?
A That's what he was using, yes.
Q So what would you have thought if on December 28th, I think it was, at 10:00 a.m., when the person on your interview list named David

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Schroer was scheduled to appear, a woman in a dress showed up for the interview?
MS. RUSSELL: Calls for speculation.
But you can answer if you understand.
THE WITNESS: What would I -- I'm sorry?
BY MS. McGOWAN:
Q What would you have thought?
A I would have thought the person was a transsexual.
Q And how would that have impacted your assessment of that applicant?
A I would have probably consulted personnel security to see if there were implications for an individual's ability to get a security clearance.
Q Other than the security clearance issue that you just identified, would you have thought that this individual being transsexual impacted on their KSA's, in knowledge, skills, and abilities, for the position?
A No, other than contacts. I did have some concerns about whether his contacts knew,

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whether they would be as forthcoming as they might be had he not revealed this or undergone the procedures.
Q And would your concern about contacts have been less if Ms. Schroer had come to the interview dressed as a woman?
A They would have been there under that case, as well.
Q Do you recall, when Ms. Schroer told you that she was transitioning from male to female, do you recall saying anything along the lines of, you know: Why would you want to do something like that, or words to that affect?
A I think I did ask him how did you come to this decision, why did you do that, yes.
Q And what was his response? What was Ms. Schroer's response?
A To the best of my recollection, he said that he had never felt comfortable in his body, and that it was something that he -- probably came to him as -- as -- when he was young, but it took a long time for him to come to the realization

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that, yes, I would be more comfortable in a female's body.
Q And so you -- am I right you were told by Ms. Schroer that this was something that she had been dealing with for a long time; is that right?
A Yes. Uh-huh.
Q And to the extent that this was something that Ms. Schroer had been dealing with for a long time, were you concerned at all about how Ms. Schroer's decision to appear at work as a woman may or may not distract her from her work duties?
A I'm sorry. Please repeat that.
Q Sure. I'll make it a shorter question.
Were you concerned at all about Ms. Schroer's transition as being a distraction?
A I was concerned in terms of the surgeries. And I knew nothing about how many surgeries would be required, how long they would take.
Q And did you ask Ms. Schroer for any

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information that might give you a better sense about that?
A I don't recall that I did.
Q What did you think about the fact that Ms. Schroer had brought pictures of herself dressed as a woman to this meeting?
MS. RUSSELL: Objection. Lacks foundation.
BY MS. McGOWAN:
Q Let me back up.
I think we discussed that at some point in the meeting Ms. Schroer showed you pictures; is that correct?
A That's correct.
Q And these were obviously pictures that she had brought to the meeting to show you; is that right?
A That's right.
Q Okay. What did you think about the fact that she had brought these pictures to this meeting?
A I guess I thought David wants to see

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me -- wants to show me what he would look like as a female. I don't think I thought anything beyond that.
Q Do you recall what you said first when you saw the pictures?
A I don't think I said much of anything.
Q Do you recall saying "wow," or words to that affect?
A No.
Q Did you think it was appropriate for Ms. Schroer to show you those pictures?
A I didn't know what was appropriate.
MS. RUSSELL: Objection to the form of the question.
Go ahead.
BY MS. McGOWAN:
Q I'm sorry?
A I didn't know what was appropriate.
Q So after hearing this information, did you have any concern that the contacts that Ms. Schroer had in the government and the military would no longer want to associate with her because

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she was undergoing a gender transition?
MS. RUSSELL: Object to the form.
But you can answer if you understand.
THE WITNESS: Yes. I think I already mentioned that.
BY MS. McGOWAN:
Q Okay. And why did you think that?
A The military being the culture it is, and particularly special forces, I thought it's possible that some people would be understanding and others would not.
Q And when you talk about the culture of the military, what do you mean?
A Combat lines, uniquely male profession.
Q Did you think of the military as being a particularly unfriendly or unsympathetic place with respect to transgender people?
A I thought it was likely probably to have a more conservative attitude than the general population at large.
Q And in this context, by conservative, is it fair to say that mean negative?

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MS. RUSSELL: I'm going to objection to the form of the question.
But you can answer if you understand.
THE WITNESS: Conservative in terms of traditional values than is being seen as outside those traditional norms.
BY MS. McGOWAN:
Q Were you concerned about bias by military people against Ms. Schroer if she were in the position?
A Yes.
Q And with respect to this concern about her contacts with government and military people and possible bias, did you express any of those concerns to her?
A No. I was to the point where I didn't want to say anything more, because I needed to process it. I needed to go back to my agency, talk to some people.
Q And so did you ask her if any of her special forces, you know, colleagues knew that she was transitioning?

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A I didn't ask that.
Q As you were hearing this information, what were you thinking with respect to Ms. Schroer's trustworthiness?
A As I said, I felt somewhat deceived.
Q And why did you think that?
A Because he waited for so late in the game to talk to me about this.
Q And when in the process do you think Ms. Schroer should have told you?
A He could have told me at any time. He could have told me at the interview or after the interview. He could have told me when I contacted him to let him know that he was a top candidate and that I would be starting reference checks.
Q And -- I'm sorry. Continue.
A He could have called me any time while those reference checks were going on and we were in fairly routine contact by phone or by e-mail.
Q And if at the point where you contacted Ms. Schroer regarding her reference checks she told you this information about her intentions to

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transition, would you have gone forward and contacted her references, or would you have walked away at that point?
MS. RUSSELL: Objection to the form. Calls for speculation.
THE WITNESS: I would have probably did the same thing I did in this circumstance, and go back talk to my boss and talk to personnel security to determine impact.
BY MS. McGOWAN:
Q Did you say anything to Ms. Schroer about feeling deceived, or your concerns about her trustworthiness?
A I don't recall that I did.
Q Is there anything else that you remember discussing during this lunch?
A I remember saying something to the affect that, David, you've given me a lot to think about. I need to go back to my office and talk to some people. I do want to fill this position by Christmas, and so I'll get back to you in a timely manner.

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Q Anything else?
A That's -- that was pretty much the end of the conversation.
Q Okay. And before we end this part of the conversation, I just want to go back and make sure that I am clear about everything that you discussed.
When you raised this issue with Ms. Schroer of how can I hire you as David when you want to show up as Diane, other than the name on the form and other than the security clearance concern that you identified, did you mean anything else by that question?
MS. RUSSELL: I'm going to object to the extent it mischaracterizes her testimony.
But you can go ahead and answer if you understand the question.
THE WITNESS: Please repeat it.
BY MS. McGOWAN:
Q Sure. We've talked about the concern about the name that goes on the paperwork, whether it should be David or whether it should be Diane.

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And also talked about your concern about the security clearance issue.
I'm sort of wondering if there's anything else that you were trying to convey when you asked Ms. Schroer: How can I hire you as David when you want to come to work as Diane?
MS. RUSSELL: It's the same objection.
But answer it if you understand it.
THE WITNESS: It was a practical question. David Schroer applied. David Schroer interviewed. I did reference checks on David Schroer. He wants to start work as Diane. I didn't hire Diane. I didn't recommend Diane. I didn't interview Diane.
BY MS. McGOWAN:
Q And in what ways were you concerned that Diane would be different from David?
MS. RUSSELL: Objection to the form.
BY MS. McGOWAN:
Q Or were there any ways in which you were concerned that Diane would be different from David in a way that would impact your decision about

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whether you wanted Diane when you had wanted David?
A Just the security clearance.
Q Okay.
A The contacts.
Q Uh-huh. Anything else?
A Those were the primary.
Q Recognizing that these two were the primary reasons, were there any other reasons, even recognizing that they may have been less important?
A Credibility with members of Congress went through my mind.
Q And by credibility, what do you mean?
A This position is a senior position. It would likely be that -- or it was certainly expected to be that this person would have close contacts with committees, potentially be called to testify. Generally when you testify they read a bio about yourself. He would be testifying before people who knew -- would know that only a man could have those experiences.

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Q And were you concerned that people would react negatively?
A Yes.
Q And why is that?
A That they might not be as tolerant, the same reason as the contacts.
Q And so with respect to the credibility with members of Congress, is it fair to say that you were concerned about bias against plaintiff by individuals who disapproved of transgender people?
A I thought it was possible.
Q And did you -- were you concerned that people might be less interested in what she had to say because she was transgender?
A Yes.
MR. ESSEKS: Why don't we take five minutes.
MS. McGOWAN: We'll take a five-minute break here, and be back at 2:00.
(Recess)
BY MS. McGOWAN:
Q So we're back from our break. And we

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were just wrapping up our conversation about the lunch meeting that you had with Ms. Schroer.
Before I sort of move to what happened next, I'll just ask you is there anything else about that conversation that we haven't discussed?
A Not that I recall at the moment.
Q And how did you wrap things up?
A I think with that last statement that I said there, David, you've given me a lot to think about. I need to go back to the Library and talk to some officials, that I want to finish this posting around the Christmas -- before Christmas, and that I will be back to you -- I can't remember whether I said the next day or in 24 hours, but soon.
Q And at some point you and Ms. Schroer part ways; is that right?
A Yes.
Q Okay. So did you walk back to your office by yourself, or was Ms. Schroer still with you?
A Well, we walked out of the restaurant

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together. I don't think he went back into the building with me.
Q Okay. What were you thinking as you walked back to your office after lunch?
A That was the most incredible experience I ever had.
Q And what do you mean by incredible?
A Unbelievable. It's just not what I expected at all.
Q Now, you mentioned -- and correct me if I'm wrong -- that you said that you had never known a transgender person before; is that right?
A Yes.
Q So how do you know whatever you knew at that point -- how did you know whatever you knew at that point about what it meant to be transgender?
A From what David told me.
Q Had you ever, you know, seen any television shows or movies about transgender people?
A No. The only recollection that I had

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was of tennis, was Rene Richards, when she played with Billy Jean King. Yes, I am that old.
Q And what did you know about Rene Richards? And how did that sort of inform what you knew about transgender people?
A I just knew that there was a sex change.
Q And have you ever interacted with anyone who's transgender?
A I don't believe I have. It's possible that I may have, but not to my knowledge.
Q And this is sort of a subpart of this question, but have you ever interacted with anybody at the Library of Congress who's transgender?
A Not that I know of.
Q And have you ever interacted with someone whom you didn't know at the time was transgender, but then later found out that they were?
A No.
Q Are you familiar with the movie "Trans-America"?

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A No.
Q Okay. Other than the television reports you mentioned about Rene Richards, have you seen any television documentaries or news shows about transgender people?
A No.
MS. RUSSELL: Objection, to the extent it that it mischaracterizes her testimony.
But you can answer if you understand.
THE WITNESS: If I understand, you asked me if I have seen any --
BY MS. McGOWAN:
Q Television --
A -- television shows or documentaries about transgender migration issues? No.
Q When you learned that Ms. Schroer is in the process of transitioning from male to female, did that make you feel uncomfortable at all?
A I would say more curious than uncomfortable. I was trying to understand it.
Q Did you feel differently interacting with her once she told you that she felt like she

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was a woman?
A Not about the individual, no. I knew it was going to create all kinds of complexities. But as far as the way I felt toward David, no.
Q And so from your perspective, nothing about your interaction was any different after you learned that Ms. Schroer was a transsexual woman?
MS. RUSSELL: Objection to the form.
You can answer if you understand.
THE WITNESS: I won't say nothing was different. My feelings about David's competencies, his knowledge, his experience was -- was not different. Yes, I was surprised, as I stated. And, yes, it did raise concerns about whether he was going to be able to -- whether she was going to be able to fill the institutional needs that the organization had.
BY MS. McGOWAN:
Q And so other than that, other than your thinking through the impact of this information on the job, you had no other personal reaction to the news?

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A No. I mean -- no. I didn't bear him ill will as a result of it, no.
Q And not even ill will. Was there any way in which you felt differently interacting with Ms. Schroer after you learned this news?
MS. RUSSELL: Same objection. Form.
THE WITNESS: Please repeat.
BY MS. McGOWAN:
Q Sure. You mentioned that you didn't have any ill will.
And I was asking, putting aside sort of any, you know, feelings of ill will towards Ms. Schroer, was there anything about your interaction with Ms. Schroer that felt different after she tells you: I'm a woman?
A Just what -- what I was going to need to do, but not about him as an individual.
Q Did you have any concern that Ms. Schroer wouldn't pass for a woman if she came to the Library of Congress dressed as a woman?
MS. RUSSELL: Objection to the form.
THE WITNESS: That wasn't a

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consideration that crossed my mind.
BY MS. McGOWAN:
Q Did you think individuals who had not met David Schroer would see Diane Schroer and suspect that this was a transsexual person?
A Again, that was a fleeting thought in my mind, if that. These other real factors were. The security clearance, by far the dominant, was what I was focusing on. When I came back and I talked to the director, the first person I talked to was Cynthia Wilkins. That was my overriding concern.
Q And we'll definitely talk about what happened when you got back to the office.
My question is, in light of what you saw in the pictures that Ms. Schroer shared with you and the concerns that you expressed about how she looked, were you concerned that other people would react to Ms. Schroer as a man in a dress?
A I don't know if "concerned" is the right word. Yes, they probably would have.
Q As far as the individuals who are in the

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specific unit where the terrorism specialist would have worked -- and I believe that's Mr. Miko's unit -- how many people are in that unit, if that's the right term to describe the section?
A Roughly 12, 13.
Q And how many of those people are -- in that unit are military veterans?
A Only the person who was hired for the position.
MR. ESSEKS: Mr. Rollins?
THE WITNESS: Yes.
BY MS. McGOWAN:
Q And how many men and woman are in that unit?
A That may take me a minute.
Q Okay.
(Whereupon at which time the witness wrote on a piece of paper.)
THE WITNESS: And now that I am composing this list, I now see that there is another man who is -- had military experience, as

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know, his surprise or other reaction to your news?
A No. It was a short conversation, probably lasting no more than two to three minutes. And I did tell him that time was of the essence, because I promised to get back to Schroer.
Q And so other than offering to contact Mr. Ronhovde, did Mr. Mulhollan say that he would do anything else?
A No.
Q And then did you go directly from that meeting --
A I think I went back to my office to call Cynthia first to see if it was okay to come down, if she were free.
Q And did you explain at all to her what you wanted to meet with her about, on that phone call?
A No.
Q She was available?
A She was available.
Q And so what happened next?

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A I went to her office. And I told her the same thing, what had transpired. And I asked her what ramifications this new information would have that related to the candidate's ability to get clearance.
Q And when you told her what had happened during your lunch meeting, what did you say? How did you describe what had happened?
A I said, Cynthia, I was considering recommending a candidate for a position that requires a top secret security clearance. During the conversation, the gentleman told me that he would like to start work as a woman, and that he would like to -- how could I say it -- migrate -- transgender migration, was undergoing transgender migration.
Q And what was her reaction?
A Her reaction was she had not dealt with a case like this before. And she asked me a few questions. And then she said that she would like to check on the regulations before discussing this with me any further, and that she would meet with

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us tomorrow, or soon thereafter.
Q I'm interested to find out more about the questions that she asked you. Before we turn to that, as far as her initial reaction, did she say anything along the lines of "wow" or --
A No.
Q -- "holy smokes, that's wild"?
A No.
Q Okay. Other than saying that she hadn't dealt with a case like this before, did she provide any sort of initial indication about her reaction to this piece of information?
A No.
Q And then you said that she asked you some questions. What questions did she ask you?
A Was the -- did the job vacancy announcement carry a TIS requirement.
Q And your answer to that was?
A Yes.
Q Okay. What else?

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A I don't recall.
Q Did she ask whether or not the applicant currently held a clearance?
A She may have.
Q Did she ask anything about when the individual's most recent security investigation had been conducted?
A No.
Q Did she ask you any questions about break in service, or interruptions in service?
A Not that I recall. She didn't ask me about the individual. She was just trying to get some facts before she did her research.
Q At that point, having gone through the application process with Ms. Schroer, did you know whether there had been any interruption in Ms. Schroer's holding of a security clearance?
A No.
Q And so at this point, am I right that Ms. Wilkins asked for no information specifically about the person involved?
A I don't recall.

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going to tell me something which was going to change my recommendation, and that that could result in legal action against the Library.
Q Do you think that Ms. Schroer knew that this would change your recommendation, this information would change your recommendation?
A I have no way of knowing that.
Q At that point, when you're outside having probably a much-needed cigarette, were you starting to formulate in your own mind a plan about what you were going to do, how you were going to deal with this situation?
A I knew that we -- I needed to talk to people, to more people, that this meeting with Cynthia was going to become very important the following day.
Q At that point, did you still feel like you wanted to hire Ms. Schroer?
A I was leaning against it. I really didn't make up my mind until conversations with people the subsequent day, the next day.
Q And tell me why.

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Why were you leaning against it?
A Well, I did sense that there would be strong problems with the security clearance, then the same issues that we discussed about before: trust, and confidence, and credibility, and contacts. All these things were running through my mind.
Q And by credibility and contacts, that's what we were talking about with respect to sort of having, you know, negative interactions with the military or members of Congress; is that right?
A Right.
Q And was that a concern that standing alone was enough reason for you to decide you didn't want to go forward with Ms. Schroer?
A Absolutely not. That was a minor reason.
Q And your concerns about her trustworthiness, was that something that sort of by itself was a reason why you were thinking that you weren't going to go forward with her as --
A It wasn't a reason alone, but it was --

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it was a reason.
Q And if Cynthia Wilkins had come back to you and said, no problem, this person's got a clearance already, not a big deal, would you still have gone forward with your recommendation for Ms. Schroer?
MS. RUSSELL: Calls for speculation.
But you can answer if you understand.
THE WITNESS: I don't know the answer to that question.
BY MS. McGOWAN:
Q And what would have been the factors you would have been weighing if the security clearance timing issue had fallen away?
MS. RUSSELL: Same objection.
But you can answer if you understand.
THE WITNESS: Uh-huh. I probably would have gone back and done some serious reflection. Because the second candidate also had extremely good skills, and did very well in the interview, and had glowing recommendations, as well. I would have weighed my decision.

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BY MS. McGOWAN:
Q And in your mind, did this other candidate just present fewer concerns with respect to this credibility and contact point?
A Yes.
Q In part, because he was not transsexual; is that right?
A Yes.
Q After --.well, let's -- we'll finish that cigarette.
What else are you thinking?
I don't know how many you had, so -- I doubt one would have been sufficient, so, you know, what else were you thinking at that point?
A I think that we've pretty much covered it.
Q Okay. Walk me through sort of, you know -- roughly what -- what time is it now at this point?
A Late afternoon.
Q Okay. Walk me through sort of what happens between, you know, when you get back to

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You can answer if you understand.
THE WITNESS: It helped me understand the process better.
BY MS. McGOWAN:
Q Did reading that information make you feel as though the treatment for transgender people was perhaps more mainstream than you had expected, or suspected?
A If it made me feel anything, it was, wow, this a long and ongoing process that could be quite time-consuming.
Q Did any of the information on the website that -- the websites that you read talk about sort of, you know, the clinical diagnosis aspects for people who are transgender, either by talking about gender identity disorder or gender dysphoria?
A I remember reading gender -- yes, the identity disorder, yes. I remember reading something about that.
Q Prior to reading that information, did you know that being transgender was something that

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actually had a medical term?
A I did not.
Q Did you think of it more as a lifestyle concern at that point?
A Probably, yes, to the extent I thought about it.
Q Okay. So that evening after leaving work, other than your sons, did you speak with anyone else about this situation with Ms. Schroer?
A I can't remember.
Q Okay. I'm going to turn now to the next day.
A Okay.
Q Describe what happened the next day with -- which is we're talking now about December 21st, 2004 -- with respect to any conversations or meetings that you had about Ms. Schroer.
A Okay. The previous day, I believe late in the day before I went home, I got an e-mail from Kent Ronhovde asking if I was available to meet at 9:00 o'clock the following day with Cynthia and Bessie Alkisswani.

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Q Okay. Anything else?
A At the meeting was also Bessie's deputy Kathy Deese, and Kent.
Q Up until this point, had you had any interaction with Ms. Alkisswani?
A Professionally?
Q About the Schroer situation?
A No.
Q And did it strike you as unusual that she had been asked to attend the meeting?
A No. She's the head of our workforce development. She's ultimately responsible for postings.
Q Did you have any conversation with Mr. Ronhovde before the meeting about what Ms. Alkisswani knew or might need to know in advance of the meeting?
A No.
Q And so did the meeting take place at 9:00 a.m.?
A Yes, it did.
Q So I have the lineup of the meeting as

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you, Ms. Wilkins, Ms. Alkisswani, Ms. Deese, and Mr. Ronhovde; is that correct?
A Right.
Q Anyone else?
A Not to my recollection.
Q How long did the meeting last?
A Maybe an hour and 15 -- hour, hour and 15 minutes.
Q So who started -- well, where was the meeting, first of all?
A In Kent's office.
Q And so who started the discussion? Did Mr. Ronhovde kick things off?
A Uh-huh.
Q Okay. And what did he say to start off the conversation?
A He said we're -- I don't recall exactly what he said. He introduced the meeting. He said these are the facts. Charlotte, why don't you lay out what happened, which I briefly did at the lunch the other day. And then I said and I went down to Cynthia's office and Cynthia wanted to do

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information about David Schroer would no longer be relevant?
A Because he was Diane Schroer, or becoming Diane Schroer. And for all I know, it may have been relevant at some point down the line. I don't know the answer to that question.
Q Did anyone -- or, well, what did Ms. Wilkins say with respect to the timing of all this?
And by "all this," I mean the security clearance process that she was telling everyone would be required?
A She was not specific about how long it would take, but she said it would be a lengthy process.
Q And when she said that she would not waive the pre-appointment investigation for Ms. Schroer, did anyone push back at all and ask her why not?
A She said under these circumstances, the office would not waive. She's the expert in this area, so --

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Q And what were the consequences of Ms. Wilkins saying that she would not waive the pre-appointment security clearance investigation requirement?
A What were the consequences of that?
Q Sure.
A Pretty much sealing in my mind that I would go with the other candidate. Because at the time, it would very likely be taken to complete this process.
Q At any point, did anyone -- so with respect to sort of -- with respect to Ms. Wilkins saying that she would not grant the waiver, I want to make sure that I understand sort of what that means with respect to the position.
If Ms. Wilkins says, I'm not going to grant a waiver, does that mean that this person cannot be hired for the position, or did it mean that were the person hired for the position, they would not be allowed to have access to any classified information?
A It means the latter. But if I say that

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a TS clearance is required to do the position from the outset, and the person does not have or cannot get that clearance, then if -- if he failed the clearance, if he were not given a clearance, he could have been fired for failing to pass the exam.
My determination not to go forward with him was based on say he is successful, say he does get through psychological fitness determination, say a decision is made by the personnel security office to go ahead and instigate a clearance. When that is all done, if they grant him a clearance, that was not going to happen, in my judgment, within a year. And I did not want to wait that long to bring somebody on board.
Q And did Ms. Wilkins tell you that she expected the process would take a year?
A No. She was never specific as far as time. She referred to it as lengthy. It's based on experience that I have, particularly post 9/11, for how long it takes to get a TS clearance.
Q Were there any responsibilities of the

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terrorism specialist position that could be performed without a top secret clearance?
A Yes.
Q What percentage of the work can be done without a top secret clearance?
A A large percentage can be done. The question is at what level of sophistication. And for a GS-15 analyst, we're expecting them to be out there in the public policy community, with the movers and shakers, with the committees in Congress. And they're going to need a clearance to talk in those circles on counterterrorism policy.
Q When you say that a large percentage can be done, recognizing this is not a science, sort of what -
A Research --
Q -- percentage --
A -- their research. They'll be researching from open sources. They'll also be going out in their research to talk to people in the policy community. Some of those people they

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get information from the health services office?
A The health service office would be responsible for setting up and arranging the fitness for duty.
Q But with respect to the conversation you were having there that morning at that meeting, did anyone suggest a need to bring in someone from the health services office?
A No.
Q Were there -- what else did Ms. Wilkins say about the security clearance process that we haven't yet discussed?
A I've told you what I remember.
Q Okay. Were there -- well, what did Ms. Alkisswani say during this meeting?
Did she react at all to this information?
A I really don't recall. People were asking questions. And I don't recall specifically what they were. The message from Cindy is what I took away from that meeting.
Q Were there any discussions in the

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context of this meeting, about Ms. Schroer's trustworthiness?
A There could have been. We discussed other issues beyond security.
Q What issues did you discuss?
Tell me about those conversations.
A I think they're again limited to the ones we talked about before: Trust, contacts.
Q And did you raise the trust and contacts point, or did you someone else?
A I can't remember. I think we were all thinking the same thing.
Q And what did you say in that meeting regarding this issue of trustworthiness?
A Well, I did say that I felt set up, and I didn't know if I could trust someone who tried to deceive me.
Q And what kind of reaction did you get to that comment?
A I understand.
Q And do you recall in particular any people specifically expressing that sentiment?

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A No.
Q And sort of how did you articulate this concern about contacts in that meeting?
A That I was concerned that by changing sex and identity, that the contacts that he had, particularly in the military, would not know who he was to them; and they might -- they might not be as helpful.
Q And did you talk at all in that meeting about the negative reaction of military people to Diane, who is now this transgender person?
A No, other than to say that some people might be understanding and others might not.
Q Was there any discussion about the reaction or what the reaction might be of other Library employees to the fact that Ms. Schroer was transitioning from male to female?
A No. We talked about the bathroom question a little bit.
Q Okay. And what did you say there?
A That we would have to make special accommodations for at least a period of time.

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Q Do you remember who raised that point?
A No.
Q Was there any discussion at that point about the example of the Department of the Army that Ms. Deese had previously discussed?
A I don't remember where the linkage was, and if that's where it came up, or whether it came up separately from what Kathy was talking about, that she said there was special accommodation made.
Q And was there any discussion about how easy or difficult it might be to accommodate this bathroom concern?
A No. I mean, it was so minor. We realized there was much bigger issues. We didn't dwell on this one.
Q Were there any discussions about how the members of Congress might react if they figured out they were interacting --
A Right.
Q -- with a transsexual --
A Right.

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Q -- woman?
A Yes. That came up.
Q Tell me about that.
A Just raised, as I mentioned about -- a couple of hours ago -- the issue of credibility. Again, like the military, that some people may be very tolerant of the knowledge and the information, and other people may think that damages the individual's credibility.
Q Do you remember who else in the conversation engaged in the discussion of this point?
A Well, Cindy pretty much stuck to security, personnel security issues. And Bessie, Kent, and I were having more of a free ranging discussion. But I don't remember who raised what.
Q Was there any discussion at this meeting about things that one might be able to do to speed up the security clearance process for Ms. Schroer if you decided to go forward with her?
A No.
Q So, for example, did you propose that

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Ms. Wilkins have a meeting with Ms. Schroer?
A No.
Q Did you suggest that Ms. Schroer look at David Schroer's security file?
A Pardon?
Q Did you suggest or did anyone suggest that Ms. Wilkins pull and review the security file for David Schroer?
A No.
Q Did you or anyone suggest that Ms. Schroer meet with the health services office?
A No.
Q Did you or anyone else suggest Ms. Schroer meet with any other member of the Library staff?
A No.
Q Did you or anyone else ask whether or not there was anyone at the Library who had dealt with a similar situation regarding a transitioning applicant?
A No.
Q Did anyone make any other suggestions

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along those lines of things that one might want to do before moving on to the next step?
A No.
Q Okay. Did you or anyone suggest calling Ms. Schroer to get some more information to factor into your decision-making process?
A No.
Q Did Ms. Wilkins or anyone else suggest that they were interested in finding out whether or not Ms. Schroer had reported any of this information about her transition to the entity currently holding her clearance?
A No.
Q So how were things left at the end of the meeting?
A Things were left that we should talk to the general counsel's office.
Q And who made that suggestion?
A I don't know for sure, but probably Kent.
Q And was there any discussion at the end of that meeting about the decision that was going

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to be made regarding Ms. Schroer?
A No. I think we wanted to -- I mean, my decision was pretty close to -- my decision was pretty final then. I was ready to move on.
Q And what were your reasons for deciding that you wanted to move on?
A The time, the uncertainty as to whether the clearance would ultimately be granted. That was the 90 percent factor.
Q The issue of credibility and contacts, was that a reason?
A They probably go about five each, yeah.
Q Okay. And I absolve you from the fact that we have reached 100.
Are there any other reason, with whatever percentage that you want to attach to them, that factored into your --
A Well, we discussed credibility before.
Q Okay. And by credibility, just to be clear, we're talking about both being able to interact with members of the military who might be hostile to her as a transgender person, and

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credibility with members of Congress?
A Primarily the latter.
Q Primarily the latter? Okay.
A Right. Contacts with the military, credibility with the members.
Q Okay.
A But the operational needs of the division were such that I needed to have someone on board months before we are now, or where we were at the present time, in December.
Q And did you have in your mind, in that meeting with Cynthia Wilkins, an amount of time beyond which you were unwilling to go with respect to how long the clearance would have taken?
For example, if Cynthia Wilkins said it'd probably take about six months, sort of was there an amount of time in your mind where beyond which it was just not going to be worth your while anymore?
A I really wanted someone to start in January.
Q And how important was it for you that

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the person could start in January with full clearance?
A I wanted the person to be able to start the new session of Congress, which beings at the end of January.
Q And so if Cindy had come back, or in this meeting and said, you know, I actually think it's not going to be a problem, but I need two weeks to figure it out?
MS. RUSSELL: Objection. Calls for speculation.
But you can answer it if you understand.
THE WITNESS: I wouldn't have believed it, but -- if she said that and it were two weeks, we probably would have gone through the process.
BY MS. McGOWAN:
Q Notwithstanding the residual concerns about credibility and contacts?
A I'm not saying I would have selected her for the job, but -- I mean, at that point, knowing what I did, it's foolish to speculate about two weeks because. That's totally unrealistic. I

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probably would have gone with the other candidate, who did not have any of those issues.
Q And just to be clear, even if Cynthia Wilkins had come back and said two weeks, you probably would have gone with the other candidate? Am I understanding you correctly?
A Yes. Yes.
MS. RUSSELL: Same objection. Calls for speculation.
THE WITNESS: I mean, I would have had to do -- prepare the recommendation. The PAR would have had to be generated. And then it would have gone to Cindy's shop. And then it would have gone to the fitness for duty. And then it would have gone for the investigation. So, no, at this point I was -- at this point, I pretty much made up my mind.
BY MS. McGOWAN:
Q So recognizing that Cynthia Wilkins is, you know, the person who was giving you her assessment of how long it would take, I just want to be sort of clear I understand, you know, where

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you were at that point.
If Cynthia Wilkins had come to the meeting and said to you this is information that I want to take a look at; but in light of the fact this person's, you know, got a prior work-up, I think that it'll take me about two weeks to figure out whether or not, you know, this is a problem, am I correct that you're saying that even if she had said two weeks to you, you would not have gone forward with Ms. Schroer?
MS. RUSSELL: It's the same objection.
THE WITNESS: I really feel you're asking me to speculate on something that is completely unrealistic.
BY MS. McGOWAN:
Q Unrealistic or not, if that had been what Ms. Wilkins, as the personnel security officer, came back and said I can give you an answer in two weeks --
A I don't know what I would have done.
MS. RUSSELL: Asked and answered.
But you can answer.

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rendered Ms. Schroer less effective than Mr. Rollins?
MS. RUSSELL: Objection. Calls for speculation. And it's confusing.
BY MS. McGOWAN:
Q Do you understand my question? Because I can ask it again.
A Go ahead.
Q Okay. In a world where the timing issue has been taken out of the equation because Ms. Wilkins says to you in two weeks I can give you an answer up or down about whether or not this candidate can satisfy the top secret security clearance, you thus far have said, in different ways, although not consistently, that you're not sure what you would have done in that situation. And my question is, is what you are not sure about the question of whether or not your concern about Ms. Schroer's credibility with members of Congress and her ability to maintain contacts with the military due to their lack of understanding about transgender issues made her a

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weaker candidate than Mr. Rollins?
MS. RUSSELL: It's the same objection. Also, I'm objecting to the extent that it mischaracterizes your testimony, and it's confusing.
BY MS. McGOWAN:
Q Do you understand --
A It certainly makes her a weaker candidate, because it's -- there's so many contributing factors.
Q Okay.
A So even if you take one and hold it in isolation, these other factors were certainly strong, would have influenced and factored into my decision whether or not to proceed, or to offer it to the other candidate.
Q And where there would be absolutely no difference in time between how long it would take to run Ms. Schroer through the security clearance process and Mr. Rollins, is it your testimony that Mr. Rollins was a stronger candidate because he did not present the same concerns about

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credibility with members of Congress, and contacts in the military?
MS. RUSSELL: It still calls for speculation.
But you can answer if you understand.
THE WITNESS: I don't understand. I'd like to stay with my previous answer, that even holding time and security clearance out of the question, I'm --
BY MS. McGOWAN:
Q The other question is --
A The question isn't just the time of the clearance. The question is ultimately could he get the clearance. We don't know that there's an answer to that. So it's not the whether it's two weeks or two days or two years. We have the additional factor of, one, how long it's going to take; and, two, the degree of certainty that he might not be able to get that clearance. So that's a big unknown.
Q Okay. So that's how we had our four factors. There was the time factor and the

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uncertainty factor.
I'm saying holding those factors constant --
A I understand.
Q -- as between Ms. Schroer and Mr. Rollins, is it your testimony that Mr. Rollins is -- was a stronger candidate because he would not have presented credibility concerns or concerns about his ability to maintain military contacts?
A He's looking a lot better, yeah.
Q Do you recall what time you wrapped up your meeting with Mr. Ronhovde and the others?
A 10:00 to 10:15.
Q What did you do then?
A Went out and smoked a cigarette.
Q And what were you thinking at that point?
A What I was thinking was that given what I had learned, I would like to offer the position to Mr. Rollins.
Q And why was that?

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A Because of the length of time to take to get a security check, because of the uncertainty of the security check, because of the credibility issue, because of the mistrust issue, all the factors that we have listed time and time and time again.
Q And we've thus far broken out the credibility issue being credibility with Congress was --
A The contacts. And the contacts is the other thing.
MS. McGOWAN: I'm going to show you a document that we can mark Exhibit 28. Oh, I'm sorry. It was a document that was already previously marked as Exhibit 14.
THE WITNESS: (Witness examined document).
BY MS. McGOWAN:
Q Do you recognize -- well, actually, let me identify the document. It's a document that was previously marked as Exhibit 14, Bates-stamp number 206. At the top says, Charlote Preece

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draft re terrorism position.
Do you recognize this document?
A Yes.
Q Okay. What is it?
A At the end of the meeting with Bessie, Kathy, Kent, and Cindy, Kent asked me to draft something for the general counsel to look at of what I would tell Mr. Schroer when I told him I would not go forward with his recommendation.
Q And did he explain to you why he wanted you to draft up an e-mail?
A To show to the general counsel's office.
Q And when did you begin drafting this e-mail?
A Probably -- this has a 10:54 on it. After the meeting.
Q Do you have any idea of roughly how long it took for you to type this e-mail?
A Fifteen minutes.
Q Did you talk with anyone as you drafted the e-mail?
A We had talked about it a little bit at

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the meeting.
Q And had anyone offered you any suggestions for how to phrase your comments to Ms. Schroer?
A No. This was a very preliminary draft, first cut.
Q And how did you select the people that you sent the e-mail to?
A They were the people at the meeting.
Q Did you send this to anyone else in a separate message?
A I don't think so. I can't remember if we took a paper copy, or if this was sent to the general counsel's office.
Q And did you get any e-mail responses from anyone when you sent this e-mail?
A No.
Q Did you get any kind of feedback regarding this e-mail?
A Yes, when we went to the general counsel's office.
Q Do you recognize the handwritten

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comments on this paper?
A Yes.
Q Whose handwriting is that?
A Mine.
Q When did you write these comments?
A Probably in the meeting with the general counsels.
Q And then I'm going to show you a document that was previously marked 15. In a moment. I'm sorry.
In this document, Exhibit 14, the last line of that first paragraph you say here that, I have concerns a that the transition you are in the process of might divert your full attention away from the mission of CRS.
Is this an issue that you discussed at that meeting with Mr. Ronhovde and the others?
A Yes, I believe it did come up.
Q And what was that discussion?
A That both the surgeries, the time off, as well as undergoing such a complex and painful process could divert his attention, full-time

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attention away from his duties on the job.
Q Were you concerned about the time that Ms. Schroer would need to be out of the office exclusively, or also --
A No, the time and the psychological distraction.
Q And why did you have this concern about psychological distraction?
A Because I assume it's a pretty traumatic process, from what I've been led to believe.
Q And did you think that Ms. Schroer would be more distracted as a result of her undergoing this process than she had been up until that point in her life?
A I have no way to make that comparison.
Q And so what was your basis for thinking that she would be distracted from her duties?
A Well, I've had a couple of surgeries. And I must say that it distracted me. I spent some time thinking about it, thinking how it would go.
Q Were you working at CRS at the time of

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those surgeries?
A Yes.
Q And do you feel as though you were not able to perform your duties fully while you were --
A Well, I had to recover. So I had to take time off.
Q Did you have a concern that Ms. Schroer was going to need to take time off?
A Yes.
Q During your lunch meeting, did you have any conversations with Ms. Schroer about her need to take any time off for any surgeries she might be completing?
A No. Not that I recall.
Q During your meeting with Mr. Ronhovde and the others, did anyone suggest following up with Ms. Schroer to find out what her plans were with regard to having surgeries?
A No.
Q Looking at now what was marked document Exhibit 15 in a prior deposition.

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A (Witness examined document).
Q This document, again, document Number 15, Exhibit Number 15, Bates-stamped number 205 at the top says, Charlote Preece version two.
Are you familiar with this document?
A Yes.
Q What is it?
A It is a draft of the response that I was going to -- that I did give to Mr. Schroer later that day.
Q And when did you draft this response?
A After our discussion with the general counsel.
Q And did you talk with anyone as you drafted the e-mail?
A Well, I drafted it, I believe, in my office.
Q And was anyone there with you as you drafted --
A In my office?
Q Yes.
A No.

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Q Okay. And other than Ms. Alkisswani and Mr. Ronhovde, did you send the e-mail to anyone?
A Well, if there's no one else in the "to" line, I doubt it.
Q And were there any other people at the meeting with the Office of General Counsel besides Ms. Alkisswani and Mr. Ronhovde?
A Myself and the folks from the general counsel's office.
Q And why did you not send this e-mail to the other participants of the discussion with the general counsel?
A I don't know. I don't have a recollection of whether I took a hard copy up, whether I talked to somebody on the phone about it.
Q Do you recognize the writing, the handwritten comments on this document?
A Yes.
Q Whose handwriting is it?
A Mine.
Q Okay. And when did you write these

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ready to object then. But you asked what she said, you asked what Kent said, and you asked what Ms. Preece said. You never asked what --

MR. ESSEKS: We didn't ask about what the lawyers said?

MR. JAMES: No.

MS. McGOWAN: Okay.

BY MS. McGOWAN:

Q And so what did everyone, other than Mr. James and Ms. Dowd, say in the context of this meeting, as part of recounting the conversation?

Sorry. That's a little --

Going into this meeting -- let me start there -- going into this meeting, was there any discussion about the fact that you had more or else less made up your mind what you thought you were going to do?

A I had pretty much made up my mind about what I wanted to do.

Q And so what was the point of this meeting with the office of general counsel staff?

A To find out if this situation could

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potentially get the Library into legal trouble.

Q And was there any discussion about what you should or should not say in the course of your conversation with Ms. Schroer?

A Again, to answer that question, I would have to be saying what legal counsel told me.

Q Well, putting aside what legal counsel told you, were there any other conversations -- you know, did you ask, for example, you know, should I say things in a certain way, and what feedback would --

A How should I phrase this?

Q Uh-huh.

A Yes.

Q And did you get feedback from the nonlawyers in the room, Ms. Alkisswani and Mr. Ronhovde?

A I had already gotten their input.

Q Okay. And so at some point in the meeting did you announce that you knew what your decision was going to be?

A Yes.

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Q And tell me how you communicated that information.

A Given the combination of all the factors that we outlined, I do not feel comfortable going ahead with recommendation with Mr. Schroer. I have another strong candidate. And I would like to move ahead with the recommendation on him as quickly as possible.

Q And did you, in this meeting, you know, outline what each of those four factors were?

A Yes. We talked about all the factors.

Q And was there any additional discussion about each of the four factors that you identified?

A I think I was asked to elaborate what did I mean by mistrust, what did I mean by contacts. So I would elaborate on those.

Q And if you can tell me how you explained what you meant.

A I don't know that it's different than what I've already told you. The credibility had to do with the members. Contacts had to do with

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his ability to capitalize on the contacts he made as a man in the armed services. Trust was my perception of would I be able to trust him after this late in the day revelation on Monday. Security clearance was based on Cynthia's advice.

Q And how did you leave things at that meeting?

A That I would call Mr. Schroer later that day and give him the news.

Q Did anyone else agree to do anything at the end of that meeting?

A Do anything? No.

Q Do anything with respect to the Schroer matter: Write a memo? Call anyone?

MR. JAMES: And your question is anyone other than the lawyers?

MS. McGOWAN: Right.

THE WITNESS: No.

BY MS. McGOWAN:

Q And so what did you do between the end of that meeting and when you ultimately spoke to Ms. Schroer next?

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A I don't remember. I -- sometime in the afternoon, 3:00 or 4:00.
Q And tell me about that conversation. How long did it last?
A It was very brief.
Q Okay.
A Basically, it's the language in this e-mail.
MR. ESSEKS: You're referring to Exhibit --
THE WITNESS: Exhibit 15.
MR. ESSEKS: Thank you.
THE WITNESS: I mean, I did tell David that it was a difficult decision. And then I think I read this language.
BY MS. McGOWAN:
Q And by "this language," can you read to me --
A The typed language, Given the level and responsibilities of the position, I don't think that this is a good fit. It's been a difficult decision. But given the immediate needs of

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Congress, I've decided not to go forward with the recommendation.
Q And is that roughly what you said to open the conversation?
A Uh-huh.
Q Actually, is your recollection that this is basically verbatim what you said in the conversation?
A Uh-huh.
Q How did Ms. Schroer respond on the phone?
A Well, a pause. And he said I'm very disappointed. And I said it was a difficult decision. I thanked him for his interest in the position. And I said good-bye.
Q At any point in the conversation did you say anything about the amount of time that it would take to complete the security clearance process as part of why you had made your decision?
A I didn't give him any reasons why I made my decision.
Q Okay. And do you recall, you know,

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thanking Ms. Schroer for her honesty?
A Yes.
Q Did you make any other comments or express any other views to Ms. Schroer about, you know, concerns that you had had about her trustworthiness?
A No.
Q Did you mention anything to Ms. Schroer about her -- the contacts and credibility concerns that you'd had?
A No.
Q Did you say anything to her about her gender transition being a distraction?
A No.
Q Why not?
A I was advised not to elaborate on the reasons behind my decision.
Q And why not?
A Pardon?
Q Why not?
MS. RUSSELL: Objection.
BY MS. McGOWAN:

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Q Okay. Were you advised not to give any additional reasons by anyone other than legal counsel?
A No.
Q Okay. Roughly, how long did the conversation last?
A A minute or less.
Q How did you feel after you hung up the phone?
A I had empathy for David the person. I do feel that he -- it takes courage to go through what he's going to do. But I felt that I made the right decision for the institution.
Q And what did you do next?
MS. RUSSELL: Objection. Vague.
BY MS. McGOWAN:
Q After hanging up the phone, what did you do next with respect to the terrorism specialist position?
A I pulled Mr. Rollins' application. And we had already done reference checks on him. We did them simultaneous. And I called Mr. Rollins

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(Discussion off the record)
EXAMINATION BY COUNSEL FOR DEFENDANT
BY MS. RUSSELL:
Q I just have maybe one or two questions about a question that Ms. McGowan posed to you earlier, and that is the factors that went into your decision to reconsider your recommendation about Ms. Schroer. And you noted that using 100 as a guide, you said security clearance 90 percent, and then credibility 5 percent, and then contacts 5 percent.
Now, isn't it true that you also were concerned about Ms. Schroer's possibly deceiving you or her deception?
A Yes.
Q And isn't it true that you were also concerned about her ability to focus on the job?
A Yes.
Q Given her surgeries?
A Yes.
MS. RUSSELL: Okay. I have no other questions.

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MS. McGOWAN: Okay. So we're done. Thank you.

(Whereupon at 5:40 p.m., the deposition of CHARLOTTE P. PREECE, was adjourned.)

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ACKNOWLEDGEMENT OF DEPONENT

I, CHARLOTTE P. PREECE, do hereby acknowledge I have read and examined the foregoing pages of testimony, and the same is a true, correct and complete transcription of the testimony given by me.

_____
Date CHARLOTTE P. PREECE

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2007

_____
NOTARY PUBIC

My Commission Expires:

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CERTIFICATE OF NOTARY PUBLIC

I, BARBARA A. HUBER, CSR, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotypy and thereafter reduced to print under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

_____
BARBARA A. HUBER, CSR
Notary Public, in and for the District of Columbia
My Commission Expires: March 16, 2007