McGowan Declaration – Exhibit A
Part 2 of 2

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well, in that section.
Right now, I'm coming up with six women and four men.
BY MS. McGOWAN:
Q Okay. And can you go through -- and I don't necessarily need the names -- but tell me which positions are held by the men, and then which -- the titles of the positions that are held by the women?
Or approximations, a description of the --
A Of what they do?
Q Of what they do, by subject area or however it takes.
A Okay. I'll start with the men. The first one does foreign aid, would be Mr. Rollins, who obviously does terrorism. The third person does international narcotics and crime. And the fourth is a new-hire who does the foreign policy apparatus.
Q Okay.
A Do you want me to do the same thing for

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the women?
Q Yes. As to the women?
A The first person does sanctions and foreign policy legislation.
Q I'm sorry. Is that two or --
A That's --
Q -- that's one?
A -- sanctions and foreign policy legislation. The next one does foreign policy management, State Department. The third person does humanitarian relief and reconstruction. The fourth person does human rights and international health. The fifth person does foreign operations appropriations. The sixth person does the United Nations and related agencies.
Q Okay.
A I could be omitting somebody. That's just the best of my recollection.
Q Sure. Can you explain to me a little bit what foreign policy apparatus -- that was one of the positions that you listed -- what does that do?

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A The institutions in the State Department, International Broadcasting, what used to be the U.S. Information Agency.
Q And so this person provides research support for those agencies?
A Right, and programs conducted by those agencies. USAID.
Q And how many of these positions interact regularly with members of the military?
A Certainly the terrorism position, the narcotics position, the reconstruction and humanitarian relief. That's about half of them.
Q And am I correct Mr. Miko is the supervisor of all these people?
A Yes.
Q Okay. So we are now at the point where you're back at your office. Tell me what's the first thing you do.
A Go down to the director.
Q Did you encounter anyone --
A Before that? No.
Q Okay. So you go down to the director.

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And that's Mr. Mulhollan?
A That's correct.
Q Okay. Tell me what happens.
A I tell him about the lunch, and what Mr. Schroer has revealed.
Q And how do you describe this to him, what happened?
A I said, Dan, I just had a very unique situation, experience in my life. The candidate that I was considering recommending for the position of terrorism has informed me that he would like to start work as a woman. He said, you're kidding. I said, no. I said, I need to talk to some people. I said, I would like to go down and talk to Cynthia Wilkins, because I was pretty sure this was going to have implications for security clearance.
And he said, okay, I will let Kent know. And that would be Kent Ronhovde, who is the counselor to the director.
Q Other than "you're kidding," did Mr. Mulhollan say anything else to express, you

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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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Q Did you offer any information about the specific person involved for her to take into account?
A I think I did mention, yes, that he had 25-plus years of military service, told her his MSO.
Q I'm sorry. By --
A That's military occupational specialist.
Q Okay. Okay. What other information about Ms. Schroer specifically did you share?
A That he had showed me a portfolio.
Q Did Ms. Wilkins ask any questions about the portfolio?
A No.
Q Did she ask you to described the pictures in the portfolio?
A No.
Q Did you describe what the pictures were?
A I can't recall, other than to say he showed me about half a dozen photos of what he would look like as a woman.
Q And how long did the meeting with

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Ms. Wilkins last?
A Not long. Ten minutes, 10, 15 minutes.
Q Did you discuss any of the specifics that Ms. Schroer had shared with you about what was involved in transitioning, either sort of medical or psychological?
A Other than to tell her that he intended to go through the complete process.
Q And did you --
A And that he -- I do remember telling her that he had mentioned that he would likely need a psychiatric fitness for duty prior to a determination whether or not to go ahead with a security clearance investigation.
Q And did Ms. Wilkins respond at all to your use of the term psychiatric fitness for duty evaluation?
A No.
Q Did she express, you know, any sentiment agreeing or disagreeing with whether or not Ms. Schroer's statement about a psychiatric fitness for duty evaluation was accurate?

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A No. She said she wanted to do her homework. That's the kind of person she is.
Q And so did you inform Ms. Wilkins that Ms. Schroer was under the care of a therapist?
A Possibly.
Q And did you discuss any sort of specific medical procedures that Ms. Schroer might be contemplating?
A No.
Q Did you discuss at all with Ms. Wilkins whether there was any information that would be particularly helpful for her to have from the applicant?
A No.
Q Is there anything else that you discussed during that conversation?
A Not that I recall.
Q What did you do next?
A I think I went outside and had a couple of cigarettes.
Q And what was going through your mind when you were having those cigarettes?

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A Wow, I can't believe this is happening to me.
Q And were you concerned at all that you were implicated in a hire involving a transgender person?
A I was starting to feel set up. The shock was winding down, and I was starting to think, wow, have I been had?
Q And I guess what do you mean by having been had?
I mean, did you feel put upon, or sort of -- how were you feeling?
I haven't been through this experience, so how were you feeling?
A I felt that am I being -- I was asking myself the question: Am I being set up for a legal suit?
Q And in what way did you think that you were being set up?
A Well, that he had reeled me in with this interest in the job, that he got me to admit that I was going to recommend him, and then he was

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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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your office and the end of your business day.
Who did you talk to?
A Steve Bowman. I think Francis was on leave that day. Gary Pagliano.
Q Okay. Anyone else?
A I may have talked to my deputy, my acting --
Q And who was that?
A -- who was acting deputy at the time, Ed Bruner.
Q Anyone else?
A Not that I recall.
Q Okay. And let's just walk through each one.
Steve Bowman, obviously Steve had been a member of the interview panel; is that right?
A Yes.
Q So tell me about your conversation with him.
A Again, I told him what transpired. Steve was shocked, as well.
Q What did he say?

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A I can't remember exactly what. Something -- some equivalent to "wow," as well. "You're kidding," something like that.
Q And after sort of his initial reaction to what you shared with him, did you guys talk at all about what it meant?
A Well, said next step. I said next steps we got to hear from personnel security. We got to speak to the legal folks.
Q Did Steve Bowman express a personal opinion about what he thought about Ms. Schroer's candidacy in light of this information?
A Not that I recall.
Q Did he ask you what you thought you were going to do?
A Well, that's why I said next step. We got to hear from the personnel security folks and the legal folks.
Q Did Steve Bowman offer sort of his two cents about what he would do if he were you?
A No, because we didn't know enough at the time.

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Q Did Mr. Bowman sort of make any comments along the lines of, you know: I wonder who else knew; I wonder if the reference I spoke to knew, anything along those lines?
A He may have. I don't recall these conversations.
Q Okay. Is there anything else from that conversation that you recall?
A No.
Q When you talked about what the next steps were going to be, in this conversation with Steve Bowman, you mentioned that you were going to be talking to the security clearance people. I believe you also mentioned that you were going to talk to the folks at legal.
While why were you going to talk to the folks at legal?
A Because, as I said, I thought there were potential lawsuit ramifications.
Q Did you talk at all about this concern about being set up for a lawsuit with Steve Bowman?

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A No.
Q When you were sort of thinking about, boy, have I been set up for a lawsuit here, were you thinking that Ms. Schroer actually wanted the job, or that she was just looking for some, you know, test case for a discrimination lawsuit?
MS. RUSSELL: Objection to the form, and to the extent that it might mischaracterize the testimony.
But you can answer if you understand.
THE WITNESS: I don't know the answer to that. I don't know what his motivations were.
BY MS. McGOWAN:
Q But at that point, did you have any doubt in your mind about whether or not Ms. Schroer had actually ever really wanted the job at all?
A He was certainly well-qualified for the job.
Q But as far as whether or not she had applied for the job because she actually wanted to do the job, did you any --

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A She seemed enthusiastic before he told me of his intention to complete the transgender migration. He certainly seemed enthusiastic in our conversations at the restaurant and at the interview. So that's the only thing I can say. He seemed to want the job.
Q And did your impression about how much Ms. Schroer seemed to want to job change after you had had this conversation about her gender transition?
A Not necessarily. I believe that part of what he would like to achieve if he wins this suit is to be reinstated, or to be hired in the first place.
Q Turning to the other people that you spoke to that day.
Gary Pagliano, who is he?
A Gary is another one of my defense section heads.
Q And tell me about your conversation with him.
A This, very similar, just described what

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happened.
Q Now, to the extent that Mr. Pagliano had not previously, you know, met Ms. Schroer or been involved in the process, did you have to explain to him in some greater detail sort of the background of the situation?
A No, I didn't, because he did know David Schroer.
Q He did?
A Yes. He and David were classmates at the National War College. And I had talked to Gary, if he knew Mr. Schroer while he was at the War College. This was while I was doing references.
Q And how did he react to the news that Ms. Schroer was transitioning from David to Diane?
A He was shocked.
Q How did you know that he was shocked? Did he say something? Was it in his body language? How did you know?
A I would say both. You're kidding? Yeah.

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Q And what else did he say?
A I can't believe it. I would have never expected it.
Q Did he say why, anything about why he would never have expected it?
A Well, he knew that he was in special forces, knew of some of the operations that David had led, I think had visited David and his wife at their home.
Q Did he say anything along the lines of Dave being a macho or a masculine guy?
A No. He talked more about what an intellectual he was. He was a distinguished graduate of the War College, David.
Q Did Mr. Pagliano express any sadness or disappointment at this news?
A No. I think more disbelief.
Q Did Mr. Pagliano ask you what you were going to do next?
A I think he did ask me if I had a good second candidate.
Q And what did you say?

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A Yes, I did.
Q Did Mr. Pagliano say anything along the lines of, or ask you whether or not you were thinking about go ahead and hiring Ms. Schroer anyway?
A He might have asked me what I was going to do. If he did ask me that, I probably would have said at this point I don't know.
Q You mentioned everyone sort of expressing some level of surprise at the news.
With respect to your feeling surprised or shocked at this news, is one of the reasons you were shocked because of sort of the most hyper, masculine, macho background of this person?
A That's certainly, I'm sure, lend itself to it.
Q In light of Ms. Schroer's background as a special forces officer engaged in obviously very macho stuff, macho tasks, did that make it harder for you to visualize this person all of a sudden becoming a woman and wearing a dress?
A I think it did, yes.

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Q And were you concerned that if you brought Ms. Schroer on, that there would be problems resulting from the fact that Mr. Pagliano had known Ms. Schroer as David?
A No.
Q And by problems, I mean sort of, you know, awkwardness or any sort of difficulty in stressors in the workplace?
A That wasn't what was going through my mind at the time.
Q Is there anything else you recall from that conversation with Mr. Pagliano?
A No.
Q And how long, roughly, did that conversation last?
A Five, ten minutes maybe.
Q And was this a passing in the hallway conversation, or a phone call?
A I think I went into his office.
Q Okay. And then with respect to Ed Bruner, your deputy, Mr. Bruner, tell me about your conversation with him.

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A I have no recollection if I even had a conversation with him that day.
Q Okay.
A He certainly would have been a person I would have been likely to tell at some point, but I don't remember when.
Q At any point during that afternoon did you think about getting back on the phone with one of Ms. Schroer's references to find out if they had any clue that this was going on?
A No.
Q Were you curious about whether they knew?
A Yes.
Q So why did you decide not to follow up with any of them?
MS. RUSSELL: Objection. Calls for speculation.
BY MS. McGOWAN:
Q You can answer.
A I wanted to hear first what the finding was going to be from the office of personnel

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security. It was kind of pointless to do anything before I got advice from that office.
Q And to the extent it would have been pointless, why do you think it would have been pointless?
A Because given what Cindy told me the subsequent day, I didn't need know any more information.
Q But at that moment in the afternoon, before you had the meeting with Ms. Wilkins, did it occur to you that you might be able to learn something from these references that would be relevant to your conversation the next day?
A Not if -- the security clearance was, you know, the big ball out there. It was the foremost consideration in my mind. Until I had an answer to that question, I was not going to pursue anything else.
Q Did you talk to any other Library employees that afternoon about Ms. Schroer, or the situation generally?
A Not that I recall.

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Q Did you call any family members or friends to discuss what happened, either sort of in general terms or perhaps more specifically?
A Not from work.
Q Did you talk to family members later outside of work?
A Uh-huh.
Q Okay. Who did you talk to?
A My sons.
Q Okay. Tell me about those conversations.
MS. RUSSELL: I'm going to object on relevance grounds.
But you can answer.
THE WITNESS: On relevance grounds?
MS. RUSSELL: You can answer.
THE WITNESS: I think I said you're not going to believe what happened to me today. You know the gentleman's whose resume I showed you some time ago that you were quite impressed with? He told me today that he wanted to start work as a woman.

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BY MS. McGOWAN:
Q And you have more than one son?
A I have twin boys.
Q Okay. And were you having this conversation with both of them together, or were there different conversations with each of them?
A I can't remember.
Q And how old are your sons?
MS. RUSSELL: Same objection.
But you can answer.
BY MS. McGOWAN:
Q Are they adults, or are they under 18? Are they minors?
A They're adults.
Q And are either of them anyway affiliated with the military?
A Yes.
Q Okay. How so?
A Members of the Pennsylvania National Guard.
Q And I can do son A and son B, or I could call them by their names, whichever you prefer.

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A Son A and son B.
Q Okay. Son A --
A I don't know which one is which. That's the problem.
MR. ESSEKS: Pick one. You can do initials.
BY MS. McGOWAN:
Q How did son A react?
A They both reacted very strongly: No way. How can someone who goes through that experience decide that he wants to become a woman? I said well, it's something I certainly don't understand.
Q And when you mentioned that you had shared Ms. Schroer's resume with them, when had you done that?
A Probably over the Thanksgiving holiday. They were college students at the time, so they probably would have been home for Thanksgiving.
Q And what had their reaction been to Ms. Schroer's resume?
A Wow, this looks like someone who had

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great experience, you know, both at an operational level and a planning and strategic level.
Q During your conversation with them at that time over Thanksgiving, was there any conversation about, you know, wow, what's he like? You met him, you know, what kind of guy is he?
A No. I think they may have asked me how he did in the interview. And I said very well.
Q Did you share any other resumes with them?
A Uh-huh.
Q And is that something that you frequently do when you're hiring a new position, or was that --
A No --
Q -- unique to this one?
A -- it was kind of unique to this position, because of the military background of several of the people, because they were contemplating what kind of military occupation especially they might want to go into.
Q And did you share with them Mr. Rollins'

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resume?
A Yes.
Q And what was their reaction to Mr. Rollins' resume?
A Very solid, as well.
Q Is it fair to say that they were more impressed by --
A Probably more wowed by the special forces, although Rollins was in delta force, so --
Q And the -- Ms. Schroer was in the special forces, so it was her resume that you were talking about as the one that they were more wowed by; is that right?
A Uh-huh. I think because of his -- the long duration of his career, whereas Mr. Rollins had a shorter stint in the military.
Q So when did you talk to them?
Going back to December, sort of --
A I don't remember if it was that night or if it was later. I'm not sure when they got home for Christmas break.
Q Okay. So just so I'm clear, was it a

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phone conversation, or was it an in-person conversation?
A I think it was in-person.
Q And did this conversation take place before your meeting with Ms. Wilkins?
A I don't know.
Q Do you remember if it took place before you had made your decision about the application?
A I think so, but I -- I wouldn't swear by that.
Q I wanted to ask you as far as your sons' reaction.
When they asked, you know, roughly more or less how could someone who's been through all these experiences turn into a woman, you know, were you thinking something similar at that point?
A Uh-huh.
Q And did you talk at all about that with your sons?
A I said it's something that he obviously has to feel very strongly about to do, because it takes courage to do what he did, or is doing. I

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said I don't know that I will ever understand the reasons or at least to appreciate them, but he obviously feels very strongly about it.
Q And at any point between your lunch meeting and when you left for the day, or even at home I guess later, did you try and find out any more information about transgender people, either on the Internet or things like that?
A I did. I did look up some Internet sites.
Q So where did you look?
Did you go to Google or --
A Yes.
Q Okay. And what did you find?
A I found a couple of articles about the process and some of the surgeries.
Q And do you remember sort of who -- sort of what the source was of the material that you found on the Internet? Was it an individual, or an organization?
A It was an organization, but I don't remember what it was.

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Q Okay. How many different websites would you say that you visited?
A Just about two.
Q Are you familiar with an organization called the Harry Benjamin International Gender Dysphoria Association?
A No.
Q Did you come across the acronym HBIGDA, H-B-I-G-D-A, in your Internet search about transgender people?
A I don't recall.
Q Do you remember roughly sort of what -- if there was a title or a caption to the pages that you looked at?
A No.
Q And so what did you learn from that information?
A That it could be a lengthy process, that it was not something that was done lightly, that it involves working with a psychological -- a psychiatrist or psychologist who evaluates the individual and is in constant or regular contact

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with them, that it involves hormone treatment first, that typically if the individual wants to complete the transgender migration the second step would be to present full-time as a female for a year. And then the third stage would be the various surgeries.
Q Was this information on the Internet sort of all in text form, or were there pictures that you recall seeing?
A I think the articles that I read, as I said -- it was only a couple -- was all text.
Q And before reading this information, how did you feel about this whole idea of, you know, having this surgery to change your body from male to female? Did it seem a little freaky to you?
A As I said, I don't understand why someone would do it. But I respect him for what he wants to do.
Q Did reviewing this information make you feel as though it was maybe less weird than you might have initially thought?
MS. RUSSELL: Objection to the form.

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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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some homework yesterday afternoon and read up on the ramifications for this for personnel security. And what did you find, Cindy?

Q What did you say by way of sort of the background information?

Sort of what did you lay out as far as --

A I said we have a vacancy announcement. We interviewed 18 people. We have a couple of very good candidates. I was ready to select or to make a recommendation that Mr. Schroer be the position -- the person for that position. I said I got a call from him last Friday asking me to get together to have lunch or coffee, and that he mentioned at the time that there was something that he wanted to tell me.

So I stopped writing the recommendation at that point. And we had lunch. And he revealed to me that he would like to start work as a woman. And so I said so that immediately raised concerns to me about whether he could get a security clearance in a timely fashion. And I went down to

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see Cindy. And, Cindy, what can you tell me?

Q Did you ever indicate in this meeting that Ms. Schroer was still your top choice for the position, or did you describe it only in the past tense that she had been, prior to your lunch, your first choice?

A In the past tense.

Q So did you feel in any way as though you were going into this meeting and going to bat for Ms. Schroer?

MS. RUSSELL: Objection to the form.

THE WITNESS: No. I was there to seek professional opinion.

BY MS. McGOWAN:

Q So at no point did you make any comment along the lines of the fact that, you know, you really were trying to see if we could make this work with Ms. Schroer?

A No. I wasn't on one side or the other: I want to make it work or I don't want to make it work.

Q What were people's reaction to your

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description of the situation?

A I think they had heard it from someone else prior to the meeting. I think probably Dan had talked to Kent. I don't know. Because they all seemed to be aware of it to some extent.

Q Did everyone at the meeting seem completely unphased, like this was a run-of-the-mill conversation?

A No. It was a new situation for each of us.

Q Did anyone suggest or say anything to indicate that they were confused by, you know, either what you had said or what Ms. Schroer meant about her transitioning from male to female?

A No, I don't recall that.

Q Did anyone make any jokes, nervous jokes about this strange situation you were finding yourself in?

MS. RUSSELL: Objection to the form.

You can answer.

THE WITNESS: I don't recall jokes being made.

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BY MS. McGOWAN:

Q During the meeting, did anyone indicate that they were familiar with transsexuality?

A No.

Q And during the meeting, did anyone indicate that they knew who was transsexual?

A I'd like to amend that. Kathy Deese.

Q And what did she say?

A When she was with a previous agency, she had a situation in which someone who was already hired had decided to undergo a transgender migration, and that the agency had to accommodate.

Q And so the agency accommodated that request?

A Yes.

Q What agency was that?

MS. RUSSELL: Relevance.

But if you know you can answer.

THE WITNESS: I'd be speculating. I'd be guessing. I have a pretty good idea, but I'm not sure.

BY MS. McGOWAN:

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Q Recognizing that it may not be the right one, what agency do you think it is?
A Department of the Army.
Q Did she mention how long ago this situation was?
A No.
Q And did she describe at all what the agency did to accommodate this person?
A Special bathroom facilities.
Q Did she mention at all whether this employee was in a position involving a security clearance?
A No.
Q And how did Ms. Deese present this information?
And by which I mean did she say, hey, I -- you know, I know people who dealt with this before and it wasn't a problem, or did she convey it in a different way?
Sort of how did she --
A I would say in a neutral way. It just -- maybe a question was raised: Has anyone

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ever encountered a situation like this before? And she described the situation.
Q And so just to make sure I'm clear about sort of this piece of the conversation, is there anything else that Ms. Deese said about how that situation had been handled?
A Not that I can recall.
Q Did anyone react to this information with a comment about what relevance it might or might not have for the situation you were grappling with?
A No. As I recall, shortly after that Cindy came in and we got into the personnel security aspects.
Q So this conversation with Ms. Deese occurred when Ms. Wilkins was not in the room?
A I believe so.
Q And was it prior to the beginning of the meeting, the formal beginning of the meeting?
A I think it was 9:00 o'clock. I think maybe Cindy was late to the meeting.
Q And at any point after Ms. Wilkins

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joined the meeting, did anyone make reference to the transgender employee that Ms. Deese had discussed?
A Not that I recall.
Q And did anyone else mention sort of any knowledge that they had about transsexuality or transgender people?
A No.
Q Did you mention at the meeting describing the situation that Ms. Schroer had shown you pictures of her dressed as a woman?
A Yes.
Q And did anyone ask what those pictures looked like?
A They may have.
Q Do you remember how people asked?
A No, I don't.
Q Did anyone ask whether or not she actually looked like a woman, in your opinion, in those pictures?
A Again, they may have but, I have no --
Q Did anyone express any concern about

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whether or not Ms. Schroer would actually look like a woman if she dressed as such?
A I think that was about the furthest thing from people's minds at that point.
Q So after laying out sort of these background facts, what happens next?
Is that when Ms. Wilkins begins to speak?
A Uh-huh.
Q Okay. So what did she say?
A She tells us that she's done some research into the regulations and findings. She said that she could not make a determination whether -- at this time whether or not Diane Schroer could get a clearance.
She did tell us that the requirement for the psychological fitness for duty would be a first step; that when that process was completed, based on the results of the fitness test, a determination would be made, A, to initiate a security investigation or, B, not to go any further.

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She also told us that given what Schroer had told us, that she would not waive clearance for him to start the job until a security clearance determination were made.
Q And what were the reasons she gave for her determination that she would not waive the pre-appointment security clearance investigation requirement?
A She just said under the circumstances of what he told you.
Q Did Ms. Wilkins indicate that she had reason to believe that in light of this information, Ms. Schroer now presented a threat to national security?
A No.
Q Did she indicate that there were any concerns about Ms. Schroer's psychological stability?
A No. That would have to be determined.
Q And did Ms. Wilkins discuss the impact or the significance of the fact that Ms. Schroer was currently holding a top secret security

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clearance?
A Well, she said that that would not be relevant to Diane.
Q And why did she say it would not be relevant?
A Because Diane doesn't have a clearance.
Q And what --
A Diane didn't exist in this point, in a legal sense, or in a sense of security clearances.
Q But to the extent that there was a security clearance filed with respect to David Schroer, did Ms. Wilkins explain why that file would not provide her with sufficient information to determine that a waiver was appropriate?
A She just said that Diane Schroer would need a separate clearance.
Q Did she say that Diane Schroer would need a separate clearance because the individual had a different name?
A I believe so. I mean, I think she used that analogy at one point, that if I become Charles Preece. I mean, it's not simply the name

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change. And when I got married, I didn't lose my clearance when I changed my last name. But it was the fact that he was transgendering.
Q And so in Ms. Wilkins' view, Diane Schroer was a completely different person upon whom -- for whom there was in relevant security information that she had available to her to evaluate?
A You'd have to ask Cindy that question. She was basing her adjudgments based on the regulations that she had familiarized herself with.
Q Is that the impression that she gave to you during your conversations?
A What was the impression?
Q That Diane Schroer was a blank slate about whom there was no information, such that she couldn't look at the information about David Schroer to make an assessment of the security clearance concerns?
MS. RUSSELL: I'm going to object to the form.

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But you can answer if you understand.
THE WITNESS: She didn't tell us whether there's a connection or not. That was -- it was the premise that the procedure would have to start with scratch -- from scratch, and that it would begin with a psychological fitness test.
BY MS. McGOWAN:
Q Did anyone at the meeting ask why it would need to start from scratch?
A No.
Q Did it make sense to you that it would have to -- the process would have to start from scratch?
A It didn't surprise me at all, no.
Q And why did it not surprise you?
A Because changing sex is a pretty big deal. And the fact of the psychological fitness determination did not surprise me at all. In fact, I knew that because David told me.
Q The fact that changing gender is a big deal still leaves me with the question of why did you think that the prior security clearance

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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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will be talking with on a classified level.
Q So is it the case that 100 percent of the work can be done without a clearance, but it won't be as sophisticated as we would like, or only 75 percent of the work can be done, and there's this whole category of 25 percent that you just can't do anything on without a clearance?
A It's both. It's both of those things. You won't get access to some meetings if you don't have the clearance.
Q And so I'm not a hundred percent sure how you can --
A You can do --
Q -- have both --
A -- research from secondary sources.
Q Right. And so that's --
A And those sources might not be classified. So you can do some work. You can't do it at the level as if you were interacting with people in the policy community, if you were talking to members of Congress, if you were sitting in on classified briefings that were

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supplied by other agencies.
Q So as between the two options I presented, you'd say it's the first option, which is the work can -- 100 percent of the work can be done, but it would be done -- some of the work would be done with less sophistication because an individual did not have access to top secret -- or access to classified information; is that right?
A Yeah, I mean, you might be able to produce GS-12 work. I don't know that you can produce GS-15 work in this field.
Q With respect to an applicant for a position like this, that was the top choice but had no prior security clearance history, would it have also taken, in your estimation, a year for them to have run through the process?
A Probably a little bit shorter time, because we're not talking about the psychiatric fitness for duty. But I'm finding nine months is pretty typical for new folks who are coming in who don't have a clearance.
Q So you think it would actually take --

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have taken less time for a candidate with no prior security clearance than it would have taken for someone like Ms. Schroer, which -- a person who had a security clearance filed for a couple of decades, but had the transgender information, as well?
A Well, if they were going to start from scratch, yes.
Q And did Ms. Wilkins specifically tell you how long it took --
A She was not specific at all.
Q Just to get my question out.
A Oh, sorry.
Q Did she tell you how long it took -- or she expected it would take to run someone through the security clearance process from scratch?
A She kept characterizing that it would be a lengthy process. She was not specific.
Q And did Ms. Wilkins actually use, you know, roughly the equivalent terms of starting from scratch?
A The terms -- I can't remember the exact

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terms she used. She said first there would be the fitness for duty. If a decision was made to go ahead, we would initiate a background investigation.
Q And so you don't recall whether or not she actually used the term "start from scratch" with respect to what would be required for --
A I doubt she did. That's more my vernacular than it is hers.
MS. RUSSELL: Sharon, we've been going for 90 minutes, I believe.
MS. McGOWAN: Okay. Do you want to maybe take a five-minute break?
MS. RUSSELL: Is this a good time?
MS. McGOWAN: Sure. Let's take a break.
(Recess)
BY MS. McGOWAN:
Q So now we're back from our break. And we were talking about this meeting at 9:00 a.m. on December 21st. We were talking about what Cynthia Wilkins' report back was.
Did at any point she suggest a need to

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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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comments?
A I imagine this was based on feedback.
Q Do you recall who the feedback was from?
A No, but it sounds like Kent. But I'm not positive of that.
Q Did he call you with his feedback, or did he send you an e-mail?
A I don't know which. I assume he called me. If I've written it down, I assume he called me. Otherwise, if he'd sent me an e-mail, I would have an e-mail copy of it.
Q Why did you change "complexities" to "responsibilities" in that first full line of text in the e-mail?
A Because I wanted to get at the seat -- the level of the position, that this was a GS-15 level, that the contacts were an important component of the job, that being able to interact at a sophisticated level with policymakers was an important aspect for the job.
Q Was this an edit that Mr. Ronhovde had suggested, or was it an edit that you made

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spontaneously?
A I believe it's an edit that I made.
Q Looking at these two e-mails together, were there any other e-mails in this chain?
A Not that I'm aware of.
Q Did you ever -- were you ever asked to look for other e-mails that might have been part of this chain?
A I was asked to search my whole hard drive.
Q And when was that?
A I think it was after the June lawsuit.
Q Okay. And does your e-mail system automatically save sent -- or save messages?
A I don't know. I believe it does, but I do not know. I'm not a -- you have to get a computer person in for that.
Q In this document here, which is Exhibit 15, you talk about -- you make reference to a discussion with general counsel.
You can you tell me about that discussion?

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A Yes. I got a call from Kent, that he and Bessie would be meeting in the general counsel's office at 11:00, if I could join them.
Q Okay. And what happened then?
A We had a discussion of how I should let the applicant know if I did not want to select him.
Q And at the --
A And --
Q I'm sorry. Go ahead.
A Also talked about were there any legal reasons that would put the Library in an awkward position if I withdrew the recommendation of Mr. Schroer.
Q And what was that discussion?
A What was that discussion? What was I told?
Q What was said?
A That we could -- basically, that we could -- we weren't under legal obligation to hire Mr. Schroer.
Q Anything else?

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MS. RUSSELL: Objection. This may be privileged information. I believe you asked what was she told at the meeting with the counsel's office? Was that your question?
MS. McGOWAN: Yes. That's the question.
MS. RUSSELL: And I'm going to object on privilege grounds.
MS. McGOWAN: This is a conversation that we've already explored. And there are -- there's correspondence reflecting this conversation. So I believe the privilege has been waived with respect to this meeting.
MR. JAMES: No. You've never asked about what advice she received. You did ask about the meeting. You did ask what she -- each of the people in those meetings said, and with regard to everyone except the lawyers.
MS. McGOWAN: Okay.
MR. JAMES: You did not ask for the advice.
MR. ESSEKS: Even with Ms. Alkisswani?
MR. JAMES: You did not. And we were

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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 would have to look at my calendar.
Q Was there anything preventing you from calling Ms. Schroer right away?
How did you decide when you were going to make that phone call?
A I don't know. I said I would call him sometime that day. I don't know if I wanted to think about what I was going to say. I don't know if I had a meeting intervene. I assume I ate lunch.
Q Did you talk to anyone --
A But it --
Q Oh, I'm sorry.
A -- I didn't say, whatever time I called him, that 3:48 was a magic number. It just --
Q Did you talk to anyone between the meeting and actually calling Ms. Schroer about how you were feeling about the situation?
A I think I may have talked to Steven. And Francis may have been back by that time, as well. At some point I talked to Francis. I don't know exactly when.

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Q And tell me what you remember about that conversation.
A That they thought it was the right decision.
Q And did they say why?
A Well, given the needs of the organization, that we needed somebody on board, we needed them now.
Q And in that conversation, did you discuss each of the four or five -- I guess right now five -- concerns that you had talked about in your prior two meetings?
A We discussed mostly what Cynthia Wilkins had told me at the meeting, and the timing.
Q Did you discuss at all your concern about contacts or credibility?
A I don't remember if I did or not. But, again, the timing was the nail in the coffin, so to speak.
Q And with respect to the contacts and credibility factors, did either Mr. Bowman or Mr. Miko express, you know, their opinion about

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whether or not they shared your concern?
A Yes, particularly in the contacts end, uh-huh.
Q And do you remember who?
A Steve.
Q And what did he say?
A That he would be surprised if he were able to utilize those contacts as Diane.
Q Did he say why? Was it because of his perception of how the military folks would react, or --
A That they wouldn't know who Diane Schroer is, and would -- you know, presumably, he would be open about it and say, oh, I used to be David Schroer. As I said, some may have been sympathetic, and said, oh. And others may have said, I don't know you anymore.
Q And what about Francis Miko?
Am I right, Francis Miko was potentially going to be Ms. Schroer's supervisor?
And if I'm right, this is, you know, probably the first time that you've talked about

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it with him since he was not in the office the previous day.
What did he say to you?
A He was equally surprised.
Q And did he share his views with you about your decision to not go forward with Ms. Schroer as the applicant of choice for the position?
A Yes.
Q What did he say?
A He basically shared my views that, certainly based on what Cindy told us, that we needed somebody to do the work.
Q Anything else that you guys discussed?
A Not that I recall.
Q Okay. And other than Steve and Francis -- Steve Bowman and Francis Miko, do you recall anyone else that you spoke to about Ms. Schroer prior to calling her?
A No.
Q Okay. So roughly when did you call Ms. Schroer?

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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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and asked him if he were interested in the position.
Q And since he's working at CRS, I assume he said yes; is that correct?
A He did.
Q Okay. And as a result of that conversation, what were your next steps with respect to filling the position?
A To write a recommendation for John Rollins.
Q And why was Mr. Rollins not originally your first choice for the position?
A I believe I told you. During the interview, with the things that made Mr. Schroer special, I thought Mr. Schroer was a little more creative and imaginative in his answers in the interview.
Q Did the reason you selected Mr. Rollins over Ms. Schroer have anything to do with Mr. Rollins' prior work experience being more stronger or more relevant than Ms. Schroer's?
A Both of the work experience was strong.

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Mr. Rollins' experience was more diverse.
Q And in being more diverse, was that a -- was that something about his application that made it stronger than Ms. Schroer's, or was that roughly a wash?
A They were roughly equal, I would say. I think if you look at the scoring, you will see that they scored very closely.
Q I'm going to show you a document that was previously marked 16.
A (Witness examined document).
Q And this is a document that was Bates-stamped number 772. It's a memorandum from Cynthia Wilkins to Bruce Krafte. And it's dated January 4th, 2003, although I'd represent to you that as a result of our conversation with Ms. Alkisswani on Monday, she confirmed that that was a typo and that that was actually a memo that was likely January 4th, 2005.
A Oh, yes. I'm sorry. Yes.
Q This memo appears to be a memo to Ms. Wilkins from Bruce Krafte requesting a waiver

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of the full field background investigation of Mr. Rollins.
Does that seem right to you?
A Yes. That's typical.
Q Okay. My question is, if Mr. Rollins -- well, do you know if Mr. Rollins, at the time he applied, had a top secret security clearance?
A Yes, he did.
Q Okay. If so, do you know why the request for a waiver of the pre-employment security clearance investigation was necessary in his case?
A It still takes some time when you're -- it's not a straight transfer. It's not like the agency, the home -- the hiring agency holding the clearance and transferring it to the Senate for the purpose of a briefing. If it's for the purpose of a hire, there is some time that it takes the new agency to do that. And I, again, would defer to Cindy on the process.
Q Okay. And do you know roughly how long it takes to transfer a clearance in a hiring

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situation like that?
A I don't. But I do know that -- that he was using his clearance fairly early on. Within a month or so he had his -- attended his first classified briefing.
Q And when you say within a month, is that within a month of the day that he started work at CRS, or is it within a month of when you hired him?
A It was within a month from when he started. It could have happened sooner. He could have been on board. I just don't know. I don't have these dates.
Q And do you know -- do you recall what date Mr. Rollins started?
A I believe it was the first week in February, the end of the first week in February.
Q I'm going to show you a document that was previously marked Exhibit 8.
A (Witness examined document).
Q Do you recognize that document?
A (Witness examined document).

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to this document?
A No. I was told to cease work on it. And I did no more work on it.
Q So this is the end of the document --
A That's correct.
Q -- as created by you?
And the instructions you received about ceasing work on this, who did those instructions come from?
MS. RUSSELL: Objection.
MS. McGOWAN: Okay. That answers my question. I was trying to figure out who it was, trying to figure out whether there was any more to know.
MR. JAMES: Just let you know --
MS. McGOWAN: I could tell, as Jessie and Julia started to perk up, I was getting an answer to my question.
BY MS. McGOWAN:
Q Did you prepare any other chronologies or memoranda like this?
A No.

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Q Did you ever discuss this document with anyone?
A No. I prepared this based on my recollection. Did I -- did I -- please repeat your question.
Q Sure. I was asking if you discussed this memo with anyone. And I break it down into two pieces.
One, did you discuss it with anyone in the course of preparing it and actually putting the information into the memo?
And then the other piece would be did you say discuss the memo in general, your preparation of it?
And if there are discussions that -- only discussions you had with legal counsel, then I don't need to know that. I'm only looking for discussions that you may have had not with legal counsel.
A Just with legal counsel.
Q Okay. Thank you.
What is your view about whether

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Ms. Schroer is a man or a woman?
MS. RUSSELL: Objection. Lacks foundation.
But you can answer.
BY MS. McGOWAN:
Q Do you have a view about whether Ms. Schroer is a man or a woman?
A If I ran into Ms. Schroer today, I would call her Ms. Schroer. I would call her Diane.
Q And would you consider Ms. Schroer a woman?
A I would consider her a person in transition.
Q On the day that you had lunch with Ms. Schroer, on December 20th, on that day, what did you consider Ms. Schroer to be, a man or a woman?
A A man.
Q Okay. And after your conversation at lunch, did your view change about whether Ms. Schroer was a man or a woman?
A Well, he told me he was transitioning,

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so I probably still considered him as a man at that point, because he hadn't changed his name yet.
Q And at what point would you feel that Ms. Schroer was now a woman?
A When the process is completed.
Q And in your mind, based on the information that you have, when is that point?
A When his surgeries are completed.
Q On December 20th, when -- at your meeting with Ms. Schroer, who you viewed to be man, did it seem strange to you that man would want to dress in women's clothing?
A Yes, it seems strange to me. But a lot of things seem strange to me.
Q And at any point during -- between the time when you learned about Ms. Schroer's transition until the point at which you made your decision to not go with -- not to recommend her and to call her, you know, at any point did you visualize, you know, Ms. Schroer, looking as she did in the pictures she showed you, standing in

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front of Congress and looking like a fool?
A Looking like a fool? Why would you say that?
MS. RUSSELL: I'm going to object to the form of the question.
But you can answer if you understand.
THE WITNESS: I don't understand the intent behind the question.
BY MS. McGOWAN:
Q Sure. And my question is, you know, at -- my recollection of your testimony was that when you saw the pictures of Diane in that portfolio, Ms. Schroer at that time looked like a man in women's clothing.
And I'm wondering, you know, at any point were you concerned about sort of what the reaction would be of someone who looked like a man in women's clothing standing in front of Congress and trying to be taken seriously?
A That did cross my mind.
Q Did it strike you as strange that someone like Ms. Schroer, with her military

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background, would want to wear makeup?
MS. RUSSELL: Objection. Relevance.
But you can answer if you understand.
THE WITNESS: It didn't surprise me that someone who is in the process of transitioning would want to wear makeup. That makes sense to me.
BY MS. McGOWAN:
Q But with respect to Ms. Schroer, who was a man in your mind, did it feel strange to you to think of Ms. Schroer as a man putting on makeup?
A Not if he was trying to look like a woman.
Q Did it feel strange for you to imagine Ms. Schroer wanting to wear pumps or high heel shoes?
A Again, not if he was transitioning to a woman. I find it strange that anyone wants to wear pumps.
Q That, I can agree with, for sure.
Would you say that wearing makeup is a masculine thing to do?

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MS. RUSSELL: Objection. Relevance.
But you can answer.
THE WITNESS: If you're an actor, if you have got skin complex problems.
BY MS. McGOWAN:
Q Outside of people wearing makeup for professional or skin acne or other related dermatological-related reasons, would you consider wearing makeup to be a masculine or a feminine thing?
A A feminine thing.
Q And wearing high heel shoes, would you consider that to be a masculine or a feminine thing?
MS. RUSSELL: It's the same objection.
But you can answer.
THE WITNESS: I've seen men in platform shoes. High heels, if we're talking about spikes, I associate that with a feminine thing.
BY MS. McGOWAN:
Q And with respect to wearing long hair or wigs, do you associate that as being or masculine

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or feminine?
A Long hair I don't associate -- I associate with both sexes. Wigs, men wear toupees.
Q And the hair style that Ms. Schroer was wearing in the photos that you saw, am I correct that that was a long hair style?
A That was a wig, yes.
Q And would you describe that as a feminine style of hair?
A Yes, it was. The style was feminine, yes.
Q And in that photo, am I right you saw Ms. Schroer, who you knew to be and thought to be a man, wearing what you considered to be a feminine hairstyle?
A Yes.
Q And women's shoes; is that right?
A I believe he had boots on, if I'm not mistaken.
Q Okay. And a feminine style of clothing; is that right?

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A Yes.
Q And makeup that would be described as feminine makeup?
A Yes.
Q And how did you think others in CRS would react to seeing those pictures?
MS. RUSSELL: Objection. Lacks foundation.
BY MS. McGOWAN:
Q For example, you know, what, in your estimation, do you think Steven Bowman's reaction would have been to that picture, those pictures?
A I think people would have surmised that it is a male dressed in women's clothing and wearing makeup.
Q Okay. With whom, if anyone, did you speak in preparation for this deposition?
A Primarily --
MS. RUSSELL: I'm sorry, Sharon, I missed the question.
MS. McGOWAN: Oh, sure. That's okay.
BY MS. McGOWAN:

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Q I was asking, did you speak with anyone in preparation for your deposition?
A Yes.
Q And with whom?
A These three people here.
Q Okay. Anyone else?
A For awhile, Evelio Rubiella.
Q Okay. Anyone else?
A Kent Ronhovde.
Q And what did you and Kent talk about?
A Mostly status reports, that would be when -- general counsel's office would give us status reports of where we are. And there were others present for that, as well, those status reports.
Q And did you speak with Ms. Alkisswani?
MS. RUSSELL: Objection. Vague. Do you mean --
BY MS. McGOWAN:
Q I'm sorry. Did you speak with Ms. Alkisswani in preparation for this deposition?
A No. I mean, apart from some of these

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group status meetings, we didn't have one-on-one conversations about this case.
Q And did you review any documents in preparation for this deposition?
A Say that again, please.
Q Sorry. Did you review any documents in preparation for this deposition?
A I skimmed over most of the documents that I had in my possession.
Q Okay. And what were those documents?
A There was a chronology that was prepared, a lot of the information that you presented today, the interrogatories I looked at.
Q And with respect to documents that weren't discussed as exhibits today, can you tell me what you looked at?
A The structured interview guide.
Q Okay. Anything else?
A I did say the chronology of what happened when.
Q And by the chronology, are you referring to this document in front of you, or a different

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document?
And by that, I mean Exhibit --
A Exhibit 29.
Q -- Exhibit 29.
Are you referring to that document, or a different document?
A That document, and there's a one-page chronology that I believe was prepared by somebody in workforce that had dates when the announcement went up, when it went down.
Q Okay. Any other documents that you reviewed that we haven't discussed today?
A Those sets of interrogatories, those first EEO complaints.
Q And did you review any deposition transcripts in this case?
A I don't have any.
Q Okay. Anything else?
A That's all I recall.
Q Okay. Do you remember receiving a letter from me asking you to preserve all documents related to the Schroer matter?