McGowan Declaration – Exhibit E

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

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DIANE J. SCHROER, :

Plaintiff, :

v. : No. 05-CV-01090 (JR)

JAMES H. BILLINGTON, :

Defendant. :

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Washington, D.C.

Friday, March 14, 2008

Deposition of STEVEN R. BOWMAN, a witness herein, called for examination by counsel for Plaintiff in the above-entitled matter, pursuant to notice, the witness being duly sworn by DENNIS A. DINKEL, a Notary Public in and for the District of Columbia, taken at the offices of WilmerHale, LLP, 1825 Pennsylvania Avenue, N.W., Washington, D.C. at 2:00 p.m., Friday, March 14, 2008, and the proceedings being taken down by Stenotype by DENNIS A. DINKEL, FAPR, CRR, and transcribed under his direction.

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Q. Turning next to the interviews, you were involved in the interview of Ms. Schroer, right?
A. Uh-huh.
MR. CHOE: Is that a yes?
THE WITNESS: Yes. Sorry.
BY MS. McGOWAN:
Q. Tell me about Ms. Schroer's interview?
A. What's to remember?
It focused obviously primarily on his -- on his military career; and work within the special forces.
The -- in terms of qualifications for the job, the primary one was work that he performed on assignment at Fort Bragg with Special Operations Command where he commanded a team that worked with -- on some elements of terrorism threat analysis. And there was a written report as a result of that effort.
It wasn't clear -- it wasn't clear in the interview the extent to which Schroer had written the report or the team had written the report or they'd all written the report. But at any rate, from what I

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can recall -- and it's not that much -- he talked about more military matters than terrorism matters in, for instance, I do remember he was talking about operations that he commanded in Haiti, which are not really directly related to the terrorism issue. But it is what special forces do. So the career there.
That's about all that I really remember from the interview. He handled himself very well. I keep saying he. I'm sorry. I've never met Diane. I only dealt with David.
Very self-assured. And was -- he was concerned that we not get in contact with his current employer at the time because -- I don't remember -- quite understandably, it was coming up to the last quarter of the year, and that's when the Christmas bonuses are coming in. So the last thing you want to do is tell your boss, by the way, I'm thinking of going out the door. Which is understandable.
Most of the -- I'd say the majority of the people that interview with us that are currently holding a job, suggest until we really get down to it, don't talk to my current boss.

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And that's about all I really remember off the top of my head from the interview. In fact, I am looking at this list now, at some of these names. Some of them I remember, but not all of them.
Q. As a result of the interview, were you impressed by Ms. Schroer?
A. Uh-huh. Yes. I think that my only real reservation about -- was the fact that most of the experience he had was what I call tip of the spear, which is not what CRS does. We're the analysts. But he had a lot of field experience.
His experience in the counterterrorism field was the more recent of his career. It was towards the end of his active military service, down at the Special Operations Command. I think that's what made him a decent candidate for the job, was though he didn't have 20 years experience in counterterrorism analysis necessarily, but he had performed in that capacity recently, and was doing so in his current position at a think tank or a private consulting firm.
Q. Anything else that impressed you about

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Ms. Schroer?
A. That was about it. That's all I can remember.
Q. During the interview, was there any discussion about whether Ms. Schroer currently or at that time held a security clearance?
A. I believe so. Yes. I believe that he did hold a clearance at the time.
Q. Was there any discussion about whether there had been any interruption in the period of time when she had held the security clearance from when she retired from the military to her current employment?
A. I don't remember that. There might have been, but I don't remember. It's not unusual. It sounds rather curious in the sense that you can, in fact -- a boss wants you to leave active duty on Friday and get a position on Monday at the Library of Congress, and you have to go through the whole process. But I don't remember that being a issue with regard to Colonel Schroer.
Q. During the interview, was there any

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the meeting.
Q. You mentioned that Cal Britvek was the best fit in your estimation?
A. Yes. I think we all agreed that was the case.
Q. Then as for the second and third?
A. We didn't really discuss -- there wasn't any discussion about that. I realized on this form, you see -- basically see this form for about 30 seconds. You see that it's -- that it's filled out properly and sign it, and then you're done.
So there wasn't -- I don't recall a discussion of ranking the other two. There may have been. Obviously, the numerical ranking comes out. There is a final number you get, a final score, but that -- you know, that's all I remember.
Q. Did Ms. Preece say anything in this meeting about her view as between Ms. Schroer and Mr. Rollins which was the stronger candidate?
A. Probably did, but I don't remember specifically. You're going through your workbook, going through this -- I shouldn't say the workbook.

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You're going through the interview rating summary, the last page, with the HR rep. And so as I said, if there's a variance, significant variance between the rankings, or ratings, there are discussions.
But I don't remember specific discussions, where we were apart and what was said in those discussions.
Q. At what point did you learn that Mr. Britvek was taking himself out of consideration for the position?
A. I'm not sure. It was obviously after these -- I think it was after -- I really don't know. I don't remember. I assume it is after this final interview rating form was completed. But that may not have been the case. I don't know. Probably they wouldn't have had us do this if they contacted HR.
But I don't know how that information was conveyed to the library. I don't know if Britvek called Charlotte or the HR people, or who he contacted in the library, how that was done. I just know Charlotte said he withdrew. When, I can't remember.

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Q. At the time the selection committee knew that Mr. Britvek was withdrawing, was there a discussion about who the next choice was?
A. I think -- we didn't have another meeting. But I recall a conversation between Charlotte and me, and her saying she was going to go with Schroer, going to call him and for us to -- that's when the assignment came to do the references.
And so that's when I found out about -- that was the individual.
Q. Before we move on, is there anything else?
A. No.
Q. Let me show you a document that was previously marked as Exhibit 25 produced by the government in discovery. It is Bates-stamped number 148. Do you recognize this document?
A. Yeah. This is an e-mail from Charlotte to me concerning the assignment for -- of contacting references. So we made the phone calls on these -- for these references, except for Britvek. We may have found out from Britvek when we called to do the references. I'm not sure.

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Q. And between the time of this meeting regarding the final interview rating form on November 19 and the time this e-mail was sent, December 7, what else, if anything, was your role in the hiring process?
A. None.
Q. Before moving on to the issue of the reference checks, do you know a CRS employee by the name of Gary Pagliano?
A. Yes.
Q. At any point during the hiring process, did you learn that Mr. Pagliano knew of Ms. Schroer?
A. I don't remember that.
Q. Was there -- at any point, did you learn that Mr. Pagliano and Ms. Schroer had been at the National War College together?
A. Hmm. That's funny. I don't remember Gary telling me that. That would seem to stick out. He might have. He might have. But I don't remember being told that point. I'm kind of surprised.
Q. At any point, did you learn that Mr. Pagliano had spoken with anybody on the selection

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committee about Ms. Schroer?
A. No. No. No. This is really the first time I've heard Gary's name come up.
Q. Have you ever had any conversation with Gary Pagliano about the terrorism specialist position?
A. I may have. I don't remember one. We're both section heads. Our offices are two feet apart. So we may have. It's really funny. You'd think if he had mentioned that to me, I would remember that they were at the War College. If he did, he just said they were at the War College together, but I don't remember any comment from Gary about Schroer.
Q. So at some point after receiving the e-mail which we were just discussing, Exhibit 25, did you, in fact, speak to a reference for Ms. Schroer?
A. Yeah. I spoke to Vice Admiral Olson, spoke to him briefly on the telephone, and he had very good things to say about Colonel Schroer, and nothing negative at all.
Q. Anything else that you recall about that conversation?

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A. No.
Q. Let me show you a document which we will mark Exhibit 58.
(A document was marked for identification as Exhibit No. 58.)
MS. McGOWAN: Again, this is a document Bates-stamped number 117, and was produced by the government in discovery.
BY MS. McGOWAN:
Q. Do you recognize this document?
A. Yes. This is the form we use to conduct a reference check. These are, quote, sample questions. They're actually the questions that you ask the reference. And I've written down what the -- I see that -- I thought I talked to a general and not an admiral. Exhibit 25 says my assignment was to talk to Vice Admiral Eric Olson. Actually, I talked to an Army general, Major General David Burraddo, as I have written here on Exhibit 58.
Q. Can you run me through what you have written here?

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A. Sure. The question number 1 is, how do you know the applicant, how long have you known him. The answer was he knew him professionally since 1995.
And why did the applicant leave your company or agency. He was transferred -- standard Army transfer, change of station. Salary, he was at the 06 level, which is full colonel. What was the nature of his or her job. That's U.S. Special Operations Command, he was director of the future concepts directorate. How would you describe his or her work performance. "Very dedicated, analytical, unbiased."
Seven, how does or did he or she able to -- that's awkward. Able to adapt to new or changing work situations. "Very flexible, adaptable."
Question eight, how would you describe his or her compatibility with you as a supervisor, with peers, with subordinate. "Excellent interpersonal skills." What were his or her supervisory responsibilities, 15 to 20 analysts. Comment on the context of the workplace. In the context of the

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workplace on things like attendance, punctuality, potential for advancement. Excellent was the response from the general.
Oh, what were the applicant's strong points. Analytical skills and interpersonal skills. And what were his work related limitations. The major general identified none. And would you rehire. Yes.
Would you recommend him for the -- this position. And the answer was yes. My highest recommendation. That's a quote. And is there any other work related information you can provide which would help us form an accurate appraisal of this applicant. Very dedicated, intelligent, and professional.
Q. Thank you.
A. Uh-huh.
Q. Anything other than what we've already discussed, perhaps refreshed by your going through this form, that you recall from your reference check for Ms. Schroer?
A. No. Not really. This is -- it was just a

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very positive recommendation.
Q. And did you write these notes at the time you were conducting the reference check?
A. This is a -- right after the phone call. When I'm on the phone, I'm taking notes. And then in order for me to be able to read it later, this is a form that I transcribe it in. But this is done within 10, 15 minutes, as soon as you hang up the phone.
Q. Was this form the only manner in which you communicated what you had learned during the reference check or did you have any other communications?
A. No. This is it.
Q. Did you have any conversations with anyone else on the selection committee about what you had learned during your reference check of Ms. Schroer?
A. Just in handing -- giving this to Charlotte. I went in -- when I finished, I would walk into the office and say here. Looks good. Or a comment like that, just transmitting. But no extended conversation.

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Q. And did you have any conversations with anyone else on the selection committee about the results of their reference checks of Ms. Schroer?
A. I really don't remember any specific conversation. There may have been one. In other words, things went well, but nothing stands out in my memory.
Q. And do you -- did you do more than one reference check for Ms. Schroer?
A. No. Just did the one.
Q. Did you have any conversation with anybody else about how Ms. Schroer's reference checks for the terrorist specialist position --
A. I don't remember any other conversations, no.
Q. Did you speak to any references for Mr. Rollins?
A. I was assigned here -- I don't remember a conversation. I may have. We did them all. I imagine we did, but I don't remember a conversation. Funny, I do remember talking to someone about Schroer, but I don't remember talking to anyone about

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Rollins which may just mean that it was a good recommendation. You remember when they say, oh, my God, don't hire that person. If it is a positive recommendation, it doesn't stand out in my mind.
Q. Let me show you a document that we will mark No. 59.
(A document was marked for identification as Exhibit No. 59.)
MS. McGOWAN: This was a document produced by the government in discovery and has been marked PO 698 to reflect that it is governed by a protective order in this case.
BY MS. McGOWAN:
Q. Do you recognize this document?
A. I haven't gotten it yet.
Q. Sorry. I'm looking at my version of it. Let me show you the document.
A. Okay.
Q. If you could look at it?
A. Yes. I did do one for John Rollins. Yes. This is the reference check form. The same form.

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Q. And is this the reference check that you created?
A. Yes. The one I completed.
Q. And again, if you could walk me through this reference check form?
A. All right. Again, question 1, how do you know the applicant, and how long have you known him.
Knew him at work. For two years, over two years, two plus years.
What were the dates of his or her employment. 2002 to the present. Why did he or she leave. Still employed was -- John was still working for this individual.
What was the nature of the job. He was -- John was chief of staff, information analysis directorate. How would you describe his or her work performance in comparison with other people. Exceptional. Very professional. Quote.
How did he adapt to new or changing working conditions. "Very flexible, volatile work environment." 8, how would you describe his or her compatibility with you as a supervisor, with peers or

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lunch?
A. Yes. I think she said she made a lunch appointment.
Q. And did she tell you what the lunch appointment was about?
A. Just to talk about the job. That we -- we didn't have a discussion about the lunch appointment, but she said she wanted to have lunch with him to talk about the job.
Q. And how did that topic come up between you and Ms. Preece?
A. I don't really remember how it came up. Casually, I think. Once again, our offices are 10 feet away. So she told me at some point, but I don't remember the context.
Q. And did you know if Ms. Preece had already informed Ms. Schroer about her decision regarding the terrorism specialist position?
A. I don't know what she said to him, no. I knew she obviously had a phone call with him to make the lunch appointment. But the context -- the content of the phone call, I don't know.

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Q. Did Ms. Preece say anything to you to indicate that Ms. Schroer had accepted a position as the terrorism specialist?
A. No.
Q. Anything else Ms. Preece said to you about the fact she was going to be having lunch with Ms. Schroer?
A. No.
Q. Did you learn at some point that Ms. Schroer came to the CRS offices to meet Ms. Preece after the lunch meeting?
A. No. I didn't know they came to the office. I knew they met for lunch, but I didn't see him at the office.
Q. So at any time after your interview with Ms. Schroer, have you -- did you ever see Ms. Schroer again?
A. No.
Q. Tell me then about the conversation that you had with Ms. Preece after her lunch with Ms. Schroer?
A. After lunch? She came into my office, and

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sat down, and said that Colonel Schroer had told her that he was in the process of transgendering, and that he'd be presenting as a woman when he came to CRS.
That there would be -- and in the process, there would be surgeries involved. He was currently under psychological counseling as part of the transgendering process. And she -- the word she used, she was stunned. She didn't -- she didn't know what to do.
It didn't go much beyond that. She just said it was -- she was stunned. And what occurred to me at the time was the psychological counseling and the clearance issue, because that's generally something that will get in the way of a clearance if you're undergoing psychological counseling.
Even though it is an integral part of this process, at least that's what he told Charlotte. So at that point, I suggested to Charlotte that she needed to contact the -- Cynthia Wilkins, the personnel security officer at the library, to see if this presented any problems with regard to getting a

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clearance, because it would be Wilkins' office that would be getting a clearance.
And if she was going to do that, she would have to touch base with Kent Ronhovde in the director's office. If you are going down to personnel, you have to go through Kent. Then she left my office. Evidently did contact Cynthia Wilkins and the front office -- the director's office.
When I say front office, I mean the director's office. Sometimes I'll say the second floor. It is all the same thing.
Q. Did you have any indication of how much time had elapsed between Ms. Preece's coming back from lunch and when you and she met?
A. Oh, I think it was immediately. Immediately after lunch. She walked right in the door and into my office. Our offices are about 10 feet away from one another. Yes. It was immediately after lunch.
Q. Had she called you to let you know she was coming over or --

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A. No. She just walked in the door.
Q. How did she look at that moment? What was her demeanor?
MS. RUSSELL: Objection to the form.
THE WITNESS: Pardon?
MS. RUSSELL: I just asserted an objection. You can go ahead and answer.
THE WITNESS: All right. That -- the fact -- the difference is she didn't sit down. Generally, when she -- people when they come into the office, there are two or three chairs in my office. She didn't just stand in the doorway. She said that -- she did close the door.
So at that point, we were dealing -- the only time you close the door is when you have a personnel issue. That's a sign, okay, we have a problem. When the door is closed.
She was stunned. She kept using that word. I think that's probably -- that's self-descriptive. It was a situation that she had not encountered before, and didn't know what the impact of it would be.

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And "what she should do." And then that's when I said that she was going to have to talk to the security folks and the front office, and see what they had to say, because they're the ones -- she's called the selecting official. But, in fact, what she is doing is making a recommendation to the director. And officially, it is the director that makes the determination to forward the applicant's name to the human resources folks.
So then she just left my office, and I don't think I saw her the rest of the afternoon. I don't know if she -- I think she contacted the front office and -- tried to that afternoon, but I don't know if she did or not, was successful or not.
BY MS. McGOWAN:
Q. When she came into your office, did she indicate she had spoken to anyone else prior to speaking with you?
A. No. Didn't indicate that.
Q. And did you bring up the issue about the fact that what Ms. Schroer had revealed might present a security clearance concern or did Ms. Preece bring

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it up?
A. I did.
Q. And what led you to bring that up?
A. Well, it's part of the application for a security clearance, you'll see there's a question there on the application that says, have you undergone psychological counseling or are you currently in psychological or psychiatric counseling.
And that is an issue for the adjudicating officer. It does not automatically mean you can't get a clearance. It is up to the adjudicating officer, whatever.
But at any rate, I thought that could possibly be a problem. I am familiar with situations where people have -- with clearances who have undergone, taken on psychological counseling, lost their clearance instantaneously, denied access to the office, take the keys away.
That's what made me concerned that we had to at least check with the personnel security people to see what -- because that's a final chop. After you brought somebody on and they're on board, if the

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clearance is not granted, then they're out the door, and you're back to square one.
So in a sense, the final decision on hiring is actually the personnel security people, if you have a job for which a security clearance is a requirement.
So that -- it just seemed to me that that was a yellow flag that you really had to touch with Wilkins. And to do that, you had to go through the front office.
Q. And what -- with respect to your prior experience with individuals who have lost their clearance as a result of having to disclose they were undergoing psychological counseling, tell me what you can, without naming names, what you know about the circumstances of those cases.
First of all, was there more than one case?
A. The one I'm personally familiar with. Only one.
Q. Okay.
A. That -- it was an individual that went

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into counseling for depression, and when that -- when he acknowledged that, it was when I was in military intelligence, he was the deputy operations officer, civilian, but -- and -- at any rate, when he acknowledged that fact, it was I think in the middle of the day, and they literally -- turned in his keys and he was denied access to the office and left. Do not remove anything. It happened instantaneously. Which you can do administratively.

And I don't know how that was resolved. As far as I know, he never came -- he never -- the remaining years I was in that position, he never came back. I don't know what -- you know, how that situation was resolved.

But at any rate, that -- and the fact that it's -- for your initial clearance, you know, that question is asked, it is on the questionnaire, then you have to provide specifics about it, if you answered yes.

And then for your update, which is generally conducted -- for a TS -- about every five years, it is again something that is addressed and

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you have to explain if, in fact, you have been since the last investigation was undergone.

It is something to the security folks. It is a position that has been criticized, because if somebody is having problems, you're actually discouraging them from going and seeking independent help, because if it becomes known, then you may lose the clearance and the job.

Q. Roughly, what -- when did this experience happen with this individual? The year?

A. Oh, no. Quite a while ago. Quite a while back when I was in the Army. This was in 1970.

Q. Other than the concern about the psychological counseling component, was there anything else that led you to raise the security clearance concern with respect to the information?

A. No. That's the only one.

Q. And with respect to what Ms. Preece said regarding what information Ms. Schroer had shared with her, did she use the word transgendering or a phrase to that effect?

A. Yes. I think -- yeah. I think so. I

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don't specifically -- I shouldn't say. I can't remember if she actually used that word. But I do know she did use the phrase would be coming to work as a woman.

Q. Did she talk about transgender migration?

A. I don't remember that. She may have. But I don't remember.

Q. So what else did Ms. Preece tell you about what Ms. Schroer told her would be involved in her transitioning from male to female.

A. That's it. Just there would be some surgery. And that it was going to be over a period of months. But this conversation with Charlotte was probably about three or four minutes. It didn't last very long.

And she mentioned that Ms. Schroer had brought photographs of himself as a woman to show Charlotte, but that's it.

Q. And what did she tell you with respect to the photographs?

A. Didn't really say anything about them except they were there.

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Q. What were the photographs of?

A. Of Schroer presenting as a woman. You know, that's just what she said. Schroer as a woman.

Q. Did she describe what Ms. Schroer was wearing?

A. No. Huh-uh. I don't even know if -- she didn't even say whether they were just facial shots or full shots. Just that there were photographs.

Q. Did you ask at all for more information about what was in the photographs?

A. No.

Q. Why not?

MS. RUSSELL: Objection. Calls for speculation.

THE WITNESS: Didn't occur to me.

BY MS. McGOWAN:

Q. Did you and Ms. Preece discuss at all how Ms. Schroer looked dressed in women's clothing?

A. I didn't. I don't know if Charlotte said something or not. I really don't remember.

Q. Do you recall any discussion about concerns over whether or not Ms. Schroer actually

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looked like a woman when dressed in women's clothing?
A. Charlotte may have said something like that, now that you are bringing it up. There is a vague recollection that she made some comment, but I couldn't be specific on what she said, except it was not particularly positive. That's -- I come up with a sense of that. But I really don't remember beyond that.
Q. Did Ms. Preece talk to you at all about what concerns she had as a result of learning this information from Ms. Schroer?
A. Just what's it going to do to the process. She didn't know what effect this would have. That's why I said, you've got to go to the second floor.
Q. Did she say anything else about her concerns about an impact on the process as a result of this information?
A. No. I don't think so. I don't remember any -- no. I don't remember.
Q. In the course of the discussion, was -- did anything Ms. Preece -- was there anything that Ms. Preece said that conveyed that it was almost a

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given that it was going to present some kind of problem to the process?
MS. RUSSELL: Objection to the form of the question.
THE WITNESS: That it might. I mean, that was -- it was the unknown quality of the situation. I should say unprecedented, that -- but there was nothing particularly foreordained. In other words, that this wasn't -- didn't make a decision -- it -- she didn't know what effect. I can't go much beyond that. What this would mean. And was going to have to find out.
BY MS. McGOWAN:
Q. When you raised the issue that there might be a security clearance implication to this information?
A. Uh-huh.
Q. What did Ms. Preece say, if anything, in response to that?
A. She agreed that she should talk to Wilkins. That was it. As I said, this whole conversation was probably about two or three minutes.

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So it is not much beyond that. You've got to talk to -- she really was looking for guidance at this point. That was clear.
Q. In your discussion, was there any conversation about things that either Ms. Preece or anyone else might be able to do to minimize any problems that might be caused by this information?
A. No.
Q. Was there any discussion of your reaction to what Ms. Preece was telling you? What was your reaction?
A. It was one of surprise. I mean, that given that the last time I had seen this individual, it was very much a special forces colonel, strongly emphasizing his military career and his operational career in the field. And then sort of trying to instantaneously reconcile that with what Charlotte was telling me. None of what he had told Charlotte at lunch had come up in the interview. There had been no discussion of that, even at the end.
And for me, it was just -- it's a situation, you just kind of shake your head, because

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this is totally unprecedented, that it would be -- it is happening, and you don't know what -- as I said, we didn't know what the effect was going to be on the process. On the hiring. And -- yeah. Brand-new situation.
Q. Was there any discussion that you had with Ms. Preece about this feeling of one day meeting someone who is a special forces officer, and the next day learning that they intend to live as a woman?
A. No. Not outside of the one -- the one brief conversation. It is just -- it strikes -- no, aside from that. But we didn't discuss my reaction at all, aside from the clearance issue. And I didn't discuss -- we didn't talk after that. Once -- once it becomes a personnel issue, conversations just essentially cease, regardless of what the situation is. When it is a personnel issue, casual conversations are not held even among friends.
I spent 20 years as an official in the union and was vice president for grievance and dispute resolution for quite a while. And in that situation, you just realize that the minute -- so

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after we had that one conversation, that was pretty much the end of it, in terms of any discussion between us about the case.

Q. In the course of your conversation with Ms. Preece, was there any discussion at all about how others at CRS might react to the news that this applicant who had applied as David Schroer was reporting for work as Diane Schroer?

A. I don't remember any discussion like that, no.

Q. Was there any discussion at all about how Members of Congress or their staff might react if they were interacting with someone who had been born a man, but was now living as a woman?

A. I don't remember anything like that. But the thing is that they wouldn't -- how would they know? It's only -- if they're meeting the individual for the first time, which they probably would be, then there's -- doesn't seem to be an issue.

So I suppose if he was going to come to work as a woman, so there wouldn't be the -- the transgender migration would not be occurring while he

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was at CRS. In other words, one month being a man, and presenting as a woman the next month to the same client. But that was not going to be the case. So you know, that's not a point to discuss.

Q. Was there any concern that Members of Congress, or their staff, might suspect that Ms. Schroer was transgender?

A. Not on my part. We didn't have a discussion about that. Not on my part.

Q. Was there any concern about the fact that some of Ms. Schroer's contacts in the government, in the military, would have known her as David Schroer?

A. I hadn't thought about that. Hmm.

Right. But that is not something we discussed. But that would be -- yeah, I can see -- but no, that's not something that, at the time, I thought about.

Q. And did Ms. Preece make any mention of concern about how Ms. Schroer's transition would impact on her contacts in the government, in the military?

A. I don't remember her doing it. I don't

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remember a comment by her on that.

Q. At any point, did Ms. Preece mention to you that she felt like she needed or actually had had a cigarette after her lunch with Ms. Schroer?

A. Oh, probably. She smokes. So do I. Yeah. That sounds -- yeah, that sounds like something she'd say.

Q. Do you recall her mentioning that specifically in your conversation?

A. She always has a cigarette after lunch. That's nothing special. The minute she walks out of the restaurant. We both do.

Q. Did she say anything else or did she say anything to -- that suggested to you that she was upset by the lunch meeting?

A. Yes. She was tense. She was -- it was a very unprecedented experience for her. So I think that that kind of showed. Yes. She was -- because she didn't know what, if anything, to do. At least in the immediate aftermath of the lunch.

Q. At any point in your discussion, did the possibility of a lawsuit come up, by Ms. Schroer?

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A. Might have. In terms of -- when you get into a personnel issue like this that -- this is my old union mentality, I don't think we discussed it. Basically, that it's -- certainly didn't discuss a lawsuit, but personnel issues often go that route.

Q. At any point, did Ms. Preece say anything about feeling as though Ms. Schroer had put either her or the library in an awkward position?

A. No. I don't remember her saying that.

Q. Did you have the impression that Ms. Preece felt as though Ms. Schroer had put the library in an awkward position?

A. The library.

Q. Or had put her in an awkward position?

A. I think she felt awkward.

MS. RUSSELL: Objection. Calls for speculation.

THE WITNESS: I think she felt awkward. But I don't remember her saying that. But, yeah, she was, as I said, tense after the lunch.

BY MS. McGOWAN:

Q. Did she say anything about feeling

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conflicted over what to do?
A. Well, I think she was, when she kept saying stunned. She didn't know what to do. Right.
Q. Did she describe sort of what she felt the conflict was?
A. Huh-uh. No. It was just stunned.
Q. At any point, did Charlotte Preece say anything about feeling set up?
A. The closest to that is, why didn't this come up in the interview, because of that last question in the interview which is, is there anything else you think that we need to know, we should know about. And so I think she felt there was an opportunity at the interview to discuss this, and it wasn't. But beyond that...
Q. Did Ms. Preece -- did you discuss at all why Ms. Preece felt as though it should have been brought up by Ms. Schroer in the interview?
A. No.
Q. Did Ms. Preece say anything about why Ms. Schroer's transition from male to female would be relevant for purposes of the selection process?

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A. No.
Q. Did either of you, in the course of this conversation, express any opinion about whether or not this information about Ms. Schroer should impact her chance of getting the job?
A. No.
Q. Was there any discussion about whether or not it would impact her chance of getting the job?
A. That it could.
Q. Was there any discussion about either you or she feeling disappointed that information had come up about Ms. Schroer that might impact negatively her ability to get the job?
A. No. I don't remember anything like that.
Q. In the conversation, did either of you express concerns about Ms. Schroer's honesty?
A. No, aside from what I said earlier that, you know, why didn't this come up in the interview, when there was an opportunity to do so, to bring it up. But that's the only comment.
Q. Was there any discussion, other than what we've talked about, any other concerns that were

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triggered by Ms. Schroer's revelation of her intention to transition from male to female?
A. No. Not that I'm aware.
Q. Was there any discussion about additional information that would be needed in order to assess what the impact of Ms. Schroer's gender transition would be?
A. Not with me.
Q. Was there any discussion you had with Ms. Preece about getting information from the health services office?
A. No.
Q. Other than what we've discussed, was there any discussion about Ms. Schroer's psychological health or well-being?
A. No. Not other than what we've discussed, no. No.
Q. Was there any discussion about Ms. Schroer being distracted as a result of her gender transition?
A. Distracted? No.
Q. Was there any mention of contacting either

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Ms. Schroer or health care providers to find out more information about her gender transition?
A. Not with me. No discussion with me about that.
Q. Was there any discussion about finding out whether or not Ms. Schroer had reported this information to the security clearance agency that held her clearance at that time?
A. No. I don't -- I don't believe so. I kind of wondered about that privately to myself. But that -- but you know, we didn't talk about that, because that's kind of out of our realm.
Q. Was there any discussion with Ms. Preece about whether or not Ms. Schroer's references knew this information about Ms. Schroer at that time?
A. No. No discussion that I remember. No.
Q. Was there any discussion about whether Ms. Schroer would pose a security risk as a result of her gender transition?
A. No.
Q. And recognizing that we've spent more time talking about the conversation than it may have

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actually taken --
A. Yes.
Q. Did Ms. Preece tell you what she was going to do next at the end of your conversation?
A. Contact the front office. Go to the front office.
Q. Okay.
A. That was my understanding.
Q. Anything else?
A. No.
Q. Okay. What do you know about what Ms. Preece, in fact, did after leaving your office?
A. That at some point -- I don't know if there was a meeting in the director's office. I don't know who may have attended. There may have been more than one meeting. But it was the next day that Charlotte dropped by and -- my office and just said that the decision had been taken to go with Rollins.
Q. Did she say why?
A. No. Really. No. That -- how the decision was reached, or -- it was a very passive

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voice, intransitive expression that something along the lines of we're going with Rollins, and that was it.

And that came after the meeting or meetings with -- in the director's office. I just assumed that -- she did say that Cynthia Wilkins was in the loop on this and Kent. But aside from those two, I don't know who else attended the meeting. It may well have been the director, the deputy director; but I don't know.
Q. And how do you know what it is that Ms. Preece did? Is it from a conversation you had with her?
A. Yes.
Q. Is there any other source that you have for --
A. No.
Q. -- knowing what happened?
A. No. No.
Q. Did you ask her any questions in response to her telling you that --
A. No.

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Q. -- that Rollins was going to be the choice?
A. Yeah. No, no, I didn't.
Q. Did you have any conversation with her about what Ms. Schroer was going to be told?
A. No.
Q. Did you have any conversation with Ms. Preece about the fact that Ms. Schroer was going to need to be told anything?
A. Don't know how that was going to be handled. No. I don't remember any conversation like that. Partially because I wouldn't be involved. I wouldn't even know necessarily who would do something like that, whether it would be Charlotte or someone in the director's office or someone in HR.

Because the recommendation had not gone forward yet. I think the personnel action request. So in a sense -- so the position had not been officially offered.
Q. Did you have any communication with Ms. Preece about her feelings over the ultimate decision to go forward with someone else?

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A. No.
Q. Other than Ms. Schroer?
A. No. Didn't.
Q. Did you have any conversation with her about how Ms. Schroer would be informed?
A. No.
Q. At any point, did you learn about how Ms. Schroer was informed that she was not going to be recommended for the position?
A. Yes. I think Charlotte told me that she had called. She told me at some point.
Q. Was this a conversation you had with her after the call from Ms. Preece to Ms. Schroer had taken place?
A. Uh-huh. Yeah.
Q. What did she tell you about that call?
A. Just that it occurred. That she called him and said he was not going to be recommended.
Q. Did she discuss with you how -- what words she used to discuss this with Ms. Schroer?
A. No. Huh-uh.
Q. Did she discuss with you at all how she