

1 A That's correct.

2 Q September 24, 2008, how did you remember
3 whether or not you recommended Ms. Wadelton for
4 promotion?

5 A I can give you my thought process. Is that
6 appropriate?

7 Q Mr. Jaffe is nodding, so that would be fine.

8 MR. JAFFE: Absolutely; that's fine.

9 THE WITNESS: Although I did not remember the
10 names -- I did not remember Ms. Wadelton's name. I did
11 have the distinct recollection that the women officers
12 under consideration on the review panel were not as
13 competitive, that I was unable to rank them in the top,
14 the top ranking.

15 BY MR. CHUZI:

16 Q In fact, on the next page, on page 42, you say
17 that you ranked Ms. Wadelton in the fourth quarter,
18 which would be the bottom two.

19 A Quartile.

20 Q How did you remember that?

21 A I remember -- well, I had a distinct
22 recollection that the women officers ranked near the

1 bottom of the rankings that I personally did.

2 **Q There are eight candidates. You've got four**
3 **and four. How did you remember that Ms. Wadelton did**
4 **not rank either five or six rather than seven or eight?**

5 A I can't say that I remembered that. I did not
6 remember that.

7 **Q Your answer is fourth quartile.**

8 A That was my answer to the best of my ability
9 at the time.

10 **Q Is it your recollection -- as you sit here now**
11 **and testify, are you saying that in fact, you did not**
12 **really recall whether Ms. Wadelton -- whether you**
13 **ranked Ms. Wadelton five or six or seven or eight? Is**
14 **that what you're saying?**

15 A I did not recall Ms. Wadelton by name. I did
16 not recall the exact ranking of Ms. Wadelton. My --

17 MR. JAFFE: Pardon one brief interruption.
18 Mr. Chuzi, implicit in your question was that of the
19 eight names, four were male and four were female. Are
20 you representing that for the record? That's what
21 flows from the math that you just questioned Ms.
22 Koengeter about. We don't have a copy of the

1 response to question two, which was the characteristics
2 and experiences that you were looking for, do you see
3 that?

4 A Yes.

5 Q In your second sentence, you say "The record
6 of the individual must show experiences that indicate
7 an increasing level of responsibility and outstanding
8 execution of those duties."

9 Are you intending to say that the women that
10 you reviewed on that panel did not meet these
11 characteristics?

12 A My intent in writing this was to answer the
13 question which asked what characteristics and
14 experiences for an individual, it's generic, and I was
15 answering it in a generic way based on instructions in
16 precepts and instructions to panels.

17 Q Yes, but you say in the last sentence on that
18 page that you followed these precepts as you understood
19 them, while reading the files for the selection panel.
20 You just testified that you felt the women came out on
21 the bottom.

22 A That is a strong impression that I carried

1 away with me.

2 Q My question is does that mean that you felt
3 that the women did not meet these qualities and
4 characteristics that you were looking at as well as
5 some of the other candidates?

6 A The key words there are "as well." In my
7 experience as a person in these panels, people are very
8 good. It's a question of ranking to the best of our
9 judgment who has more fully fulfilled the
10 characteristics.

11 Q On page 43, if I may, you were asked, I think,
12 why you rated people the way you did, and your response
13 is "In order to give specific details, I would need to
14 re-read the files to refresh my memory."

15 Have you ever re-read all of those files?

16 A None of them.

17 Q Including Ms. Wadelton's?

18 A No, I have not re-read this one as well.

19 Q You say -- this is again two years
20 later -- you recall "There were several strong
21 candidates in the group who had successful patterns of
22 policy implementation, supervision of large staffs, and

1 **challenging working environments that called out good**
2 **judgment and strategic vision."**

3 **Do you believe Ms. Wadelton demonstrated those**
4 **characteristics?**

5 A I have no way of knowing. I do not recall her
6 file.

7 **Q Aside from your recollection that the women**
8 **were not as strong candidates as the men, at the time**
9 **you completed the questionnaire for the Office of**
10 **Special Counsel, did you have any other recollection of**
11 **your deliberations from April 2006?**

12 A In specifics, no. Only as I said, that I
13 recalled or left with the impression that the women
14 candidates did not have these characteristics in as
15 strong a proportion as the male candidates presented.

16 **Q Do you remember as you sit here now how many**
17 **of the candidates you reviewed had served in Iraq?**

18 A No, I do not recall.

19 **Q Do you consider Iraq to be a challenging**
20 **environment?**

21 A Yes, I consider Iraq to be a challenging
22 environment.

1 **Q** Do you recall that Ms. Wadelton served in
2 **Iraq?**

3 **A** I do not recall.

4 **Q** Do you recall any of the other candidates
5 **serving in a more challenging environment than Iraq?**

6 **A** I'm sorry. I don't recall the specifics of
7 the people -- of the files at this time.

8 **Q** In April 2006, at the time you were serving on
9 **the board, were you a member of the Senior Foreign**
10 **Service?**

11 **A** Yes, I was.

12 **Q** Did you have the precepts available to you
13 **when you deliberated?**

14 **A** I have no specific recollection if we had the
15 precepts at that time. I can share with you that
16 packages of precepts are given to panel members, but I
17 have no memory of that time.

18 **Q** Do you remember being advised either verbally
19 **or in writing or within the precepts themselves that**
20 **service in war zones such as Iraq was to be considered**
21 **of particular relevance when considering promotion?**

22 **MR. OBINECHE:** Objection. I don't think the