

1 BY MR. HIRSHLAND:

2 Q Could you describe the process that was followed
3 when--just limiting the question to George Saunders--when he
4 would check out a file, our understanding is that he would
5 actually come to the office, having been instructed to do
6 so, and would request a file. But before leaving with that
7 file--

8 MR. SRERE: I'm sorry, I'm going to have to--

9 MR. HIRSHLAND: BI.

10 MR. SRERE: --BI. Let's keep it because we all
11 understand it here but if somebody is reading the transcript
12 later on they could think that we're talking about files now
13 instead of BIs. And we are talking just about BIs now.

14 MR. HIRSHLAND: That's an entirely appropriate
15 clarification.

16 BY MR. HIRSHLAND:

17 Q Mr. Saunders would come to the office and request
18 a particular BI. Would someone then retrieve it for him?

19 A The way that it would happen would be that the
20 background investigation would be returned by the Federal
21 Bureau of Investigation to our office via a courier. Craig
22 would then review it after we had logged it in that it had
23 been returned.

24 And then Craig would flag a certain background
25 investigation if there were questions or something that just

1 was not consistent or if there was maybe a question that he
2 wanted further investigation. George Saunders would have
3 the habit of coming into the office. Craig would probably
4 call him and leave a message on his answering machine--I
5 don't think he had voice mail at that time--and say, I have
6 some files down here.

7 George's practice was to come down and see if
8 Craig had any files. See if Craig had anything he needed to
9 follow-up on. That is when the files would be checked out
10 would be when George physically came down and said, Craig
11 said he had some files for me or some background
12 investigations for me.

13 Q Can you step us through--I hate to be
14 painstakingly detailed--but just what would physically
15 happen when George arrived at the office in terms of
16 retrieving the file from where it was stored and checking it
17 out?

18 A He would come into the office and next to Craig's
19 desk there was a partition set up in the room so that when
20 you entered the office you weren't, it was divided into half
21 and you had to go through an opening. You would go through
22 the opening and next to Craig's desk, behind this partition
23 was a slot, just of like me, Lisa, whoever.

24 And the general practice was Craig would flag the
25 background investigations that he wanted George to review,

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1 to do a follow-up on. George would come in, pick them up,
2 come to whichever staff member happened to be there and say,
3 I need these files, let's write them down so I can check
4 them out.

5 He would physically pick those background
6 investigations up, carry them with him and take them up to
7 his office where he had a two-drawer file cabinet, if my
8 memory serves me correctly, that had a combination on it.
9 It was a locked file cabinet.

10 BY MR. HIRSHLAND:

11 Q Okay. Can I interrupt for one second?

12 There's a particular part in there that I wanted
13 to focus in on.

14 When he would actually--before he would walk out
15 of the office, I assume that someone would make an entry in
16 the log.

17 A Yes.

18 Q And that would be one of the staff members, either
19 you or Ms. Wetzl or whoever happened to be there.

20 A Hmm-hmm.

21 Q Our understanding is--and it appears to be
22 corroborated by looking at this log--would be that once that
23 entry was made Mr. Saunders would initial, put his initials
24 down himself with his own hand.

25 A Yes.

1 Q And likewise, when he returned the BI to the
2 office, he would similarly put his initials in the column
3 nothing that he'd returned it?

4 A Yes.

5 Q There is a period of time, in other words, a
6 certain point in time, where his initials stop appearing in
7 the log. If you turn a couple of pages in, it looks like
8 that date is March either the 11th or 14th, 1994.

9 Do you recall, first of all, have you located that
10 point in the log?

11 A Right there?

12 Q Yes.

13 A Hmm-hmm.

14 Q It appears that at least for some period of time
15 Mr. Saunders was not actually initialing the log.

16 A For some period.

17 Q Do you recall any discussions regarding whether
18 Mr. Saunders should stop initialing the log or anything that
19 might be related to the fact that he stopped initialing the
20 log?

21 A No.

22 Q Okay. On that page, where his initials first
23 stopped appearing--

24 A Hmm-hmm.

25 Q --there is a number of entries that are crossed

1 off. Do you know who would have crossed those off or why?

2 A That appears to be my handwriting and if they were
3 crossed off it means that he did not take them. That they
4 were held for some reason, that it wasn't that he needed to
5 review them.

6 Q Okay.

7 A So, they were never given to George.

8 Because if you will note, at that time, he was
9 still signing for all of them and all the ones that are
10 crossed off he did not sign for, so, he did not take them.

11 Q Okay. Would you say that it was your
12 responsibility to make sure that the log was kept on a
13 regular basis?

14 A It was the office responsibility to make sure that
15 if a file, I'm sorry, if a background investigation was
16 taken out, everybody in the office knew that they had to say
17 where it was going.

18 Q But in terms of you, yourself, would you say you
19 did or did not understand yourself to have been an
20 individual, the individual responsible--

21 A I understood it that every individual in the
22 office who could sign out a background investigation was
23 responsible to make sure that that background investigation
24 was signed out before it was allowed to leave the office.
25 When I saw George come in to take background investigations

1 out I made sure that I put them in or I made sure that
2 George had some, went to someone to have them.

3 Q Okay.

4 A But if he came in the office and I wasn't there,
5 then whoever was in the office had that responsibility.

6 So, each member had the responsibility to make
7 sure that it was checked out.

8 Q Is it fair to say then that you did not feel as if
9 you had some supervisory responsibility to make sure that
10 the log was maintained that other staff members did not
11 have?

12 MR. SCHANZER: That's a bit of a--

13 THE WITNESS: I don't understand your question.

14 BY MR. HIRSHLAND:

15 Q You have, someone emphatically clarified that you,
16 along with every other staff member in the office, shared
17 the responsibility to make sure that whenever you were
18 present and someone checked out a log, you would make sure
19 it was recorded in the log.

20 A Yes. If I was present. Every member in the
21 office had a responsibility due to the confidentiality to
22 make sure that the background investigations were not being
23 released and that they were being logged. Every member in
24 that office had that responsibility.

25 Q Okay. What I'm trying to get at and I sense the