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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ROY L. MORRISON,

Plaintiff,

v.

ATTORNEY GENERAL OF THE UNITED
 STATES DEPARTMENT OF JUSTICE
 ALBERTO GONZALES AND THE
 FEDERAL BUREAU OF PRISONS,

Defendants.

No. C 05-04351 JSW (EDL)
E-FILING CASE

Declaration of Kim M. White

Date: April 13, 2007
 Time: 10:00 A.M.

I, KIM M. WHITE, make the following Declaration in lieu of an affidavit, as permitted by Section 1746 of Title 28 of the United States Code. I am aware that this Declaration will be filed with the United States District Court for the Northern District of California in the above-styled action, and that it is the legal equivalent of a statement under oath.

1. I am employed by the United States Department of Justice, Federal Bureau of Prisons ("Agency" or "BOP") and have been so employed since May 2003. I have been employed as the Regional Director for the Mid Atlantic Region, in Annapolis Junction, Maryland ("MARO"). As the Regional Director at MARO, I have oversight of federal prison facilities located in Tennessee, Kentucky, North Carolina, Virginia, West Virginia, Maryland, and Delaware. I have been employed by the BOP since July 1985.

2. I am an African-American female.

3. I base the information in this declaration on my personal knowledge and observations

1 in the performance of my duties.

2 4. I know Roy Morrison as the Warden at the Federal Prison Camp in Duluth,
3 Minnesota. I have known Mr. Morrison for a number of years, and have worked with him and have
4 interacted with him at meetings and national conferences.

5 5. Among the prisons within the MARO that I oversee, is the United States Penitentiary
6 at McCreary, Kentucky ("USP McCreary"). While USP McCreary is a high security prison, it has
7 been run as a medium security prison, with medium security inmates since its inception.

8 6. As Regional Director, I am a member of the BOP's Executive Staff which
9 encompasses the Director, Assistant Directors, and Regional Directors (six). At least quarterly, the
10 Executive Staff meet to address BOP policies, issues, and initiatives, and to make personnel
11 selections for higher ranking employees, inter alia, wardens and associate wardens in the BOP.

12 7. Prior to these meetings, the Executive Staff, absent the Director of the BOP, generally
13 have a conference either by telephone or video to discuss possible vacancies and the various eligible
14 candidates.

15 8. The BOP's Executive Staff met in San Francisco, California the week of August 16,
16 2004. Among those in attendance were: Harley Lappin (Director), Gregory Hershberger (outgoing
17 NCRO Regional Director), Michael Nalley (incoming NCRO Regional Director), Bruce Sasser
18 (Assistant Director, Administration Division), Maryellen Thoms (Assistant Director, Health Services
19 Division)(now deceased), Kathleen Kenney (Assistant Director, General Counsel), R.E. Holt (SERO
20 Regional Director), Scott Dodrill (NERO Regional Director), Ron Thompson (SCRO Regional
21 Director (now retired)), Joseph Gunja (WXRO Regional Director (now Warden at the Federal
22 Medical Center in Springfield, Missouri)), Thomas Kane (Assistant Director, Information, Policy,
23 and Public Affairs Division), Steve Schwalb (Assistant Director, Industries, Educational and
24 Vocational Training), Keith Hall (Assistant Director, Human Resource Division (now retired)), John
25 Vanyur (Assistant Director, Correctional Programs Division), Morris Thigpen (Director, National
26 Institute of Corrections), Michael Garrett (Senior Deputy Assistant Director, Program Review
27 Division), and myself.

28 9. In August 2004, Warden Mike Nalley, Warden at USP McCreary, had recently been

1 promoted to the position of Regional Director, North Central Region, from his position as Warden
2 at USP McCreary.

3 10. Therefore, while I did not expect to fill the vacancy immediately, the Federal Bureau
4 of Prisons' Executive Staff made a Warden selection for USP McCreary at the August 2004
5 Executive Staff meeting in San Francisco, California.

6 11. It is the practice of the Director of the BOP, Harley Lappin to ask the receiving
7 Regional Director for a recommendation for vacancies with his/her region. Absent his own
8 concerns or those of other Executive Staff, Mr. Lappin generally takes the affected Regional
9 Director's recommendation.

10 12. As USP McCreary is within the Mid-Atlantic Region, Harley Lappin, asked me for
11 my recommendation for Warden at USP McCreary. At the Executive Staff meeting in August 2004,
12 I articulated the attributes I was seeking for a Warden at USP McCreary. Specifically, I was looking
13 for a candidate who was articulate, had esprit de corps, could carry on the good work started by the
14 outgoing Warden Michael Nalley, was detail oriented, had experience at various locations with
15 increasing responsibility, and had regional or central office experience.

16 13. While I personally did not review any written or computerized information for the
17 McCreary selection, among the tools available to the Executive Staff in making their personnel
18 selections, was the Management Preference Profile ("MPP") that is completed by BOP staff who are
19 GS-13 and above. On the MPP, in addition to indicating past work experience and education, staff
20 are required to assign a numerical listing for their preference for various BOP locations. A "3" is
21 considered undesirable, whereas, a "2" is neutral and a "1" is a preferred location. While staff are
22 required to update their preferences yearly, they may do so at any time.

23 14. When I have reviewed MPPs for selections, given the volume of selections made, I
24 do not contact candidates prior to selections to determine if they continue to have the same
25 preferences. In fact, I consider it counterintuitive to call and ask candidates their preferences when
26 they have already completed a document indicating such.

27 15. At the meeting, that was attended by the retiring Regional Director from the North
28 Central Region, Greg Hershberger and the new Regional Director Mike Nalley, Mr. Hershberger

1 recommended Donald Stine, Warden at FPC Duluth, for the position of Warden at USP McCreary.

2 16. Mr. Hershberger had been Mr. Stine's supervisor. Mr. Hershberger advised that
3 Warden Stine was a good leader, meticulous with a good analytical mind, and had resolved several
4 union issues. I therefore, recommended Donald Stine for Warden at USP McCreary. No other
5 Executive Staff members expressed concerns about the selection and Federal Bureau of Prisons
6 Director Harley Lappin selected Mr. Stine as Warden for USP McCreary.

7 17. Joseph Gunja did not raise Mr. Morrison as a possible candidate. Even if Mr. Gunja
8 had nominated Plaintiff for the position of Warden at USP McCreary, I would not have made the
9 recommendation to Mr. Lappin.

10 18. I have known Mr. Morrison for many years and interacted with him in their various
11 job positions, training sessions and national conferences and work groups. In my interactions with
12 Mr. Morrison, I have found him to be inarticulate, unable to inspire teamwork, and unable to perform
13 problem solving beyond basic, entry-level problem solving.

14 19. I, Kim M. White, declare under penalty of perjury that the foregoing Declaration is
15 true and correct to the best of my knowledge and information.

16 Executed in the Annapolis Junction, Maryland on this 2 day of March, 2007.

17 
18 K. M. White, Regional Director