

MR. ROGERS, EXAM. BY MR. MERRICK

1 analysis done?

2 A. No. No.

3 Q. And I take it what you're telling me is that E.M.R.  
4 was pressed, what have you got to this, and they didn't  
5 have anything to back it up?

6 A. Right.

7 Q. Is that right?

8 A. Yeah. But I couldn't even tell you who Mr. Lauer  
9 is, but he was certainly not one of the chain of people  
10 that was dealing with the file. And you know most of  
11 them and they -- many of them have been here.

12 COMMISSIONER Are you suggesting, Mr. Rogers, that one  
13 of the thrusts of this memo was, if down the road  
14 something went awry, then E.M.R. could say, "Well, we  
15 told you so"?

16 A. Yeah, exactly.

17 COMMISSIONER Oh, okay.

18 A. Exactly.

19 COMMISSIONER Kind of an insurance?

20 A. Yeah. And that's why in these circumstances when  
21 you -- because it happens all the time on files, you have  
22 to be sure that people are made accountable and made to  
23 stand up and confirm, factually, why it is they hold that  
24 position. And if it's valid, then we have another set of  
25 decisions to make, possibly.