

DECLARATION

I, PILAR F. O'LEARY, declare that I am employed by the Smithsonian Institution as the Director of the Smithsonian Latino Center. [REDACTED] from the Office of the Inspector General, advised me that a sworn statement is needed in a matter currently under investigation. I have acknowledged the Warnings and Assurances to Employees Required to Provide Information (Kalkines). This Declaration shall replace the Affidavit prepared by [REDACTED] and dated September 14, 2007.

Q: What is your title? Who is your immediate supervisor? How long have you been in the position?

A: I am the director of the Smithsonian Latino Center. I am a Trust employee. I work for [REDACTED] and [REDACTED] As of Monday, October 1, 2007, I will be reporting to [REDACTED] I have been at the Smithsonian since August 22, 2005. I note for the record that I was actually asked to begin work the week before my official start date, with a 24-hour trip to San Antonio related to a Smithsonian traveling exhibition about Latino role models and to meet with a funder. I was also required to start working on a 500-person event at the Smithsonian prior to my leaving my previous place of employment. When I joined the Smithsonian, I was seven months pregnant. I took a six-week maternity leave during which I worked the entire time. I have worked through every "vacation" I have taken at the Smithsonian. My average work day is 12 hours, and often it is much longer than that. I have never worked as a federal employee, nor for a federal or public institution prior to working for the Smithsonian.

When I first joined the Smithsonian Latino Center, there was an [REDACTED] who had serious performance issues, there was no development support, there were no performance plans for any of the staff, there were unfulfilled obligations to sponsors (indeed, in one case, there was a publication which had plagiarized text), there was a poor quality website, there was no core programs director, there was no public affairs manager, there was inadequate human resources support, there was no cohesive mission statement or organized slate of programmatic activities and there was no fundraising strategy. In short, there was no central direction. Few Latino organizations or individuals externally knew about the Smithsonian Latino Center and those who did, unfortunately, were wary of partnering with it. Most importantly, there was no direct administrative support for the Center's operations. This last point remains the case today.

Q: What are the general duties of your position?

A: My primary obligations are to promote Latino culture and heritage through Smithsonian public programs (exhibitions, lectures, concerts, family activities, film screenings, literature readings, etc.) and educational initiatives (fellowships, youth leadership programs, educational guides, web content, etc.) here in Washington, D.C., across the country and internationally; to engage in active public outreach and increase the participation and interest of Latino organizations and audiences in Smithsonian programs; to increase the public visibility of the Smithsonian Latino Center; to represent the Smithsonian at Latino events; to raise funds for programs and exhibitions related to Latino culture and heritage developed by the Smithsonian Latino Center and other units; to raise funds for the staff and operations of the Smithsonian Latino Center as well as other Smithsonian units; to administer the Latino Initiatives Pool, a federal allocation provided to the Center on an ad hoc basis to support Latino programming and

content across the Smithsonian, and to advise the Secretary and Deputy Secretary on matters related to the Latino community. When I joined the Smithsonian, I was asked to help fight the perception that the Smithsonian did not care about the Latino community.

As a matter of background, the Smithsonian Latino Center was established in 1997 due to recommendations by Latino community leaders and scholars that took the Institution to task for not having any Latino collections, programs, exhibitions or employees (these findings were reflected in a report called Willful Neglect: The Smithsonian and U.S. Latinos). The Center was created with very little funding for staff, operations and programming and unfortunately, that level of funding has remained abysmally low. The Center is expected to increase Latino content and participation across the entire Smithsonian network of museums—19 museums and 8 research centers—to raise funding for programs that it develops or are developed by other Smithsonian units, to ensure that Latino leaders, organizations and audiences support and participate in Smithsonian programs and events and yet, it has barely enough funding to support 5 permanent staff members, including the Director. The other 3 staff members- a virtual/web programs manager, an education programs manager and an exhibitions programs manager, are all on temporary funds which I must raise every year. Under my direction, the level of activity for the Center has increased in recent years commensurate with the Smithsonian's stated objectives to increase diversity and the Latino population's growth and impact on U.S. culture and society, yet funding has not. Furthermore, the Center has no direct administrative help on matters related to contracting, accounting and other financial matters. Previously, the Center did have a dedicated administrative officer but in the last several years has not had one—rather, those functions have been outsourced to the central administration of the Institution. This condition has led staff to handle heavy administrative workloads in addition to their core responsibilities

related to programming and in some instances has led to situations where the Center has not been able to process all administrative functions on a timely basis. The Center is also asked to provide many reports to central Smithsonian management on a weekly, monthly, and quarterly basis which are extremely time consuming and again, with no direct administrative support for any contracting, financial or event management. I have raised the staffing issues countless times with the Office of the Deputy Secretary and the Office of the Secretary and we have made requests for additional staff through both the federal and trust budget allocation processes. Unfortunately, all of our requests for additional staff have been denied.

The small, understaffed Smithsonian Latino Center is the only entity at the Smithsonian which is solely focused on Latino content at the Institution—as compared to the fact that the Smithsonian has a National Museum of the American Indian, the Freer-Sackler Gallery for Asian art and culture, an African Art Museum, a National Museum of African-American Heritage and Culture and an Anacostia Museum that focuses primarily on African-American contributions and heritage in the local Washington, D.C. community. This continues to be the situation despite the fact that the Latino population is now the largest minority group in the United States and that an expanded presence in the form of a museum and more staffing (curatorial and otherwise) have been requested or advocated for by many community leaders for years.

Despite its funding and administrative challenges, in the past two years, under my direction, the Smithsonian Latino Center has some great successes thanks to a great deal of hard work and focus. In the two years that I have served as director, the Center has provided over \$3 million in federal funding to close to one hundred programs across the Smithsonian — including research on the bio-diversity of the US-Mexico border, exhibitions such as “The Spirit of Ancient Colombian Gold” at the National Museum of Natural History; “Azucar! The Life and Music of

Celia Cruz" at the National Museum of American History; "Retratos: 2000 Years of Latin American Portraits" at the National Portrait Gallery; Smithsonian Folkways Recording's Traditions/Tradiciones Latino/Latin American roots music series and many more. In the last two years, under my leadership, the Smithsonian Latino Center has created an award-winning website that is rich with educational content and has tripled its virtual visitorship, has spearheaded or played a pivotal role in the development of many public programs and exhibitions at the Smithsonian, such as lectures with award-winning Latino author Julia Alvarez, an oversubscribed concert and children's workshop regarding Andean music by the Washington, DC Choral Arts Society, the highly successful exhibitions, "Myth, Mortals and Immortality: Works from Museo Soumaya de Mexico" (Dillon S. Ripley Center) and "Legacy: Spain and the United States, 1763-1848" (National Portrait Gallery); and the "Mexico at the Smithsonian" program series, consisting of more than 20 public programs, exhibitions, film screenings, family activities and cultural events highlighting Mexican and Mexican-American culture and heritage, to name only a very few. In the last two years only, the Center has increased its visibility with Latino and mainstream media (reaching over 6 million people), created a highly successful program for high school students regarding Latino culture and heritage (the Young Ambassadors Program), established an annual fundraiser, ¡Smithsonian Con Sabor! which grossed over \$600,000 in 2006 and over \$1 million in 2007 (each time surpassing target fundraising goals and netting nearly half of the gross totals for each event) to support the Center's staff and operations, raised over \$4 million for Smithsonian Latino programs, established partnerships with well over 20 Latino organizations, established an advisory board of corporate executives and scholars who have lent much needed financial support and guidance to the Center, created teachers/educational guides for every Smithsonian Latino Center-supported exhibition, established a quarterly

newsletter (Culturaviva), and helped many Smithsonian museums with fundraising, bilingual tours and outreach. In the last two years, individuals such as First Lady Laura Bush, Infanta Elena of Spain, members of Congress (both House and Senate), members of the diplomatic community, national Latino community leaders, and sponsors have started supporting and attending the Center's events and programs. This Fall, the Center established a Legacy Awards Program to honor Latinos for their commitment to their heritage and their contribution to American culture. At this year's gala, the Center launched its Legacy Award program and honored individuals such as Latino civil rights leader, Raul Yzaguirre, visual artist Carmen Lomas Garza, photographer Graciela Iturbide, reknown architect Enrique Norten, National Endowment for the Arts President, Dana Gioia, author Laura Esquivel (Like Water for Chocolate), award-winning film maker Moctesuma Esparza ("Selena", "The Milagro Beanfield War", "Gettysburg", "Dorothy Dandridge", "The Ballad of Gregorio Cortez"), playwright and screenplay writer Luis Valdez ("Zoot Suit", "La Bamba"), the daughter of illustrious Mexican painter Diego Rivera, scholar Guadalupe Rivera Marin and other distinguished artists and scholars. Under my leadership, the Smithsonian Latino Center has developed a relationship with [REDACTED] a [REDACTED] established by [REDACTED] the [REDACTED] [REDACTED] and I am currently negotiating a partnership with the [REDACTED] to provide long-term funding to the Smithsonian Latino Center's programs. In the words of a Smithsonian Regent, the Center has finally been put "on the map". My performance evaluations have consistently been rated "outstanding".

Q: In your organization, who do you directly supervise?

A: I directly supervise [REDACTED] and [REDACTED] and [REDACTED] and [REDACTED]. Prior to [REDACTED] joining the Center one and one half years ago, I supervised all of the staff at the Smithsonian Latino Center. Upon hiring [REDACTED] we reorganized the reporting in Center so that [REDACTED] would be the first-line supervisor for the Center's [REDACTED] and [REDACTED]. [REDACTED] I became the second-line supervisor for those employees. The Center's [REDACTED] has always reported to [REDACTED] and I am the second-line supervisor for that employee.

Q: When you started with Smithsonian, what orientation or training did you receive regarding Government/Institution policies and procedures?

A: None. I did not attend nor was I asked to attend any formal employee orientation or training. I remember I thought it was odd that Directors didn't go through the same orientation as other employees.

Q: Who did you meet with when you started?

A: To the best of my recollection, in addition to my staff, I met with the [REDACTED] and [REDACTED]. [REDACTED] I also recall that, at the suggestion of [REDACTED] I did a general "meet and greet" series of meetings across the Institution, meeting briefly with many directors of various Smithsonian museums and units and with senior management. I recall that I did have one longer meeting with [REDACTED] on the Smithsonian and discussed, at a very general level, issues regarding administrative procedures and problems that the Center had experienced in the past and the administration of the Latino Initiatives Pool, among other items.

Q: Did you meet with the Institution's [REDACTED] in [REDACTED]?

A: I believe that I did meet with [REDACTED] as part of the general "meet and greet" introductions at the Smithsonian. It was not a long or formal, sit-down meeting. We did not go over the rules of the Smithsonian Institution.

Q: As a manager/supervisor and new employee, have you familiarized yourself with Smithsonian Directives, travel policies and other such policies? Are you familiar with SD 103, the Standards of Conduct?

A: From time to time I have reviewed Smithsonian policies. I can not say with any degree of certainty that I have read all of the policies or remember them in detail. As I received no formal training or orientation, I have relied on the guidance of the Office of the Deputy Secretary regarding many of the policies you cited during my interview, some of which have changed considerably over the past year, and some of the provisions have been difficult to understand. I recall that when I joined the Smithsonian I did receive many papers related to my employment, benefits and other administrative matters. I am aware of the Standards of Conduct but can not recall whether the Standards of Conduct document was included in the set of documents I received upon joining the Smithsonian. When I joined the Smithsonian Latino Center, as previously described, I had many managerial and funding challenges to handle which were my primary focus and priority.

Q: Have you had any problems understanding the new requirements and restrictions related to contracting, purchasing, travel, etc?

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A: Yes, I have and again, as I did not go through a formal orientation process, my staff members and I have had many questions over the last couple of years. When we have had questions, my staff and I have sought out the assistance of people who we believe to have a good understanding of the requirements and restrictions. Specifically, I have relied heavily on guidance from [REDACTED] and [REDACTED] who serves as [REDACTED] for the Deputy Secretary's Office to our office. [REDACTED] also works for the Office of the Deputy Secretary, not for the Smithsonian Latino Center, and serves as [REDACTED] for many Smithsonian units in addition to the Smithsonian Latino Center.

Given all of the ambiguities and questions that both my staff and I have had regarding policies and procedures, last year, at the beginning of the new fiscal year, I organized a meeting with [REDACTED] and my staff to review certain policies and procedures. We have asked for a similar meeting this year.

Q: Do you ensure that you and your staff comply with the Directives and policies?

A: Yes, I try to ensure that they do. I can not monitor them at every step but from time to time I will circulate or re-circulate emails we receive about certain policies or bring them up during our weekly staff meetings. Again, we rely on the authorizations and guidance of the Office of the Deputy Secretary for compliance with many of the Institution's directives and policies. We also have sought opportunities to meet with Office of the Deputy Secretary to get clarification on certain policies and procedures.

Q: Are you aware of the mandatory training for all employees and supervisors and have you and your staff completed it? For example – Prevention of Workplace Harassment and Use of Computers.

A: I am aware that there is training offered for employees and supervisor but to date, I am not clear on which training is mandatory. I do encourage my staff to get as much training as they can. For example, I sent staff members to FAWG administrative training last year, and I have sent them to training on travel and COTR contracting training. As previously stated, I am not clear on which training is mandatory, particularly as I did not attend a formal orientation at the Smithsonian, nor do I believe that anyone has communicated this to me, to the best of my recollection. I believe I did try to attend some kind of training related to diversity last year but was obligated to cancel because of our workload. I can not say for sure if every single staff person at the Smithsonian Latino Center has completed the training you reference. To the best of my recollection, I have not completed Prevention of Workplace Harassment. I have recently completed the Use of Computers training and have asked all staff members that they do so as well. I believe that both my staff and I completed this same training last year.

Q: Are you aware of the regulations regarding Government travel cards?

A: I am aware that there are regulations regarding the Government travel cards and am generally aware of their provisions but both I and my staff have had questions on them from time to time. We have asked [REDACTED] for guidance on these issues.

Q: Do you ensure that you and your staff comply with the Government travel card regulations and policies?

A: I try to ensure that they do. I recently forwarded the recent, general Smithsonian email message on Government travel card regulations and policies to my staff with a note asking everyone to familiarize themselves with their provisions as we had several questions on usage in the past. As previously stated, because the Smithsonian Latino Center is so short-staffed and has no dedicated administrative officer, all of our travel-related administrative actions must go through the Office of the Deputy Secretary, namely through [REDACTED] and [REDACTED]. [REDACTED] The Center does not have the ability to authorize travel. All of our travel requests, including my own, are reviewed and approved by the Office of the Deputy Secretary. In terms of compliance with Government travel card regulations, policies and travel procedures in general, we rely on the guidance, approval and authorizations of the Office of the Deputy Secretary.

Q: *Are you aware of any violations of the travel card regulations or policies?*

A: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] My card was also recently suspended because my travel vouchers had not been processed by [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] As [REDACTED] had not processed several months of travel vouchers, I had not been reimbursed (I am only just receiving

