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Transcript of **Patrick F. Kennedy**

Date: June 29, 2016

Case: Judicial Watch, Inc. -v- U.S. Department of State

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

- - - - - x
JUDICIAL WATCH, INC., :
Plaintiff, :
v. : Civil Action No.
U.S. DEPARTMENT OF STATE, : 13-cv-1363 (EGS)
Defendant. :
- - - - - X

Videotaped Deposition of PATRICK F. KENNEDY
Washington, DC
Wednesday, June 29, 2016
10:05 a.m.

Job No.: 112297
Pages 1 - 100
Reported by: Debra A. Whitehead

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

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1 Videotaped Deposition of PATRICK F. KENNEDY, held
2 at the offices of:

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U.S. DEPARTMENT OF JUSTICE

5

CIVIL DIVISION, FEDERAL PROGRAMS BRANCH

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20 Massachusetts Avenue, NW

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Washington DC 20001

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(202) 514-3374

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Pursuant to notice, before Debra A. Whitehead, an

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Approved Reporter of the United States District Court

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and Notary Public of the District of Columbia.

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Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

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A P P E A R A N C E S

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Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

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A P P E A R A N C E S C O N T I N U E D

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Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

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C O N T E N T S

EXAMINATION OF PATRICK F. KENNEDY	PAGE
By Mr. Bekesha	8
By Mr. Myers	91
By Mr. Bekesha	95

E X H I B I T S

(Attached to the Transcript)

KENNEDY DEPOSITION EXHIBIT	PAGE
Exhibit 1 E-mails	11
Exhibit 2 E-mail String	65

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

6

1	P R O C E E D I N G S	10:05:06
2	VIDEO SPECIALIST: Here begins Tape Number	10:05:06
3	1 in the videotaped deposition of Patrick Kennedy in	10:05:17
4	the matter of Judicial Watch, Inc., v. the U.S.	10:05:22
5	Department of State, in the U.S. District Court for	10:05:25
6	the District of Columbia, Case Number 13-CV-1363.	10:05:27
7	Today's date is June 29, 2016. The time	10:05:35
8	on the video monitor is 10:05. The videographer	10:05:40
9	today is Jeremy Dineen, representing Planet Depos.	10:05:45
10	This video deposition is taking place at the	10:05:49
11	Department of Justice, at 20 Massachusetts Avenue,	10:05:51
12	in Washington, DC.	10:05:55
13	Would counsel please voice-identify	10:05:57
14	themselves and state whom they represent.	10:05:59
15	MR. BEKESHA: Michael Bekesha, on behalf	10:06:01
16	of Judicial Watch.	10:06:03
17	MR. ORFANEDES: Paul Orfanedes, Judicial	10:06:03
18	Watch.	10:06:06
19	MS. COTCA: Ramona Cotca, Judicial Watch.	10:06:06
20	MR. PETERSON: James Peterson, Judicial	10:06:07
21	Watch.	10:06:11
22	MR. MYERS: Steven Myers, for the	10:06:11

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

7

1	Department of State.	10:06:12
2	MS. BERMAN: Marcia Berman, Department of	10:06:12
3	State.	10:06:12
4	MS. WELCHER: Alison Welcher, Department	10:06:12
5	of State.	10:06:17
6	MS. WOLVERTON: Caroline Wolverton,	10:06:17
7	Department of State.	10:06:19
8	We also have two summer interns from our	10:06:19
9	office.	10:06:22
10	If you all want to introduce yourselves.	10:06:22
11	MR. RICHARDSON: Daniel Richardson.	10:06:22
12	MR. SIEGEL: Max Siegel.	10:06:26
13	MR. LAUDADIO: Gregory Laudadio, Judicial	10:06:26
14	Watch.	10:06:26
15	MS. TRIMELS: Cheyenne Trimels, Judicial	10:06:26
16	Watch.	10:06:30
17	VIDEO SPECIALIST: The court reporter	10:06:30
18	today is Debbie Whitehead, representing Planet	10:06:35
19	Depos.	10:06:38
20	Would the reporter please swear in the	10:06:38
21	witness.	10:06:39
22	PATRICK F. KENNEDY,	10:06:39

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

8

1	having been duly sworn, testified as follows:	10:06:46
2	MR. MYERS: And Undersecretary Kennedy	10:06:46
3	reserves the right to read and sign his deposition.	10:06:48
4	EXAMINATION BY COUNSEL FOR PLAINTIFF	10:06:52
5	BY MR. BEKESHA:	10:06:52
6	Q All set? Great.	10:06:55
7	Good morning, Mr. Kennedy. My name is	10:06:56
8	Michael Bekesha. I'm an attorney for Judicial	10:06:58
9	Watch. I'm here to ask you some questions about one	10:07:00
10	of Judicial Watch's Freedom of Information Act	10:07:03
11	lawsuits against the State Department. Specifically	10:07:07
12	questions surrounding the creation, purpose and use	10:07:08
13	of the Clintonemail.com system by then Secretary of	10:07:10
14	State Hillary Clinton, and Huma Abedin, to conduct	10:07:13
15	official government business.	10:07:16
16	Before we begin, could you please state	10:07:17
17	and spell your name, for the record.	10:07:19
18	A Patrick, P-A-T-R-I-C-K; F as in Francis,	10:07:21
19	Kennedy. K-E-N-N-E-D-Y.	10:07:25
20	Q Thank you. And before we begin, I would	10:07:27
21	like to go over just a few ground rules. Your	10:07:29
22	counsel may have already talked to you about them.	10:07:31

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

9

1 But these are ways that hopefully the deposition 10:07:33
2 will go more smoothly. 10:07:35

3 If you don't hear one of my questions, 10:07:37
4 please let me know, I'll repeat it. Similarly, if 10:07:39
5 you don't understand a question, let me know, and I 10:07:42
6 will be happy to rephrase it or try to make myself a 10:07:44
7 little bit clearer. 10:07:48

8 It's also important that you respond out 10:07:50
9 loud as opposed to shaking your head -- shaking your 10:07:52
10 head or even making hand gestures, because the court 10:07:56
11 reporter cannot understand or can't record those 10:07:58
12 sorts of things. 10:08:00

13 It's also important that I'm done asking 10:08:02
14 my questions. If counsel has any objections, make 10:08:04
15 sure that counsel is done objecting so that there is 10:08:07
16 time so that the court reporter can record 10:08:12
17 everything. 10:08:15

18 With that getting out of the way -- do you 10:08:17
19 understand those instructions? 10:08:19

20 A Yes, sir. 10:08:20

21 Q Great. And now that that's out of the 10:08:20
22 way, when did you first become aware that 10:08:24

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

10

1	Mrs. Clinton was using a non-State.gov e-mail	10:08:25
2	address for State Department business?	10:08:28
3	A I believe it was in probably March of	10:08:30
4	2015.	10:08:39
5	Q And how did you learn that?	10:08:39
6	A From newspaper accounts.	10:08:40
7	Q And prior to the newspaper accounts, did	10:08:42
8	you know if Mrs. Clinton was using e-mail for State	10:08:45
9	Department purposes?	10:08:50
10	A I had received a small number of e-mails	10:08:56
11	from Secretary Clinton asking me questions over the	10:08:58
12	course of my tenure.	10:09:01
13	Q And approximately how many e-mails did you	10:09:05
14	receive from Mrs. Clinton?	10:09:08
15	A I think there were maybe 30-or-so-odd	10:09:09
16	exchanges during the course of four years.	10:09:15
17	Q And how do you know that there were	10:09:17
18	approximately 30 or so exchanges over the years?	10:09:18
19	A During the course of responding to various	10:09:25
20	FOIA requests, these were the ones I reviewed.	10:09:27
21	Q Did you review them in response to a	10:09:32
22	specific FOIA request?	10:09:38

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

11

1	A	I reviewed them in response to several	10:09:39
2		FOIA requests.	10:09:42
3	Q	Did you review the records from your own	10:09:43
4		PST files or the records returned by Mrs. Clinton?	10:09:46
5	A	I reviewed them both from my files and	10:09:49
6		from Mrs. Clinton's files.	10:09:52
7	Q	Were there any e-mails in your files that	10:09:54
8		were not in Mrs. Clinton's files?	10:09:57
9	A	I don't recall.	10:10:05
10	Q	Do you recall when -- when the first	10:10:05
11		e-mail was that you received from Mrs. Clinton on	10:10:07
12		her non-State.gov e-mail account?	10:10:09
13	A	Not specifically, no.	10:10:12
14		MR. BEKESHA: I'm going to go ahead and	10:10:22
15		mark these as Exhibit 1.	10:10:24
16		(Kennedy Deposition Exhibit 1 marked for	10:10:25
17		identification and is attached to the transcript.)	10:10:34
18		MR. MYERS: This entire packet is Exhibit	10:10:34
19		1?	10:10:36
20		MR. BEKESHA: That whole packet is Exhibit	10:10:37
21		1.	10:10:39
22		BY MR. BEKESHA:	10:10:40

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

12

1 Q Mr. Kennedy, if you just want to review 10:10:40
2 the first one. We'll go through each one 10:10:42
3 individually. But it will save time to mark them 10:10:44
4 all as Exhibit 1. But I'll give you time to review 10:10:48
5 each one before I ask any questions about it. 10:10:51
6 A For clarification, are you asking me to 10:10:52
7 read -- read the entire packet now, or to read them 10:10:53
8 ad seriatim as you ask questions? 10:10:56
9 Q No. That's correct, the latter. So -- 10:10:59
10 MR. MYERS: Just the first page. 10:11:00
11 A Just the first page? 10:11:03
12 Q Just the first page, yeah. 10:11:04
13 Have you had an opportunity to look at the 10:11:14
14 first page? 10:11:15
15 A Yes, sir. 10:11:15
16 Q And could you identify what this e-mail -- 10:11:16
17 what this record is? 10:11:17
18 MR. MYERS: Objection. Foundation. 10:11:20
19 Q You may answer the question. 10:11:21
20 A No, I -- it -- it is an e-mail from James 10:11:25
21 B. Steinberg, who was then the Deputy Secretary of 10:11:29
22 State. 10:11:34

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

13

1	Q	Okay. Have you seen this e-mail before?	10:11:34
2	A	It was addressed to me, but I have no	10:11:40
3		recollection of it.	10:11:42
4	Q	Okay. And the date of the -- the first	10:11:42
5		e-mail on the page -- or -- it always gets	10:11:45
6		confusing, the bottom -- the bottom -- the second	10:11:49
7		e-mail on the page, so the first e-mail of the	10:11:52
8		chain, that's an e-mail addressed from	10:11:55
9		HDR22@Clintonemail.com, to several people, including	10:11:58
10		yourself?	10:12:01
11		MR. MYERS: Objection. The document	10:12:01
12		speaks for itself. Lack of personal knowledge, and	10:12:02
13		foundation.	10:12:04
14	Q	You may answer the question.	10:12:04
15	A	It's a document from the Secretary of	10:12:10
16		State.	10:12:11
17	Q	Okay. Do you -- do you recall receiving	10:12:11
18		this e-mail?	10:12:13
19	A	No, sir.	10:12:14
20	Q	Okay. Do you recall on December 22nd,	10:12:14
21		2009, seeing the HDR22@Clintonemail.com e-mail	10:12:21
22		address?	10:12:25

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

14

1 A As I previously stated, I don't recall 10:12:27
2 this document at all. 10:12:30
3 Q Okay. Let's move on to the next page. 10:12:32
4 And I'll give you a chance to review this. 10:12:36
5 MR. MYERS: Michael, do you want to note 10:12:48
6 the document number or something on the record, just 10:12:49
7 so the transcript is clear? 10:12:51
8 MR. BEKESHA: Sure. The document number 10:12:53
9 is C05777404. 10:12:55
10 Q Have you had a chance -- opportunity to 10:13:23
11 review the record? 10:13:25
12 A Yes. 10:13:26
13 Q Mr. Kennedy, have you seen -- do you 10:13:26
14 recall receiving this e-mail? 10:13:29
15 MR. MYERS: Objection. Ambiguous. Which 10:13:30
16 e-mail are you referring to? 10:13:32
17 Q Do you recall receiving the e-mail from 10:13:34
18 HDR22@Clintonemail.com dated December 4th at 10:13:37
19 13:53:21? 10:13:44
20 A Not specifically, no, sir. 10:13:45
21 Q Okay. Do you recall -- have you 10:13:47
22 reviewed -- have you seen this e-mail before? 10:13:51

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

15

1	A	I do not recall specifically having seen	10:13:54
2		it.	10:13:56
3	Q	Okay. Is this one of the e-mails that you	10:13:57
4		reviewed in response to FOIA requests?	10:14:00
5	A	I do not recall specifically.	10:14:02
6	Q	Do you recall in December -- on December	10:14:05
7		4th seeing the e-mail address	10:14:10
8		HDR22@Clintonemail.com?	10:14:14
9		MR. MYERS: Objection. Asked and	10:14:14
10		answered.	10:14:15
11	Q	You may answer the question.	10:14:15
12	A	I -- as I stated previously, I do not	10:14:16
13		recall specifically this document.	10:14:18
14	Q	Okay. We can move on to the next page,	10:14:21
15		Document Number C05779749.	10:14:25
16		If you can take a moment and review this	10:14:32
17		document.	10:14:34
18		MR. MYERS: Michael, do you want him to	10:14:49
19		review the two pages that constitute this exchange?	10:14:50
20		MR. BEKESHA: That's correct.	10:14:52
21	Q	Great. Thank you.	10:15:10
22	A	I -- I have read the document.	10:15:11

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

16

1	Q	Thank you.	10:15:13
2		Turning to the second page, do you recall	10:15:13
3		receiving the e-mail dated February 20th -- 25th,	10:15:16
4		2011, at 8:18 a.m. from HDR22@Clintonemail.com?	10:15:21
5	A	I recall this subject particularly because	10:15:29
6		it involved an evacuation of American citizens, and	10:15:31
7		that is a subject for which I am particularly	10:15:35
8		responsible.	10:15:39
9	Q	Okay. Do you recall receiving this	10:15:39
10		specific e-mail?	10:15:41
11	A	I recall this -- I recall an exchange of	10:15:47
12		this nature.	10:15:48
13	Q	Okay. Do you know whose e-mail address is	10:15:48
14		HDR22@Clintonemail.com?	10:15:55
15	A	It was Secretary of State Clinton.	10:15:57
16	Q	When you received this e-mail or recall,	10:15:58
17		you know, the situation related to these e-mails,	10:16:05
18		did you know that that was Mrs. Clinton's e-mail	10:16:07
19		address at that time?	10:16:10
20		MR. MYERS: Objection. Vague.	10:16:11
21	Q	You may answer the question.	10:16:12
22	A	I knew I was receiving an e-mail from	10:16:15

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

17

1 Secretary of State Clinton. 10:16:19

2 Q And how did you know that? 10:16:20

3 A Because of the subject matter. 10:16:23

4 Q Okay. When you received the e-mail, did 10:16:26

5 you look at the "from" line to see what the e-mail 10:16:33

6 address was to confirm that this was what you 10:16:37

7 thought it to be, an e-mail from Mrs. Clinton? 10:16:40

8 MR. MYERS: Objection. Compound, complex, 10:16:44

9 and confusing. 10:16:45

10 Q You may answer the question. 10:16:46

11 A I did not focus on the "from" line. I 10:16:49

12 focused on the subject matter, because this was an 10:16:52

13 ongoing evacuation of American citizens from a place 10:16:55

14 of grave danger. 10:16:59

15 Q Okay. Looking on the first -- going to 10:17:00

16 the first page, do you recall sending or receiving 10:17:05

17 any -- the first page of the document, do you recall 10:17:11

18 sending or receiving any of these specific e-mail 10:17:14

19 exchanges? 10:17:17

20 A I remember the exchange in general terms 10:17:20

21 because it was my responsibility to organize the 10:17:24

22 evacuation and the closure of the American Embassy 10:17:29

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

18

1	in Tripoli.	10:17:32
2	Q At any time did you think about the e-mail	10:17:32
3	address to which you were receiving or sending	10:17:38
4	e-mails?	10:17:40
5	A To the best of my recollection, no.	10:17:41
6	Q We can move on to the next document,	10:17:43
7	Document Number C05779851. It's several pages. I	10:17:51
8	believe it's seven pages long. If you could just	10:18:00
9	review the entire document.	10:18:02
10	Great. Have you had an opportunity to	10:22:18
11	review the record?	10:22:20
12	A Yes, sir.	10:22:20
13	Q Do you recall receiving -- looking at the	10:22:21
14	first page, do you recall receiving this e-mail	10:22:25
15	chain from Ms. Mills on February 25th, 2011?	10:22:27
16	A No, sir.	10:22:32
17	Q Do you -- do you recall -- have you seen	10:22:32
18	this document before?	10:22:35
19	A I don't recall having focused on this	10:22:37
20	document.	10:22:39
21	Q In the "to" line, do you know what the H	10:22:39
22	refers to?	10:22:44

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

19

1	A	Subsequently I learned that H referred to	10:22:46
2		Secretary Clinton.	10:22:48
3	Q	How did you learn that?	10:22:49
4	A	Because it -- because just from -- just	10:22:52
5		from seeing documents.	10:22:55
6	Q	Do you know why you were cc'd on this	10:22:58
7		e-mail?	10:23:03
8	A	No, sir.	10:23:03
9	Q	Okay. Let's move on --	10:23:04
10	A	I could -- no, sir.	10:23:07
11	Q	Let's move on to the next page. This is	10:23:09
12		Document C05781046.	10:23:13
13		If you could take a moment to review this	10:23:18
14		record.	10:23:20
15	A	I have reviewed it, sir.	10:23:41
16	Q	Great. Thank you. Do you recall	10:23:42
17		receiving this e-mail?	10:23:43
18	A	No, sir.	10:23:45
19	Q	Okay. Who is Harold Koh?	10:23:45
20	A	Harold Koh was then the legal advisor for	10:23:50
21		the Department of State.	10:23:53
22	Q	Okay. And at that time who was William J.	10:23:54

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

20

1	Burns?	10:23:58
2	A William J. Burns was one of the two Deputy	10:23:59
3	Secretaries of State.	10:24:02
4	Q Okay. And what about, who was -- what was	10:24:03
5	Thomas Nides?	10:24:06
6	A Thomas Nides was the other Deputy	10:24:09
7	Secretary of State.	10:24:12
8	Q Okay. And at that time what was Mr. Jacob	10:24:12
9	Sullivan's position?	10:24:16
10	A Jacob Sullivan was a Deputy Chief of Staff	10:24:19
11	to the Secretary.	10:24:22
12	Q Okay. And Patrick Kennedy is yourself?	10:24:23
13	Is that correct?	10:24:25
14	A Yes, sir.	10:24:27
15	Q Okay. And who is Stephen Mull at that --	10:24:27
16	what was Stephen Mull's position at that time?	10:24:30
17	A I believe he was Executive Secretary of	10:24:34
18	the Department of State.	10:24:41
19	Q Okay. And who is Michael Hammer?	10:24:41
20	A I believe that Michael Hammer at this	10:24:49
21	moment was the Assistant Secretary of State for	10:24:52
22	Public Affairs.	10:24:54

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

21

1 Q Okay. Victoria Nuland, do you recall what 10:24:56
2 her position was at that time? 10:24:59

3 A 2011? I believe at this time Victoria 10:25:07
4 Nuland -- Victoria Nuland was the -- was the press 10:25:11
5 spokesman of the department. Although at some point 10:25:16
6 in this period she had -- she also transitioned, 10:25:20
7 becoming the Assistant Secretary of State for 10:25:24
8 European Affairs. And I cannot say with specificity 10:25:26
9 when that transition took place from memory. 10:25:30

10 Q Okay. Thank you. 10:25:32

11 What about Alice Wells; do you recall what 10:25:34
12 her position was at that time? 10:25:36

13 A To the best of my recollection, at that 10:25:39
14 moment she was the executive assistant to the 10:25:41
15 Secretary of State. 10:25:43

16 Q Okay. What about Amy Scanlon? 10:25:45

17 A I do not recall who she is. 10:25:49

18 Q Okay. Thank you. 10:25:51

19 What about David Adams? 10:25:54

20 A David Adams was either the Assistant 10:26:01
21 Secretary of State or the Deputy Assistant Secretary 10:26:05
22 of State for Legislative Affairs. At some point in 10:26:10

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

22

1 this general period he was nominated and confirmed 10:26:12

2 for the -- for the latter position. 10:26:17

3 Q Okay. What about Bathsheba Crocker; do 10:26:23

4 you know who she -- he or she was at that time? 10:26:27

5 A My recollection was at this period of time 10:26:30

6 she would have been the principal deputy director of 10:26:35

7 the policy planning staff. 10:26:44

8 Q Okay. And H, as we discussed a moment 10:26:45

9 ago, refers to Mrs. Clinton? 10:26:50

10 A I -- I can only assume so from this piece 10:26:54

11 of paper. 10:26:57

12 Q Okay. And who -- Cheryl Mills at the time 10:26:57

13 was the Secretary of State's chief of staff? 10:27:00

14 A And counselor, yes. 10:27:04

15 Q Thank you. And do you know who Mary 10:27:05

16 McLeod was? 10:27:07

17 A Mary McLeod at this point would have been 10:27:09

18 a deputy legal advisor. 10:27:12

19 Q Okay. Is it fair to say that many of 10:27:14

20 these names were of senior State Department 10:27:18

21 officials at that time? 10:27:21

22 MR. MYERS: Objection. Vague. 10:27:24

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

23

1	Q	You may answer the question.	10:27:27
2	A	These -- these were all people who	10:27:30
3		occupied positions, except for Ms. Scanlon, who, as	10:27:33
4		I previously stated, I do not recognize the name,	10:27:42
5		were occupied positions in the front offices of	10:27:45
6		various entities in the State Department.	10:27:49
7	Q	Okay. Thank you.	10:27:52
8		We can move on to the next document.	10:27:54
9		C05784424. It's a two-page document. If you could	10:28:00
10		review both pages, please.	10:28:04
11		Have you had an opportunity to review?	10:28:47
12	A	Yes, sir.	10:28:48
13	Q	Thank you. Do you recall receiving or	10:28:48
14		sending any of the e-mails that's part of this	10:28:51
15		two-page e-mail chain?	10:28:55
16		MR. MYERS: Objection. Compound.	10:28:57
17	Q	You may answer the question.	10:28:59
18	A	I -- I do not specifically remember this	10:29:02
19		subject, no.	10:29:05
20	Q	Okay. Have you seen this record before?	10:29:06
21	A	I believe it was likely one of the ones	10:29:19
22		that I reviewed.	10:29:20

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

24

1 Q Do you know when you reviewed it? 10:29:23
2 A Not specifically, no. 10:29:28
3 Q Okay. We can move on to the next 10:29:29
4 document, which is Document Number C05784434. It's 10:29:33
5 a two-page document. If you could take a moment to 10:29:40
6 review the document, Mr. Kennedy. 10:29:42
7 A I have reviewed the document, sir. 10:30:44
8 Q Great. Thank you. 10:30:45
9 Do you recall sending this e-mail dated 10:30:46
10 December 12th, 2011, to Mrs. Clinton? 10:30:49
11 A Clearly I sent it, but I don't 10:30:55
12 specifically recall sending it. 10:30:57
13 Q Okay. Do you recall how you -- do you 10:30:58
14 know how you would have known Mrs. Clinton's e-mail 10:31:02
15 address to send this e-mail? 10:31:04
16 A My recollection is that this was part of a 10:31:12
17 larger chain of documents, including the one that 10:31:15
18 you showed me last; Document Number C, as in 10:31:22
19 Charlie, 05784424, in which the Secretary of State 10:31:30
20 made a request of me. And this document that you've 10:31:37
21 subsequently showed me, C, as in Charlie, 05784434, 10:31:41
22 is part of a -- of a larger exchange, sir. 10:31:47

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

25

1	Q	Okay. So it's your belief that you simply	10:31:51
2		hit Reply, and so the e-mail address was provided to	10:31:54
3		you?	10:31:59
4	MR. MYERS:	Objection. Mischaracterizes	10:31:59
5		prior testimony.	10:32:01
6	Q	You may answer the question.	10:32:02
7	A	I very often, when I have to do -- provide	10:32:04
8		additional information, I can -- I hit Reply All,	10:32:11
9		but I cannot remember the specific circumstances of	10:32:13
10		how I did that, but since the -- the time change	10:32:17
11		between these documents is one hour and 24 minutes.	10:32:20
12	Q	Okay. Thank you. We can move on to the	10:32:32
13		next document, which is Document Number C05784436.	10:32:35
14		If you could -- it is seven pages long. If you	10:32:46
15		could take a moment and review that document,	10:32:51
16		please.	10:32:54
17	A	I have reviewed the document, sir.	10:35:48
18	Q	Thank you.	10:35:49
19		Do you recall sending this specific e-mail	10:35:50
20		to Mrs. Clinton in December 2011?	10:35:53
21	A	I do not recall specifically sending this	10:35:57
22		e-mail, but this is one of a series of documents	10:36:00

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

26

1	that we have been discussing in the last few minutes	10:36:05
2	of this deposition, sir.	10:36:08
3	Q Okay. Thank you.	10:36:09
4	Let's move ahead. We're going to skip the	10:36:13
5	next document, move ahead to the Document Number	10:36:17
6	C05784471. It's an e-mail from David Adams.	10:36:21
7	A Sir, I'm not skipping a document. I'm	10:36:31
8	going directly from the last document we talked	10:36:35
9	about, I believe, to the --	10:36:38
10	Q There may be a two-page document in	10:36:43
11	between.	10:36:45
12	A Ah. Hold on.	10:36:46
13	Q But --	10:36:47
14	A I -- yes, you're correct. It is stuck --	10:36:48
15	it was stuck to the other one.	10:36:51
16	Q Not a problem. As long as we're on the --	10:36:52
17	both on the same document, it's fine.	10:36:54
18	A If you could repeat the document number	10:36:56
19	again, please, sir.	10:36:58
20	Q Sure. C05784471.	10:36:58
21	A Yes, sir.	10:37:02
22	Q If you could take a moment and review this	10:37:02

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

27

1	record, please.	10:37:06
2	A Yes, sir. I have reviewed the document.	10:37:28
3	Q Thank you. Do you recall -- looking at	10:37:30
4	the middle of the page, do you recall receiving the	10:37:31
5	e-mail from Mrs. Clinton on December 12th, 2011?	10:37:33
6	A I don't recall this document at all, sir.	10:37:38
7	Q Okay. Have you seen this document before?	10:37:42
8	A I -- I don't recall seeing this document.	10:37:43
9	Q Okay. Thank you. We can move on to the	10:37:46
10	next document. Document C05785885. If you could	10:37:48
11	take a moment and review this record.	10:37:58
12	A I have reviewed -- I have reviewed the	10:38:38
13	document, sir.	10:38:39
14	Q Thank you.	10:38:40
15	Do you recall sending this e-mail on	10:38:41
16	December 18, 2011?	10:38:42
17	A No, sir, not specifically.	10:38:44
18	Q Okay. Was it your normal practice to --	10:38:46
19	when hitting Reply, to review the recipients of the	10:38:51
20	e-mail?	10:38:55
21	MR. MYERS: Objection. Vague.	10:38:55
22	Q You may answer the question.	10:38:59

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

28

1 A No, sir. I -- I -- if I had received a 10:39:01
2 document and I was providing a general reply, I 10:39:04
3 would just use the Reply All function on Microsoft 10:39:06
4 and not -- and not review the -- the addrees. 10:39:11
5 Q Okay. Thank you. We can skip the next 10:39:15
6 page and move on to Document C05789920. And that's 10:39:25
7 a three-page document. If you could take a moment 10:39:31
8 to review the three pages. 10:39:39
9 A I have reviewed the document, sir. 10:40:17
10 Q Do you recall this e-mail exchange? 10:40:18
11 A I generally recall this e-mail exchange 10:40:21
12 because it involved the death of an American citizen 10:40:23
13 in Syria. 10:40:25
14 Q Okay. Do you recall sending the e-mail on 10:40:27
15 February 22nd, 2012, at 9:37 p.m., the first e-mail, 10:40:32
16 the top e-mail on the first page? 10:40:38
17 A I generally remember closing out the 10:40:44
18 subject matter because I had been contacted about 10:40:47
19 the -- the -- by Secretary Clinton and related to an 10:40:53
20 inquiry that she had received from a United States 10:41:01
21 Senator about the death of an American citizen. 10:41:05
22 Q Okay. 10:41:07

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

29

1 A And I was asked to assist the American -- 10:41:08
2 assist the United States Senator, which I did. And 10:41:09
3 then I simply advised the Secretary of State that I 10:41:12
4 had done so. 10:41:15
5 Q Okay. Thank you. 10:41:16
6 Do you recall sending this e-mail? It 10:41:20
7 says the e-mail went to H. Do you know what the 10:41:25
8 e-mail address associated with H is? 10:41:27
9 MR. MYERS: Can you just clarify which 10:41:30
10 e-mail you're talking about? 10:41:31
11 MR. BEKESHA: The same one we were just -- 10:41:33
12 the first -- the top e-mail on the first page. 10:41:35
13 MR. MYERS: Thanks. 10:41:37
14 A I was responding to Secretary Clinton 10:41:39
15 because that -- she was in the chain of this e-mail 10:41:43
16 string. 10:41:46
17 Q Okay. How did -- how did you decide to 10:41:47
18 e-mail what is listed as H, H2? 10:41:50
19 A I was using the string from the Secretary 10:41:56
20 of State's e-mail to me of Wednesday, February 22nd, 10:42:01
21 2012, at 8:38 p.m., which is in the same document. 10:42:07
22 Q Okay. So -- but this wasn't a direct 10:42:10

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

30

1 reply to that e-mail; was it? 10:42:17

2 A I simply brought forward the -- the one -- 10:42:21

3 the original string that I was involved in. 10:42:26

4 Q What do you mean by that? 10:42:29

5 A If you go to the document, if you go to 10:42:30

6 the document at -- in the middle of Document C as in 10:42:35

7 Charlie 05789920, the e-mail from the Secretary of 10:42:40

8 State at 8:38 p.m., I was copying H and H2, and 10:42:46

9 Cheryl Mills. 10:42:54

10 Q Okay. So you went back either on your 10:42:57

11 BlackBerry or your computer to the 8:38 p.m. e-mail 10:42:59

12 and copied the e-mail address and pasted them in? 10:43:04

13 A I have no specific recollection of how I 10:43:09

14 did it. But when you -- this is something that 10:43:11

15 happens very often. There will be an e-mail to me 10:43:15

16 that it poses a question. 10:43:20

17 I must gather information from the experts 10:43:23

18 and specialists in the State Department on that, 10:43:26

19 potentially engage with others, and then respond. 10:43:30

20 And so the entire string is in one document, and it 10:43:36

21 is easy to move things around in that document. 10:43:39

22 Q Okay. And is it fair to say that at that 10:43:41

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

31

1	time you knew -- you were aware of Mrs. Clinton's	10:43:49
2	HDR22@Clintonemail.com e-mail account?	10:43:54
3	A I knew I was responding to the Secretary	10:44:00
4	of State.	10:44:03
5	Q Okay. Do you know what the H2 e-mail	10:44:03
6	account is?	10:44:08
7	A To the best of my recollection, no.	10:44:16
8	Q Okay. Have you ever -- do you recall	10:44:18
9	seeing the HR15@AT&T.Blackberry.net? Have you seen	10:44:22
10	that e-mail address before?	10:44:29
11	A I have no recollection specifically of	10:44:33
12	that, sir.	10:44:35
13	Q Okay. What about	10:44:35
14	HAbedin@HillaryClinton.com; do you recall that	10:44:42
15	e-mail address?	10:44:44
16	A I do not have any recollection	10:44:45
17	specifically of that e-mail address.	10:44:46
18	Q Okay. When you were sending the e-mail to	10:44:49
19	Mrs. Clinton and Ms. Abedin, did you think about the	10:44:53
20	fact that the e-mails were not State.gov e-mail	10:44:58
21	accounts?	10:45:03
22	A No, sir.	10:45:04

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

32

1	Q	Why not?	10:45:04
2	A	I didn't find it relevant. I was	10:45:07
3		responding to the Secretary of State in the -- in	10:45:09
4		the evening, and she was not in the office.	10:45:13
5	Q	Did you think this was a personal e-mail?	10:45:18
6	A	I don't recall that I analyzed the -- the	10:45:21
7		nature of the e-mail address.	10:45:24
8	Q	Is Secretary of State a 9-to-5 job?	10:45:25
9	A	No, sir.	10:45:31
10		MR. MYERS: Argumentative.	10:45:31
11	Q	You may answer the question.	10:45:34
12	A	It's a -- it's a 24-hour-a-day job.	10:45:36
13	Q	So why did it matter that it was at night?	10:45:38
14	A	Because she was not in the office at that	10:45:41
15		point.	10:45:43
16	Q	Do State Department employees have access	10:45:43
17		to their State Department e-mail accounts when they	10:45:48
18		are not in the office?	10:45:50
19	A	Some do; some do not.	10:45:54
20	Q	Did the Secretary -- would the Secretary	10:45:55
21		of State have access to e-mail when she was not in	10:45:58
22		the office?	10:46:00

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

33

1	A	The Secretary of State had -- we -- I	10:46:05
2		normally would contact the Secretary of State	10:46:09
3		through -- through staff.	10:46:12
4	Q	But you did e-mail her on occasions.	10:46:16
5	A	To the best of my recollection, only in	10:46:19
6		response to direct inquiries that she sent to me.	10:46:23
7	Q	Okay. When you sent this e-mail to	10:46:27
8		Mrs. Clinton's non-State.gov e-mail account and	10:46:33
9		Ms. Abedin's non-State.gov e-mail account, did you	10:46:37
10		think about how these records would be	10:46:42
11		records-managed?	10:46:45
12	A	No.	10:46:48
13	Q	Why not?	10:46:48
14	A	I was thinking about the subject matter	10:46:49
15		involved.	10:46:52
16	Q	Okay. We can skip the next document and	10:46:56
17		move on to Document Number C05790452.	10:47:18
18		If you could take a moment to review that	10:47:28
19		record.	10:47:30
20	MR. MYERS:	And this is a two-page	10:47:32
21		document?	10:47:34
22	MR. BEKESHA:	It is. Thank you.	10:47:35

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

34

1	MR. MYERS: Yeah.	10:47:36
2	A I have reviewed the document, sir.	10:48:38
3	Q Thank you.	10:48:39
4	Do you recall, looking at the top e-mail	10:48:40
5	on the first page, do you recall sending this e-mail	10:48:44
6	on May 30th, 2012?	10:48:46
7	A No, sir, I do not.	10:48:48
8	Q Okay. And again, the H refers to	10:48:49
9	Mrs. Clinton?	10:48:56
10	A Yes, sir. I am addressing her as Madam	10:49:00
11	Secretary.	10:49:03
12	Q Okay. At the time did you think about the	10:49:03
13	fact that she was send -- that you were sending an	10:49:06
14	e-mail to a non-State.gov e-mail account?	10:49:09
15	A No.	10:49:12
16	MR. MYERS: Objection. Foundation.	10:49:12
17	Q You may answer the question.	10:49:13
18	A No, sir, I do not.	10:49:15
19	Q Okay. And just to be clear, this e-mail	10:49:16
20	is at 11:03 a.m. Is that correct?	10:49:18
21	MR. MYERS: Objection. The document	10:49:23
22	speaks for itself. The witness has testified he	10:49:24

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

35

1	doesn't remember it.	10:49:26
2	Q You may answer the question.	10:49:27
3	A I am responding to something that --	10:49:30
4	that's -- that is -- that started the night before,	10:49:33
5	sir.	10:49:36
6	Q Okay. But the -- but the e-mail you sent	10:49:36
7	was during normal business hours. Is that correct?	10:49:43
8	A The text reads it was sent at 11:03 a.m.,	10:49:47
9	sir.	10:49:50
10	Q Thank you.	10:49:50
11	We can move -- we can skip a document and	10:50:00
12	move on to Document C05795555. It's a one-page	10:50:03
13	document.	10:50:09
14	A I reviewed the document, sir.	10:50:34
15	Q Thank you.	10:50:35
16	Do you -- looking at the middle of the	10:50:37
17	page, do you recall -- do you remember sending this	10:50:38
18	e-mail to Mrs. Clinton on Friday, July 27, 2012?	10:50:42
19	A No, sir, I don't recall specifically.	10:50:48
20	Q Okay. Do you recall generally sending	10:50:50
21	this e-mail?	10:50:51
22	A No, sir. I don't recall this e-mail at	10:50:53

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

36

1	all.	10:50:55
2	Q Okay. Have you seen this e-mail before?	10:50:55
3	A I authored it, but I don't recall seeing	10:50:59
4	this document recently.	10:51:02
5	Q Okay. Thank you.	10:51:03
6	Why don't we skip a few documents and go	10:51:19
7	to Document C05798066. It's a two-page document,	10:51:21
8	and the second-to-last document of the stack.	10:51:28
9	A Could you repeat the number again, please,	10:51:32
10	sir.	10:51:34
11	Q Sure. C05798066.	10:51:34
12	A Thank you, sir.	10:51:39
13	Q If you could take a moment and review the	10:51:43
14	record.	10:51:45
15	A I've reviewed the document, sir.	10:52:28
16	Q Great. Thank you.	10:52:29
17	Do you -- do you recall sending this	10:52:30
18	e-mail?	10:52:34
19	A No, sir.	10:52:34
20	Q Okay. Do you -- do you recall this e-mail	10:52:34
21	at all? Have you seen this e-mail before?	10:52:40
22	MR. MYERS: Objection. Compound. And the	10:52:43

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

37

1 first half has been asked and answered. 10:52:44

2 Q You may answer the question. 10:52:46

3 A I was the author of the document, sir, but 10:52:48

4 I do not recall seeing this document recently. 10:52:50

5 Q Do you recall why you sent this e-mail to 10:52:52

6 Mrs. Clinton's non-State.gov e-mail account? 10:52:56

7 A No, sir, I do not. 10:53:00

8 Q Okay. Let's move on to the last page in 10:53:01

9 this stack of documents, Document Number C05798158. 10:53:06

10 If you would take a moment to review this record. 10:53:14

11 A I have reviewed the document, sir. 10:53:30

12 Q Do you recall this e-mail exchange? 10:53:32

13 A No, sir, I do not. 10:53:34

14 Q Okay. Do you recall sending the e-mail in 10:53:35

15 the middle of the page, dated -- I guess they're all 10:53:39

16 dated the same, but the time of 7:14 p.m.? 10:53:43

17 MR. MYERS: Objection. Asked and 10:53:46

18 answered. 10:53:47

19 Q You may answer the question. 10:53:48

20 A No, sir, I do not. 10:53:49

21 Q Okay. And just to confirm, do you 10:53:50

22 remember sending the e-mail, the first e-mail on the 10:53:53

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

38

1	page?	10:53:57
2	MR. MYERS: Objection. Asked and	10:53:57
3	answered.	10:53:58
4	Q You can answer the question.	10:53:59
5	A No, sir, I do not.	10:54:01
6	Q Do you know why you sent this e-mail to	10:54:02
7	Mrs. Clinton's non-State.gov e-mail account?	10:54:06
8	A I was simply replying to the incoming	10:54:10
9	e-mail, sir.	10:54:13
10	Q Do you -- do you know if you noticed her	10:54:13
11	e-mail address when you received these e-mails?	10:54:17
12	A This, sir, was three-and-a-half years ago,	10:54:24
13	and I have no specific recollection.	10:54:27
14	Q Do you know when Mrs. Clinton left the	10:54:29
15	State Department?	10:54:32
16	A She left the State Department in January	10:54:36
17	of 2013.	10:54:38
18	Q Okay. On January 27, 2013, did you know	10:54:40
19	that Mrs. Clinton was going to be leaving the State	10:54:44
20	Department shortly thereafter?	10:54:47
21	MR. MYERS: Objection. Beyond the scope	10:54:50
22	of authorized discovery.	10:54:51

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

39

1	Q	You may answer the question.	10:54:52
2	A	Yes. The -- I knew that -- I knew	10:54:57
3		contemporaneously that -- that President -- the	10:55:00
4		President re-elect Obama, President Elect Obama, had	10:55:03
5		nominated John Kerry to be the next Secretary of	10:55:07
6		State.	10:55:11
7	Q	Okay. When you received this e-mail or	10:55:11
8		sent these e-mails, do you recall thinking how these	10:55:13
9		records would be records-managed because	10:55:17
10		Mrs. Clinton was leaving office in the near future?	10:55:20
11		MR. MYERS: Objection. Beyond the scope	10:55:23
12		of authorized discovery.	10:55:26
13	Q	You may answer the question.	10:55:26
14		MR. MYERS: You may.	10:55:27
15	A	I have no -- I have no recollection of	10:55:29
16		thinking that.	10:55:30
17	Q	Okay. Thank you.	10:55:30
18		Earlier today you testified that you were	10:55:33
19		not aware of Mrs. Clinton using a non-State.gov	10:55:36
20		e-mail account for State Department business until	10:55:40
21		you saw it in The New York Times.	10:55:43
22		Do these documents help refresh your	10:55:46

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

40

1 recollection, or would you like to change your 10:55:48

2 answer now that you've seen these documents? 10:55:50

3 A No, sir. Your question was when I 10:55:54

4 realized that -- that Mrs. Clinton used -- I 10:55:56

5 interpreted your question being when Mrs. Clinton 10:55:59

6 used State Department e-mail for a significant 10:56:01

7 amount of business. 10:56:04

8 Q Okay. So when -- prior to The New York 10:56:05

9 Times article, were you aware that Mrs. Clinton used 10:56:12

10 a non-State Department e-mail account for at least 10:56:16

11 one e-mail? 10:56:20

12 A Yes. 10:56:24

13 Q Okay. Do you recall when you first 10:56:25

14 learned that she was using a State Department -- or 10:56:28

15 a non-State Department e-mail address for at least 10:56:32

16 one e-mail? 10:56:35

17 A When I got an e-mail from her, sir, 10:56:36

18 which -- whichever the first one would have been. 10:56:38

19 Q Do you recall what the first one was? 10:56:40

20 A No, sir, I do not. 10:56:42

21 Q Okay. At that time when you received that 10:56:43

22 first e-mail, did you think about the fact that 10:56:48

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

41

1 Mrs. Clinton was using a non-State.gov e-mail 10:56:52
2 account? 10:56:55
3 A It did not -- it did not register as -- it 10:56:56
4 did not strike any bells in my mind, no. 10:57:00
5 Q Why didn't it strike any bells? 10:57:02
6 A Because it did not. 10:57:05
7 Q Okay. Do you use a State Department 10:57:06
8 e-mail address to conduct official government 10:57:13
9 business? 10:57:15
10 MR. MYERS: Objection. Beyond the scope 10:57:16
11 of authorized discovery. 10:57:17
12 Q You may answer the question. 10:57:19
13 MR. MYERS: Go ahead. 10:57:21
14 A I use a State Department. 10:57:22
15 Q Do you use a personal e-mail account or a 10:57:25
16 non-State Department e-mail account to communicate 10:57:27
17 for State Department business? 10:57:31
18 MR. MYERS: Objection. Beyond the scope 10:57:32
19 of authorized discovery. 10:57:33
20 And, Michael, I'm going to instruct the 10:57:35
21 witness not to answer if you can't explain how this 10:57:37
22 relates to the topic that we're here for. 10:57:39

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

42

1	MR. BEKESHA: Sure.	10:57:41
2	Q When you received e-mails from	10:57:45
3	Mrs. Clinton, did you think it was unusual for the	10:57:46
4	Secretary of State to be not using a State	10:57:48
5	Department e-mail address?	10:57:50
6	A No, I did not. Because previous	10:57:58
7	Secretaries of State had not used e-mail addresses	10:58:00
8	at all.	10:58:02
9	Q Okay. But Mrs. Clinton was using an	10:58:03
10	e-mail address; wasn't she?	10:58:08
11	A To the best of my knowledge and	10:58:16
12	experience, it was a very, very limited nature.	10:58:17
13	Q Did you ever ask Mrs. Clinton if she was	10:58:21
14	using a non-State Department e-mail address to --	10:58:23
15	for State Department reasons?	10:58:25
16	MR. MYERS: Objection. Vague.	10:58:28
17	Q You may answer the question.	10:58:29
18	A No, sir.	10:58:32
19	Q Did you ever ask Mrs. Clinton if she was	10:58:33
20	going -- if she was using e-mail as Secretary of	10:58:37
21	State?	10:58:41
22	A No, sir, I did not.	10:58:45

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

43

1 Q Did you speak with anyone about whether or 10:58:46
2 not Mrs. Clinton was e-mailing for State Department 10:58:48
3 business? 10:58:51

4 A To the best of my recollection, no. 10:58:54

5 Q Why not? 10:58:56

6 A It's not -- it's not something that I ever 10:58:59
7 focused on. 10:59:01

8 Q Was somebody else in charge or somebody 10:59:04
9 else supposed to focus on that issue? 10:59:06

10 A I think this is a two-part answer. 10:59:12

11 One, we have a -- I knew that the 10:59:14

12 Secretary of State was receiving regular 10:59:18

13 communications through all the State Department 10:59:21

14 channels. And secondly, I am not responsible for 10:59:24

15 the provision of records or telecommunication 10:59:30

16 support to the Secretary of State. That is handled 10:59:36

17 by an office within the Executive Secretariat. 10:59:39

18 So it was not in my purview. 10:59:41

19 Q Okay. And who would have that individual 10:59:44

20 or those individuals have been? 10:59:49

21 A That would -- it would have been -- there 10:59:50

22 is -- there is an office within the Executive 10:59:52

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

44

1 Secretariat, and I cannot recall all the individuals 10:59:55
2 who might have been working in that office over the 10:59:58
3 period of four years. 11:00:00

4 Q Okay. And so is it your testimony that -- 11:00:01
5 strike that. 11:00:10

6 At any point during Mrs. Clinton's four 11:00:14
7 years when you would receive the occasional e-mail 11:00:16
8 from her, did you think about how those e-mails 11:00:19
9 would be records-managed? 11:00:23

10 A No, sir. I -- I was focused on responding 11:00:27
11 to the query that I had received. 11:00:30

12 Q When you received those e-mails -- prior 11:00:32
13 to receiving those e-mails, did you talk to anybody 11:00:37
14 about Mrs. Clinton's e-mail address? 11:00:39

15 MR. MYERS: Objection. Vague. 11:00:45

16 Q You can answer the question. 11:00:47

17 A I don't recall ever having talked to 11:00:49
18 anyone about Secretary Clinton's e-mail address. 11:00:50

19 Because as I responded, sir, to a previous question, 11:00:53
20 it was not my responsibility to provide that level 11:00:57

21 of telecommunications or other electronic messages 11:01:00
22 to the Secretary. That was handled by -- by an 11:01:05

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

45

1 office that was responsible for that function. 11:01:08

2 Q Okay. How do you know that former 11:01:09

3 Secretaries of State did not use State Department -- 11:01:12

4 did not use e-mail? 11:01:15

5 A It has been -- it has been -- I never had 11:01:19

6 received an e-mail from any of the Secretaries of 11:01:21

7 State that I had ever worked for. 11:01:24

8 Q And how many Secretaries -- Secretaries of 11:01:26

9 State had you worked for prior to Mrs. Clinton? 11:01:29

10 A I -- I believe I could -- it is 11:01:34

11 appropriate to say that I had worked directly for 11:01:38

12 six Secretaries of State total. 11:01:41

13 Q Okay. And so when you first received an 11:01:43

14 e-mail from Mrs. Clinton, that was unusual, then? 11:01:46

15 MR. MYERS: Objection. Mischaracterizes 11:01:50

16 prior testimony. 11:01:51

17 A "Unusual" is -- is not the word I just 11:01:55

18 said. It was -- it was something that had not 11:01:58

19 happened before, but I would not characterize it as 11:02:00

20 unusual. 11:02:02

21 Q Okay. Because it had not happened before, 11:02:03

22 did you think about it any -- any differently from 11:02:07

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

46

1	any other e-mails you would receive?	11:02:09
2	MR. MYERS: Objection. Vague, complex,	11:02:12
3	confusing. I really don't know what the question	11:02:13
4	is.	11:02:16
5	Q You can answer the question.	11:02:16
6	A I'm not sure that I understand your	11:02:18
7	question. Could you please restate.	11:02:20
8	Q Sure. I mean, you've testified that you	11:02:22
9	had never received an e-mail from six prior	11:02:25
10	Secretaries of State. So I'm just wondering, when	11:02:27
11	you received an e-mail from the Secretary of State,	11:02:31
12	did you think about it?	11:02:35
13	A Well, first you had asked how many	11:02:37
14	Secretaries of State I worked for. The answer is	11:02:39
15	six. It would have been four prior Secretaries of	11:02:41
16	State.	11:02:44
17	Q Okay.	11:02:44
18	A Secretary Clinton would have been five.	11:02:45
19	Q Okay.	11:02:47
20	A And Secretary Kerry would have been Number	11:02:47
21	6.	11:02:51
22	Q Okay. I misunderstood you. Thank you.	11:02:51

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

47

1	So there were four prior Secretaries that	11:02:53
2	you had never received an e-mail from, and then	11:02:55
3	Mrs. Clinton started -- e-mailed you on occasion.	11:02:58
4	Did you think about that at all?	11:03:03
5	A No, sir. Because they were so infrequent.	11:03:05
6	Q When you were communicating with the	11:03:08
7	Office of the Secretary, who would you primarily	11:03:14
8	communicate with?	11:03:16
9	MR. MYERS: Objection. Vague. And it's	11:03:17
10	not time limited, so it's hard for him to answer.	11:03:18
11	Q During -- during the four years	11:03:21
12	Mrs. Clinton was Secretary of State, who was your	11:03:22
13	primary e-mail contact within the Office of the	11:03:25
14	Secretary?	11:03:27
15	MR. MYERS: Objection. Assumes facts not	11:03:28
16	in evidence.	11:03:30
17	Q You can answer the question.	11:03:31
18	A I guess my primary contact would have been	11:03:35
19	the chief of staff.	11:03:37
20	Q And that was Ms. Mills?	11:03:38
21	A Ms. Mills, yes, sir.	11:03:40
22	Q Okay. Did you contact Ms. Mills on a	11:03:41

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

48

1 State Department e-mail account? 11:03:43

2 A Yes, sir, I did. 11:03:46

3 Q Why did you not contact her on a 11:03:46

4 non-State.gov e-mail account? 11:03:49

5 A Because that's how she addressed me. 11:03:54

6 Q When Mrs. Clinton -- as Mrs. Clinton was 11:03:56

7 transitioning into her role as Secretary of State, 11:04:09

8 so late 2008, early 2009, do you know if she 11:04:12

9 requested an e-mail address? 11:04:16

10 A No, sir, I do not. 11:04:20

11 Q Okay. Do you know if she requested a 11:04:21

12 BlackBerry? 11:04:24

13 A My recollection, there was a discussion 11:04:29

14 with the Secretary about her desiring to be able to 11:04:31

15 communicate with her family. 11:04:34

16 Q Okay. By using a BlackBerry? 11:04:38

17 A By com -- by a -- having a capability to 11:04:42

18 communicate with her family. I'm -- I was unaware 11:04:46

19 of the exact specific nature of the device to be 11:04:49

20 used. 11:04:53

21 Q Okay. Then just talk generally what you 11:04:53

22 recall about what was going on at that time period. 11:04:57

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

49

1	MR. MYERS: Objection. Calls for a	11:04:59
2	narrative response.	11:05:00
3	Q You can answer the question.	11:05:03
4	A Generally speaking, the Secretary wanted	11:05:04
5	to be able to contact her family. And that was a	11:05:06
6	subject that was being handled by the Executive	11:05:10
7	Secretariat. I was just aware of it generally, but	11:05:14
8	not -- not specifically.	11:05:17
9	Q How were you aware of it?	11:05:18
10	A I -- I think someone mentioned it to me.	11:05:21
11	But, again, this is -- you're asking me a question	11:05:26
12	about something that was almost eight years ago,	11:05:28
13	sir. So I -- I do not recall any specifics.	11:05:33
14	Q Do you recall who you spoke to?	11:05:36
15	A No, sir, I do not.	11:05:40
16	Q Do you know how this issue was resolved,	11:05:41
17	or if it was resolved?	11:05:44
18	A I know that it -- I know that it was	11:05:50
19	resolved that the Secretary of State had a means of	11:05:52
20	communicating with her family.	11:05:56
21	Q How do you know that?	11:05:58
22	A Because I remember, again, someone telling	11:06:00

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

50

1 me that eight years or six -- seven and a half, 11:06:02

2 eight years ago. 11:06:07

3 Q Do you recall if any discussions took 11:06:08

4 place about her wanting to communicate by e-mail 11:06:09

5 with State Department employees? 11:06:13

6 A No, sir. I recall no conversations of 11:06:16

7 that nature. 11:06:18

8 Q So the only conversation you had were 11:06:18

9 about her desire to e-mail with family and friends? 11:06:22

10 A That is the -- those are the conversations 11:06:25

11 I recall. 11:06:27

12 Q Okay. So when you received that first 11:06:28

13 e-mail from Mrs. Clinton about State Department 11:06:32

14 business, were you surprised? 11:06:35

15 MR. MYERS: Objection. Asked and 11:06:39

16 answered. 11:06:40

17 A No, sir, I was not. As I respond -- as I 11:06:41

18 responded previously. 11:06:45

19 Q Why weren't you surprised? 11:06:46

20 MR. MYERS: Objection. Asked and 11:06:48

21 answered. 11:06:48

22 Q You can answer the question. 11:06:48

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

51

1	A	Because I wasn't. I didn't find it	11:06:50
2		unusual.	11:06:52
3	Q	Okay.	11:06:53
4		MR. MYERS: Michael, we've been going a	11:06:56
5		little over an hour. Do you want to take a break	11:06:58
6		pretty soon?	11:07:01
7		MR. BEKESHA: That's fine. We can take a	11:07:02
8		break now.	11:07:04
9		MR. MYERS: Okay.	11:07:04
10		VIDEO SPECIALIST: We are off the record	11:07:05
11		at 11:07.	11:07:06
12		(A recess was taken.)	11:07:08
13		VIDEO SPECIALIST: We are back on the	11:21:44
14		record at 11:21.	11:21:46
15		BY MR. BEKESHA:	11:21:52
16	Q	We're back on the record, Mr. Kennedy.	11:21:52
17		It is my understanding --	11:21:54
18	A	Yes.	11:21:55
19	Q	-- you wanted to clarify a previous	11:21:55
20		statement?	11:21:58
21	A	Yes.	11:21:58
22		In -- in response to one of your earlier	11:21:59

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

52

1 questions about when -- what was -- when did I first 11:22:01
2 learn about e-mails, I think I need -- I understood 11:22:03
3 you to say one thing, but I think there -- thinking 11:22:07
4 about it, there's actually a broader three-part 11:22:10
5 answer. 11:22:13
6 Q Okay. Could you provide that three-part 11:22:14
7 answer? 11:22:16
8 A When did I first learn that -- that she 11:22:16
9 used e-mail, which is when I -- which, as I said, 11:22:21
10 when I received -- when I received an e-mail from 11:22:24
11 her. 11:22:26
12 Q Okay. 11:22:27
13 A When did I learn that there was a large 11:22:28
14 quantity of material that might include e-mails? 11:22:31
15 And that was when we received the 55,000 pages of 11:22:36
16 material from Secretary Clinton's representative in 11:22:39
17 response to my -- to my letter to them. 11:22:44
18 And then when I learned to an -- that 11:22:47
19 there was a large amount of e-mail material, and 11:22:51
20 that was in the -- was in that -- in March of '15, 11:22:55
21 when the -- when the story was in The New York 11:23:00
22 Times. 11:23:04

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

53

1 Q Okay. And why did you send that letter 11:23:04
2 that led to Mrs. Clinton's return of the 55,000 -- 11:23:06
3 roughly 55,000 pages of e-mails? 11:23:10
4 A On the advice of the State Department's 11:23:13
5 legal office. 11:23:16
6 Q Okay. 11:23:16
7 A And the letter went to several recent 11:23:18
8 Secretaries of State. 11:23:21
9 Q Okay. While Mrs. Clinton was Secretary of 11:23:23
10 State, did you ever see her use a BlackBerry? 11:23:28
11 A I believe there were several occasions 11:23:33
12 when I saw her with some kind of a PDA, some kind of 11:23:35
13 BlackBerry-like or equivalent device in her hand. 11:23:40
14 Q Did you know what -- how often, roughly, 11:23:44
15 would that have been? 11:23:47
16 A I saw her occasionally outside of her 11:23:50
17 office with one, and when I say "occasionally," I 11:23:55
18 can't -- you know, a handful of times literally over 11:23:58
19 four years. And then I remember there was in one 11:24:02
20 case a -- a picture on the front page of several 11:24:06
21 major newspapers of her on an aircraft with a -- 11:24:08
22 with a PDA in her hand. 11:24:12

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

54

1	Q	Do you recall the time frame or the time	11:24:13
2		period for when you saw that photo?	11:24:16
3	A	No, sir, I do not.	11:24:20
4	Q	Okay. When you saw that photo, did -- did	11:24:20
5		you know why she was using the PDA in the picture?	11:24:27
6		MR. MYERS: Objection. Foundation.	11:24:31
7	Q	You may answer the question.	11:24:34
8	A	My recollection, sir, was that there had	11:24:37
9		been discussions earlier on, as I may have -- as I	11:24:40
10		may have noted earlier, that the Secretary wished to	11:24:43
11		remain in contact with her family, and, therefore,	11:24:47
12		she was looking for a -- a means of being able to do	11:24:50
13		that.	11:24:54
14	Q	When you saw Mrs. Clinton in the hallway	11:24:57
15		outside of her office, did you think she was	11:24:59
16		e-mailing family and friends?	11:25:02
17	A	Yes.	11:25:04
18	Q	Okay. And is that what you thought about	11:25:04
19		when you saw the picture?	11:25:09
20	A	I'm not sure that I thought anything when	11:25:11
21		I saw the picture.	11:25:13
22	Q	After seeing the picture, did you talk to	11:25:15

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

55

1	anybody in the State Department about it?	11:25:19
2	A No, sir.	11:25:21
3	Q When you saw Mrs. Clinton in the hallway,	11:25:21
4	did you ever talk to anybody at the State Department	11:25:25
5	about Mrs. Clinton's use of a PDA outside of her	11:25:28
6	office?	11:25:31
7	A No, sir.	11:25:32
8	Q Okay. When did you become aware -- do you	11:25:32
9	know if Ms. Abedin used a non-State.gov e-mail	11:25:38
10	account to conduct government business?	11:25:42
11	A You showed me a document in the earlier	11:25:51
12	session in which there was a Huma Abedin	11:25:57
13	something-something dot com address.	11:26:03
14	Q Okay.	11:26:05
15	A So that -- that refreshed my memory.	11:26:06
16	I -- I have no recollection of -- of	11:26:08
17	communicating with Huma on a dot com address.	11:26:13
18	Q Okay. Do you know if Mrs. Clinton was	11:26:16
19	authorized to use a non-State.gov e-mail address for	11:26:25
20	government business?	11:26:28
21	A No, sir, I do not.	11:26:32
22	Q If she were to receive authorization, who	11:26:33

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

56

1	would know that?	11:26:37
2	MR. MYERS: Objection. Foundation.	11:26:37
3	Q You may answer the question.	11:26:39
4	A It would have come either from the chief	11:26:40
5	information officer or from the Bureau of Diplomatic	11:26:44
6	Security. Most likely a combination of the two of	11:26:50
7	them.	11:26:52
8	Q Okay. Was Mrs. Clinton's use of a	11:26:53
9	non-State Department e-mail address, did it conflict	11:26:57
10	with any State Department policies, practices, or	11:27:00
11	procedures?	11:27:02
12	MR. MYERS: Objection to the extent that	11:27:03
13	it calls for a legal conclusion.	11:27:04
14	Q You may answer the question.	11:27:06
15	A I'm not -- I am not a lawyer, sir. I	11:27:08
16	would have to consult with -- with -- with the	11:27:10
17	appropriate officials and the legal advisor's	11:27:13
18	office, the Bureau of Diplomatic Security, the	11:27:17
19	Bureau of Administration, and the office -- and the	11:27:20
20	chief information officers to give you a -- a formal	11:27:23
21	response --	11:27:27
22	Q Do you --	11:27:28

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

57

1	A	-- as Undersecretary for Management.	11:27:28
2	Q	Thank you.	11:27:30
3		Do all of those offices report to you?	11:27:31
4	A	No, sir, they do not.	11:27:33
5	Q	Which ones report to you?	11:27:34
6	A	The Bureau of Administration, the Bureau	11:27:36
7		of Information Resources Management, the CIO, and	11:27:41
8		the Bureau of Diplomatic Security.	11:27:42
9	Q	Okay. I forgot what the other office was	11:27:44
10		that you mentioned.	11:27:47
11	A	The Office of the Legal Advisor, sir.	11:27:49
12	Q	Thank you. Who does the Office of the	11:27:51
13		Legal Advisor report to?	11:27:53
14	A	Reports to the Secretary of State.	11:27:55
15	Q	Okay. Do you report to the Secretary of	11:27:56
16		State?	11:27:58
17	A	Yes, sir.	11:27:59
18	Q	Okay. Were you ever specifically	11:27:59
19		instructed not to inform the national archives about	11:28:04
20		Mrs. Clinton's use of a non-State Department e-mail	11:28:09
21		address?	11:28:13
22	A	No, sir.	11:28:14

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

58

1	Q	Okay. Do you know if Mrs. Clinton at any	11:28:15
2		point was told not to use a non-State.gov e-mail	11:28:20
3		account for government business?	11:28:25
4	A	I have no knowledge of that, sir.	11:28:28
5	Q	If -- who would be responsible for	11:28:29
6		informing Mrs. Clinton that she should not use a	11:28:34
7		non-State.gov e-mail account for government	11:28:37
8		business?	11:28:40
9		MR. MYERS: Objection. Foundation.	11:28:40
10	Q	You may answer the question.	11:28:42
11	A	It would have been the -- the records and	11:28:44
12		technology section in the office that supported the	11:28:49
13		Office of the Secretary.	11:28:53
14	Q	And do you know who was in charge of that	11:28:54
15		office --	11:28:57
16		MR. MYERS: Objection.	11:28:58
17	Q	-- while Mrs. Clinton was Secretary of	11:28:58
18		State?	11:29:00
19		MR. MYERS: Objection. Asked and	11:29:00
20		answered.	11:29:01
21	Q	You may answer the question.	11:29:03
22	A	There were -- there were several	11:29:04

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

59

1 individuals in the Executive Secretariat, which is 11:29:05
2 the office that provides that support to -- to the 11:29:08
3 Secretary's immediate office. 11:29:13

4 Q Okay. Do you know specifically a job 11:29:14
5 title of who would be responsible for informing the 11:29:16
6 Secretary that she should not use a non-State.gov 11:29:21
7 e-mail account to conduct government business? 11:29:25

8 A I'm not sure that -- that I can identify a 11:29:33
9 specific individual person. It would have been the 11:29:37
10 collective responsibility of the Executive 11:29:42
11 Secretariat, which provides that administrative-type 11:29:46
12 support. 11:29:49

13 Q Okay. And approximately how many 11:29:49
14 employees are within the Executive Secretariat? 11:29:51

15 MR. MYERS: Objection. Foundation. And 11:29:54
16 outside the scope. 11:29:57

17 Q You may answer the question. 11:29:58

18 A Well, there are -- in going to that 11:30:00
19 portion, which is the technology portion, I would 11:30:04
20 say there -- plus supervisors, I can only guess 11:30:07
21 several dozen. 11:30:13

22 Q Okay. And so it would have been the 11:30:14

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

60

1 responsibility of those several dozen employees -- 11:30:16

2 A No. No, sir, not -- it would have been 11:30:19

3 responsibility of the supervisors of those -- of the 11:30:22

4 unit that does IT and records support. 11:30:26

5 Q Okay. Do you know who that supervisor was 11:30:28

6 during Mrs. Clinton's tenure? 11:30:32

7 A I'm not sure that I could give you the 11:30:37

8 specific name. Because, again, that is not an 11:30:40

9 office that is within -- within my area of 11:30:42

10 responsibility. 11:30:45

11 Q Do you know if that person was John 11:30:45

12 Bentel? 11:30:48

13 A I know that John Bentel was a -- a -- one 11:30:50

14 of the office directors within the Executive 11:30:55

15 Secretariat, yes. But I do not remember his exact 11:30:58

16 period of tenure. 11:31:02

17 Q Okay. Do you know if anybody informed 11:31:03

18 Ms. Abedin that she should not use a non-State.gov 11:31:07

19 e-mail account to conduct government business? 11:31:12

20 A I can't answer that question because it's 11:31:15

21 not within my -- my knowledge. 11:31:16

22 Q Okay. As Undersecretary for manage -- for 11:31:18

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

61

1	Management, what is your role when it comes to FOIA?	11:31:25
2	A The Bureau of Information -- the Bureau of	11:31:29
3	Administration, one of its divisions, under a Deputy	11:31:35
4	Assistant Secretary, is responsible for the	11:31:39
5	processing of FOIA requests centrally for the	11:31:42
6	department.	11:31:46
7	Q Okay. And that person reports to you?	11:31:47
8	A No, sir. That person reports to a Deputy	11:31:49
9	Assistant Secretary, who reports to an Assistant	11:31:53
10	Secretary, who reports to me.	11:31:54
11	Q Okay. You're also the -- is it correct	11:31:55
12	that you're the senior agency official for records	11:32:01
13	management?	11:32:04
14	A Yes, sir.	11:32:05
15	Q What does that mean?	11:32:05
16	A The -- there is a requirement that there	11:32:08
17	simply be a senior officer of the department who	11:32:10
18	is -- carries that title. But the actual working	11:32:16
19	responsibilities rest with -- with various staff	11:32:19
20	within the Office of Information Program Services,	11:32:22
21	which is part -- is one of the Deputy Assistant	11:32:26
22	Secretariats within the Bureau of Administration.	11:32:30

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

62

1 Q Okay. And how often do you speak with 11:32:32
2 that person? 11:32:34

3 A Infrequently. 11:32:37

4 Q Okay. During Mrs. Clinton's tenure, did 11:32:38
5 you speak to anyone about FOIA requests about 11:32:43
6 Mrs. Clinton's e-mail -- FOIA requests for e-mails 11:32:47
7 of Mrs. Clinton? 11:32:50

8 A During her time as -- as Secretary of 11:32:54
9 State, no. 11:32:56

10 Q Okay. What about after her tenure as 11:32:56
11 Secretary of State? 11:32:59

12 A When -- when the -- when the -- there 11:33:01
13 began to be the large discussion, especially about 11:33:05
14 the 55,000 documents, I was -- I was briefed that 11:33:08
15 there were these -- at the point in which the 11:33:14
16 documents had been input -- inputted into the -- 11:33:17
17 into our system of -- of records review, yes, I was 11:33:23
18 told about the process and provided that entity with 11:33:27
19 additional resources in order to -- to do the work. 11:33:31

20 Q All right. Did you have any discussions 11:33:35
21 with any individuals after Mrs. Clinton's tenure 11:33:36
22 about FOIA requests that were received during her 11:33:40

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

63

1	tenure that related to her e-mails?	11:33:44
2	A Can you be a little more specific about	11:33:51
3	the time frame here?	11:33:53
4	Q Sure. Between February of 2013 and today.	11:33:55
5	MR. MYERS: Sorry. Can you just rephrase	11:34:01
6	the entire question with the date of restriction?	11:34:03
7	MR. BEKESHA: Sure.	11:34:05
8	Q Between February of 2013 and the present,	11:34:06
9	have you had any conversations with anyone at the	11:34:09
10	State Department about the processing of FOIA	11:34:12
11	requests for Mrs. Clinton's e-mails or related to	11:34:15
12	Mrs. Clinton's e-mails, I think I said the first	11:34:19
13	time, while she was Secretary of State?	11:34:21
14	MR. MYERS: And, sorry. Does your	11:34:23
15	question exclude the legal advisor?	11:34:24
16	Q Excluding the legal advisor and the	11:34:26
17	attorneys sitting here today.	11:34:29
18	A I do not believe I had any discussions	11:34:31
19	between -- of that between February of 2013 and	11:34:33
20	March, April of 2015.	11:34:45
21	Q Okay. What about since March or April of	11:34:48
22	2015, excluding attorney -- legal advisor or the	11:34:51

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

64

1 Justice Department attorneys representing you with 11:34:57
2 respect to this case? 11:35:00

3 A I was -- I was briefed in -- and on the 11:35:01
4 process of processing the 55,000 documents, and 11:35:03
5 provided them with additional resources, and was 11:35:13
6 kept apprised of the -- of the ongoing effort to 11:35:15
7 respond to Freedom of Information Act requests. 11:35:18

8 Q All right. Did you have any discussions 11:35:22
9 during that time period about the process -- during 11:35:24
10 that time period post March of 2015, about the 11:35:27
11 processing of FOIA requests while Mrs. Clinton was 11:35:30
12 Secretary of State? 11:35:33

13 A Not to the best of my recollection. 11:35:35

14 Q Okay. During Mrs. Clinton's tenure, how 11:35:36
15 often would you be involved in FOIA-related issues? 11:35:44

16 A Aperiodically. 11:35:51

17 Q And what type of involvement would you 11:35:51
18 have? 11:35:54

19 A We would -- it would be budget reviews 11:35:55
20 to -- you know, we -- we have to build a budget for 11:35:58
21 the -- the back end of the State Department and make 11:36:01
22 sure that it's -- sufficient resources were 11:36:05

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

65

1 requested in order to provide for all the offices. 11:36:09
2 And I would get briefings periodically on just 11:36:13
3 where -- how we were doing on -- on FOIA response 11:36:18
4 writ large. 11:36:24
5 Q Okay. 11:36:24
6 A Meaning volumetric, not specific cases. 11:36:25
7 Q Okay. How often were you involved with 11:36:28
8 specific FOIA responses during Mrs. Clinton's 11:36:33
9 tenure? 11:36:38
10 A Only when my office was an addressee for 11:36:40
11 one of the taskings that came from the -- the office 11:36:44
12 that did that. 11:36:48
13 MR. BEKESHA: Let's mark this as Exhibit 11:36:55
14 2. 11:36:56
15 (Kennedy Deposition Exhibit 2 marked for 11:36:56
16 identification and is attached to the transcript.) 11:37:12
17 Q If you could take a moment and review 11:37:12
18 what's marked as Exhibit 2. 11:37:13
19 (A discussion was held off the record.) 11:37:33
20 A I've reviewed the document, sir. 11:37:43
21 Q Thank you. 11:37:44
22 Do you recall -- looking at the middle of 11:37:45

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

66

1 the first page, do you recall sending this e-mail to 11:37:47
2 Ms. Mills on April 2nd, 2012? 11:37:52
3 A No, sir, I do not. 11:37:54
4 Q Okay. Could you -- could you describe 11:37:55
5 what this -- what that e-mail was that you were 11:38:00
6 sending to Ms. Mills? 11:38:02
7 MR. MYERS: Objection. The document 11:38:03
8 speaks for itself. And the witness has testified he 11:38:04
9 has no personal knowledge. 11:38:06
10 Q You can answer the question to the best of 11:38:08
11 your ability. 11:38:10
12 A No, sir, I do not recall -- I do not 11:38:12
13 recall either the document or the subject matter. 11:38:15
14 Q Okay. Do you know how -- how many times 11:38:17
15 over the course of Mrs. Clinton's tenure were you 11:38:23
16 involved in the release -- the processing or the 11:38:26
17 release of FOIA requests that may get press 11:38:30
18 attention? 11:38:33
19 MR. MYERS: Objection. And outside the 11:38:33
20 scope of authorized discovery to the extent it's not 11:38:35
21 limited to FOIA requests for former Secretary 11:38:38
22 Clinton and Ms. Abedin's e-mail. 11:38:40

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

67

1 Q Okay. You may answer the question. 11:38:43

2 MR. MYERS: You can answer. 11:38:45

3 A As I said, I do not -- I was not involved 11:38:48

4 in the processing of the -- of FOIA requests, except 11:38:52

5 to the extent that my office would have received a 11:38:57

6 tasker asking did I have in my possession documents 11:39:01

7 of relevance to the FOIA request. 11:39:07

8 Q During Mrs. Clinton's tenure, as well as 11:39:10

9 after, have you ever received any taskings to search 11:39:14

10 your e-mails for e-mails of Mrs. Clinton or 11:39:17

11 Ms. Abedin? 11:39:21

12 A Yes. 11:39:25

13 Q How often -- did -- I'll break that down. 11:39:26

14 During -- while -- during Mrs. Clinton's tenure, did 11:39:30

15 you receive any taskings to search your e-mails for 11:39:33

16 Mrs. Clinton or Ms. Abedin's e-mails? 11:39:36

17 A I have no recollection of any taskings 11:39:41

18 during the Secretary of State's tenure. 11:39:45

19 Q Approximately how many taskings have you 11:39:47

20 received since Mrs. Clinton's tenure? 11:39:51

21 A I would be -- I would be very reluctant to 11:39:56

22 hazard a guess. 11:39:58

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

68

1	Q	Why were you tasked to search for those	11:40:01
2		records?	11:40:04
3		MR. MYERS: Objection. Lack of	11:40:04
4		foundation.	11:40:05
5	Q	You may answer the question.	11:40:06
6	A	Because I received a tasker.	11:40:08
7	Q	Do you know why you received the tasker?	11:40:10
8		MR. MYERS: Objection. Asked and	11:40:16
9		answered, and lack of foundation.	11:40:18
10	Q	You may answer the question.	11:40:20
11	A	Because the -- because the records office	11:40:22
12		thought that my office might have -- have such	11:40:23
13		records and sent my -- there is a -- there is an	11:40:26
14		individual in my office who receives these taskers	11:40:32
15		for the office -- for the Office of the	11:40:35
16		Undersecretary, and then checks with myself and the	11:40:38
17		staff in the office to make sure that we are -- that	11:40:42
18		we -- if we are holding responsive material, we are	11:40:45
19		responsive.	11:40:49
20	Q	Do you know if those -- do you recall if	11:40:50
21		those taskers were specific to search for e-mails	11:40:52
22		that you -- correspondence you had with Mrs. Clinton	11:40:57

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

69

1	or Ms. Abedin, or if it was generally a tasker for	11:40:59
2	records related to a specific issue?	11:41:03
3	MR. MYERS: Objection. Compound.	11:41:05
4	Q You may answer the question.	11:41:07
5	A I think the answer is both and.	11:41:10
6	Q Could you explain that a little bit?	11:41:14
7	MR. MYERS: Objection. Form.	11:41:16
8	Q You may answer the question.	11:41:17
9	MR. MYERS: If you know what it is.	11:41:19
10	A We received requests that were both	11:41:22
11	related to To/From, and Subject.	11:41:24
12	Q Going -- going back to the exhibit	11:41:29
13	marked -- the document marked as Exhibit 2.	11:41:40
14	Do you recall how many FOIA requests you	11:41:43
15	reviewed or you were part of the process during	11:41:47
16	Mrs. Clinton's tenure that related to her e-mails?	11:41:50
17	MR. MYERS: Objection. Assumes facts not	11:41:59
18	in evidence.	11:42:01
19	Q You can answer the question.	11:42:02
20	A I honestly don't remember a number.	11:42:05
21	Q Do you remember any?	11:42:09
22	A I cannot say that they were none, but I --	11:42:14

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

70

1	I can -- I have no -- I'm trying to remember things	11:42:18
2	that took place over four years, which were anywhere	11:42:21
3	between eight and three-and-a-half years ago.	11:42:27
4	Q Do you know who is responsible for	11:42:33
5	processing FOIA requests -- processing	11:42:36
6	Mrs. Clinton's e-mails during her tenure for FOIA	11:42:39
7	requests?	11:42:42
8	A That was -- that would be a function that	11:42:47
9	resided in the Executive Secretariat.	11:42:48
10	Q Okay. Do you know who Mr. Pagliano is,	11:42:50
11	Bryan Pagliano?	11:42:54
12	A Yes, sir.	11:42:57
13	Q When did you first -- when did you first	11:42:57
14	become -- learn of Bryan Pagliano?	11:43:05
15	A I would say sometime in the first quarter	11:43:12
16	of 2009.	11:43:16
17	Q Okay. And how did you become aware of	11:43:18
18	him?	11:43:20
19	A One of the offices that reports to me	11:43:24
20	coordinates the onboarding of noncareer appointees.	11:43:28
21	Q Okay. Was Mr. Pagliano a noncareer	11:43:36
22	appointee?	11:43:41

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

71

1	A	Yes, sir.	11:43:42
2	Q	Okay. And which office was he assigned	11:43:42
3		to?	11:43:47
4	A	The Office -- the Bureau of Information	11:43:47
5		Resources Management.	11:43:50
6	Q	Do you know how he ended up in that	11:43:50
7		office?	11:43:52
8		MR. MYERS: Objection. Vague.	11:43:53
9	Q	You may answer the question.	11:43:54
10	A	I generally recall that since he had an IT	11:44:00
11		technical background, that was the office that	11:44:02
12		handled the backbone processing for the Department	11:44:06
13		of State in the IT arena.	11:44:13
14	Q	Do you know how his résumé ended up with	11:44:14
15		the IRM department?	11:44:17
16	A	I believe it was given to me, and I gave	11:44:23
17		it to the Bureau of Information Resource Management.	11:44:26
18	Q	Do you know who gave you his résumé?	11:44:30
19	A	I do not remember exactly, but it would	11:44:32
20		have come to me from the White House liaison office.	11:44:34
21	Q	And who was in that office at that time?	11:44:37
22	A	There were three or four people in the	11:44:42

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

72

1	office at that time.	11:44:43
2	Q Okay. Do you know why they provided you	11:44:45
3	with his résumé?	11:44:48
4	MR. MYERS: Objection. Foundation.	11:44:50
5	Q You may answer the question.	11:44:53
6	A That is -- that is the function -- that is	11:44:54
7	the function of that office.	11:44:56
8	Q Do you know if anybody had sought -- asked	11:44:59
9	for him to be employed at the State Department?	11:45:02
10	MR. MYERS: Objection. Foundation.	11:45:04
11	Q You may answer the question.	11:45:06
12	A It is the function of that office to -- to	11:45:07
13	propose noncareer appointees for positions within	11:45:11
14	the State Department. That is the historical	11:45:16
15	responsibility of that office.	11:45:20
16	Q Do you know how that office received	11:45:21
17	Mr. Pagliano's résumé?	11:45:24
18	MR. MYERS: Objection. Foundation.	11:45:25
19	Q You may answer the question.	11:45:27
20	A I do not recall knowing that.	11:45:29
21	Q Okay. Did Mr. Pagliano report to you?	11:45:31
22	A No, sir.	11:45:34

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

73

1	Q	Do you know who he reported to?	11:45:34
2	A	To the best of my recollection, it was one	11:45:39
3		of the deputy chief information officers.	11:45:41
4	Q	Okay. Do you know what Mr. Pagliano's job	11:45:44
5		description was while he was employed at the State	11:45:47
6		Department?	11:45:49
7	A	I do not recall ever being briefed on	11:45:52
8		that, no, sir.	11:45:56
9	Q	Okay. Do you know if Mr. Pagliano worked	11:45:57
10		on Mrs. Clinton's personal e-mail account?	11:46:02
11	A	I did not know that contemporaneously.	11:46:09
12	Q	Do you know that now?	11:46:11
13	A	My understanding -- I believe I have	11:46:13
14		read -- I have read articles in the newspaper so	11:46:16
15		asserting.	11:46:19
16	Q	Have you spoken to anybody besides the	11:46:19
17		Office of Legal Advisor or the Department of Justice	11:46:22
18		attorneys representing you here about what you	11:46:26
19		learned in those newspaper articles?	11:46:29
20		MR. MYERS: Can you also exclude any	11:46:30
21		pending law-enforcement investigations.	11:46:32
22	Q	Or any pending law-enforcement	11:46:34

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

74

1	investigation.	11:46:36
2	MR. BEKESHA: Thank you.	11:46:36
3	MR. MYERS: Yeah.	11:46:37
4	A I believe in -- in a response to a	11:46:40
5	congressional inquiry, I checked with the Bureau of	11:46:42
6	Human Resources on his status.	11:46:46
7	Q Do you recall what the Bureau of Human	11:46:51
8	Resources informed you?	11:46:53
9	A They just informed me that he was -- at	11:46:56
10	one point they informed me he was no longer an	11:46:56
11	employee. And then they also informed me of where	11:46:58
12	he was placed within the Bureau of Information	11:47:01
13	Resource Management.	11:47:05
14	Q Okay. Do you know who Clarence Finney is?	11:47:05
15	A Clarence Finney is an officer within the	11:47:10
16	Executive Secretariat's office that deals with	11:47:12
17	records.	11:47:16
18	Q Have you ever spoken to Mr. Finney about	11:47:16
19	Mrs. Clinton -- generally about Mrs. Clinton's use	11:47:20
20	of e-mail?	11:47:22
21	A To the best of my knowledge, I don't think	11:47:24
22	I ever have spoken to Mr. Finney.	11:47:26

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

75

1	Q	At all?	11:47:28
2	A	On the -- on your question.	11:47:30
3	Q	Okay. Thank you. I wasn't sure by -- by	11:47:31
4		your answer.	11:47:34
5		Have you ever spoken to Mr. Finney about	11:47:35
6		FOIA requests related to Mrs. Clinton's e-mail?	11:47:38
7	A	No, sir.	11:47:42
8	Q	Okay.	11:47:42
9	A	To the best of my knowledge.	11:47:44
10	Q	Have you ever spoken to Mr. Finney about	11:47:44
11		FOIA requests related to the Office of the Secretary	11:47:48
12		generally?	11:47:54
13	A	No, sir. Because that is not something an	11:47:56
14		Undersecretary for Management would normally do.	11:47:58
15	Q	Mrs. Clinton has stated -- are you aware	11:48:00
16		that Mrs. Clinton has stated that it was her	11:48:17
17		practice to e-mail government employees on their dot	11:48:20
18		gov e-mail address so that the e-mails would	11:48:23
19		immediately be captured and preserved in	11:48:26
20		record-keeping systems?	11:48:29
21	A	I believe I have seen that in the	11:48:35
22		newspaper.	11:48:36

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

76

1	Q	Okay. Do you know when you first saw that	11:48:36
2		in the newspaper?	11:48:38
3	A	I -- I would be unable to pick a date.	11:48:44
4	Q	Okay. Thank you.	11:48:45
5		Do you know if you knew that that was her	11:48:46
6		practice prior to reading it in the newspaper?	11:48:48
7	A	I have no way of answering what the	11:48:54
8		Secretary of State thought her practice was.	11:48:56
9	Q	Did you ever talk to Mrs. Clinton about	11:48:59
10		her practice of preserving e-mails?	11:49:02
11	A	No, sir.	11:49:05
12	Q	Have you ever talked to anybody else in	11:49:05
13		the State Department about Mrs. Clinton's practice	11:49:07
14		of preserving e-mails?	11:49:11
15		MR. MYERS: And again, if you could	11:49:12
16		exclude the legal advisor.	11:49:14
17	Q	Excluding the legal advisor.	11:49:15
18	A	I believe my conversations have only been	11:49:23
19		with the legal advisor, to the best of my	11:49:25
20		recollection.	11:49:27
21	Q	Okay.	11:49:28
22	A	Or potentially with one of my staff, who I	11:49:29

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

77

1 tasked to go get an answer from the legal advisor. 11:49:32

2 Q Do you recall which individuals in -- of 11:49:36

3 your staff that you spoke with? 11:49:40

4 A No, sir. 11:49:41

5 Q Okay. Do you know if anybody in the State 11:49:41

6 Department approved this practice that Mrs. Clinton 11:49:46

7 stated that she had? 11:49:49

8 MR. MYERS: Objection. Vague. 11:49:51

9 Q You may answer the question. 11:49:53

10 A I am not aware of anyone. 11:49:54

11 Q Do you know if this practice is contrary 11:49:56

12 to State Department policy? 11:49:58

13 MR. MYERS: Objection. Vague, and 11:50:00

14 potentially at least calls for a legal conclusion. 11:50:02

15 Q You may answer the question. 11:50:04

16 A To answer that question I would have to 11:50:08

17 consult with my subject matter experts and with the 11:50:09

18 Office of the Legal Advisor. 11:50:12

19 Q Okay. Based on your understanding of the 11:50:13

20 State Department's records-management policy, do you 11:50:17

21 believe Mrs. Clinton's practice of preserving 11:50:22

22 e-mails was contrary to -- to your beliefs? 11:50:25

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

78

1 MR. MYERS: Objection. It still calls for 11:50:28
2 a legal conclusion. 11:50:30

3 Q You may answer the question. 11:50:32

4 A In order to render an opinion as the 11:50:36
5 Undersecretary for Management, I am very careful 11:50:38
6 when I render such opinions. And, therefore, I 11:50:41
7 consult with subject matter experts and the Office 11:50:44
8 of the Legal Advisor before rendering opinions which 11:50:48
9 have some standing within the State Department as 11:50:51
10 the Undersecretary. 11:50:54

11 Q Do you know if Mrs. Clinton's use of a 11:50:56
12 non-State.gov e-mail account -- based on your 11:51:00
13 knowledge of the State Department's 11:51:03
14 records-management policy, do you know if 11:51:06
15 Mrs. Clinton's use of a non-State.gov e-mail account 11:51:10
16 to conduct official government business was contrary 11:51:13
17 to that policy? 11:51:16

18 MR. MYERS: Objection to the extent that 11:51:17
19 it calls for a legal conclusion. 11:51:19

20 Q You may answer the question. 11:51:20

21 A As I've said before, I would -- I would 11:51:25
22 consult with -- with the experts. I will add that 11:51:27

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

79

1 it is -- the State Department employees are 11:51:30
2 encouraged to use State.gov addresses. 11:51:33

3 Q Okay. As senior agency official for 11:51:38
4 records management at the State Department, do you 11:51:41
5 believe that Mrs. Clinton's use of a non-State.gov 11:51:43
6 e-mail account was contrary to State Department 11:51:46
7 policy? 11:51:50

8 MR. MYERS: Objection. Asked and 11:51:50
9 answered, and potentially calls for a legal 11:51:52
10 conclusion. 11:51:53

11 Q You can answer the question. 11:51:54

12 A As I said, the State Department records 11:51:56
13 encourages the use of State.gov. But to go further 11:51:59
14 than that, I would have to consult with subject 11:52:02
15 matter experts and -- and the Office of the Legal 11:52:04
16 Advisor. 11:52:07

17 Q As the senior agency official for records 11:52:07
18 management at the State Department, do you know -- 11:52:10
19 do you believe that Mrs. Clinton's use of -- 11:52:14
20 Mrs. Clinton's practice to e-mail other individuals 11:52:18
21 so their e-mails could be preserved was contrary -- 11:52:23
22 is contrary to State Department records-management 11:52:26

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

80

1	policy?	11:52:28
2	MR. MYERS: Objection. Asked and	11:52:29
3	answered, and calls for a legal conclusion.	11:52:30
4	Q You may answer that question.	11:52:32
5	A State Department records-management policy	11:52:34
6	encourages the use of dot gov -- State.gov addresses	11:52:36
7	for official business, and to go further I would	11:52:40
8	need to consult with subject matter experts and the	11:52:43
9	Office of the Legal Advisor.	11:52:46
10	Q Okay. My question was a little bit	11:52:47
11	different. My question was focused again on	11:52:50
12	Mrs. Clinton's stated practice to e-mail government	11:52:54
13	employees on their dot gov e-mail address, that way	11:52:56
14	work e-mails would be immediately captured and	11:52:59
15	preserved in government recordkeeping systems.	11:53:01
16	Before you testified that as	11:53:04
17	Undersecretary of Management you couldn't answer	11:53:07
18	that question with -- without consulting. So my	11:53:08
19	question now is, as senior agency official, as the	11:53:13
20	senior agency official for records management for	11:53:16
21	the State Department, do you believe that that	11:53:18
22	practice of preservation, or that her stated	11:53:20

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

81

1 practice of preservation, was contrary to State 11:53:24
2 Department policy? 11:53:27
3 MR. MYERS: Objection. It's been asked 11:53:27
4 and answered. It calls for a legal conclusion. And 11:53:29
5 to the extent that it's focused on records 11:53:31
6 management rather than FOIA processing, it's beyond 11:53:33
7 the scope of authorized discovery. 11:53:35
8 Q You may answer the question. 11:53:37
9 MR. MYERS: That's fine. 11:53:38
10 A As I said, it -- State Department 11:53:41
11 regulations encourage State Department employees to 11:53:46
12 use State.gov e-mail addresses. To go further and 11:53:48
13 say whether a -- in a specific case something does 11:53:54
14 or does not conform to that recommendation, I would 11:53:57
15 have to consult with subject matter experts and 11:54:01
16 the -- and the Office of the Legal Advisor. 11:54:04
17 Q When did you first become aware that 11:54:05
18 Mrs. Clinton was using a -- what's been described in 11:54:17
19 the media as a personal server, e-mail server? 11:54:19
20 A As I have testified previously, I did not 11:54:32
21 focus on the -- her e-mail address when I recent -- 11:54:38
22 re -- received the documents that we had discussed 11:54:43

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

82

1 earlier. I did not focus on that. 11:54:46

2 So the -- it just did not set off any 11:54:49

3 bells in my head that these were coming from a 11:54:52

4 personal server. And, therefore, my answer to your 11:54:54

5 question is in -- when I read about it in the 11:54:59

6 newspaper in March of 2015. 11:55:03

7 Q Okay. Prior to March 2015, do you recall 11:55:07

8 having any conversations with anyone at the State 11:55:10

9 Department about Mrs. Clinton's e-mail server? 11:55:15

10 A Not to the best of my recollection, no, 11:55:17

11 sir. 11:55:20

12 Q Do you recall having any e-mail 11:55:20

13 correspondence or -- do you recall seeing any e-mail 11:55:23

14 correspondence that talked about Mrs. Clinton's 11:55:27

15 e-mail server? 11:55:31

16 A I do recall in reviewing material there 11:55:45

17 was a -- there was a -- a trailing paragraph to a 11:55:50

18 document -- in a document that -- that talked about 11:55:54

19 it. But I did not focus on the trailing document -- 11:55:58

20 trailing paragraph, because the primary paragraph in 11:56:01

21 that e-mail was about an issue that I had been 11:56:05

22 working on, which is why I was on that -- copied on 11:56:09

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

83

1 that e-mail. 11:56:12

2 Q Do you recall any other e-mails, besides 11:56:14

3 that one, that referred to Mrs. Clinton's e-mail 11:56:19

4 server? 11:56:24

5 A No, sir, not to the best of my 11:56:25

6 recollection. 11:56:26

7 Q Okay. In preparing for your testimony 11:56:26

8 today, besides the Office of Legal Advisor, Justice 11:56:31

9 Department attorneys, or any law-enforcement 11:56:36

10 officers in an ongoing law-enforcement 11:56:38

11 investigation, who did you speak with? 11:56:42

12 Did you speak with anyone about your 11:56:44

13 testimony today? 11:56:45

14 A May I ask you to rephrase the last part? 11:56:51

15 Q Sure. 11:56:54

16 A I mean, I -- I informed people I was 11:56:55

17 testifying today. 11:56:57

18 Q Okay. 11:56:58

19 A I told my wife I was testifying today. I 11:56:59

20 told my staff I was testifying today. 11:57:01

21 But if -- if -- I -- but if I -- I'm not 11:57:05

22 trying to rephrase counsel's question. But if you 11:57:09

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

85

1	Q	Okay. When did you last speak with	11:58:01
2		Mrs. Clinton?	11:58:06
3		MR. MYERS: Objection. Beyond the scope	11:58:08
4		of authorized discovery.	11:58:09
5		You can answer the question.	11:58:11
6	Q	You may answer the question.	11:58:12
7	A	I think I saw Secretary Clinton at a	11:58:16
8		social function some months ago.	11:58:21
9	Q	Since Mrs. Clinton left the State	11:58:27
10		Department, have you spoken to her or any of her	11:58:30
11		representatives about her e-mail usage while she was	11:58:32
12		Secretary of State?	11:58:37
13		MR. MYERS: Objection. Vague.	11:58:38
14	Q	You may answer the question.	11:58:41
15	A	Spoken -- spoken, no.	11:58:47
16	Q	What about e-mailing?	11:58:51
17	A	E-mailing, no.	11:58:54
18	Q	Okay. Letter writing, correspondence in	11:58:55
19		hard-copy form?	11:59:01
20	A	Yes.	11:59:03
21	Q	Okay.	11:59:04
22	A	Communications that the Office of the	11:59:04

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

86

1	Legal Advisor had me send to representatives of four	11:59:08
2	former Secretaries of State.	11:59:12
3	Q Okay. Have you spoken with Ms. Abedin or	11:59:14
4	Ms. Mills about the substance of the testimony -- of	11:59:20
5	your testimony today?	11:59:24
6	A No, sir.	11:59:26
7	Q Okay.	11:59:27
8	MR. BEKESHA: Why don't we take a	11:59:34
9	five-minute break.	11:59:37
10	VIDEO SPECIALIST: We are off the record	11:59:38
11	at 11:59.	11:59:39
12	(A recess was taken.)	11:59:40
13	VIDEO SPECIALIST: We are back on the	12:13:33
14	record at 12:13.	12:13:37
15	BY MR. BEKESHA:	12:13:41
16	Q Great. Thank you.	12:13:42
17	Mr. Kennedy, I just have a few more	12:13:43
18	questions.	12:13:44
19	First, when we came back from the previous	12:13:45
20	break, you talked about the three-part answer to	12:13:47
21	your knowledge about Mrs. Clinton's use of personal	12:13:52
22	e-mail.	12:13:56

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

87

1	A	Yes, sir.	12:13:58
2	Q	Could you -- I'm not sure, looking back,	12:13:58
3		that I fully understood the difference between Part	12:14:02
4		2 and Part 3. And I was just wondering if you could	12:14:05
5		just elaborate again on your answers on the	12:14:08
6		different parts.	12:14:13
7	A	I -- in Part 2, which was the request that	12:14:16
8		we had sent out to four former Secretaries of State	12:14:21
9		asking for any material that they might have that we	12:14:25
10		might not have, when I was informed that -- that	12:14:28
11		Secretary -- former Secretary Clinton had submitted	12:14:35
12		a large quantity of material in December of 2014.	12:14:37
13		It was -- that material was then put into	12:14:48
14		processing, and I was unaware of the contents of	12:14:50
15		that material.	12:14:53
16		And then there was -- then there was a	12:14:54
17		story of -- in the newspaper in about March of 2015	12:14:55
18		about her extensive use of e-mail. I was trying to	12:15:04
19		draw a distinction between the fact that I had -- I	12:15:07
20		was -- I knew that we had received a large quantity	12:15:10
21		of material, but --	12:15:12
22	Q	Okay. And --	12:15:14

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

88

1	MR. MYERS: Could he just finish his	12:15:15
2	answer?	12:15:17
3	MR. BEKESHA: Oh, sure.	12:15:18
4	A And -- but -- but my knowledge of the	12:15:19
5	nature of that did not come to me immediately.	12:15:21
6	Q The nature of it came to you after you	12:15:26
7	read the newspaper article?	12:15:28
8	A That was when -- in response to your	12:15:30
9	specific question, when did I knew there were lots	12:15:33
10	of e-mails.	12:15:35
11	Q Okay.	12:15:37
12	A Extensive use of her e-mails, I think	12:15:38
13	that's how you phrased it, or I phrased it.	12:15:40
14	Q Okay. Did you know, prior to sending	12:15:42
15	those letters in the fall of 20 --	12:15:52
16	A '14.	12:15:56
17	Q -- 14, did you know that Mrs. Clinton used	12:15:57
18	her non-State.gov e-mail account to conduct	12:16:01
19	government business -- extensively to conduct	12:16:05
20	government business?	12:16:07
21	A As I testified previously, sir, not	12:16:10
22	extensively.	12:16:13

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

89

1 Q When you wrote the letter then, what were 12:16:16
2 you expecting Mrs. Clinton to return? 12:16:20

3 A I was advised by the Office of the Legal 12:16:26
4 Advisor to send -- to send these letters about 12:16:29
5 records to four previous Secretaries of State. 12:16:32

6 Q Did you -- 12:16:35

7 A I had no anticipation one way or the other 12:16:36
8 as to what the responses would be from any of the 12:16:39
9 four Secretaries of State. But I -- I have a high 12:16:42
10 value in counsel that I received from the Office of 12:16:48
11 the Legal Advisor. 12:16:51

12 Q And did you speak to anybody else, anybody 12:16:51
13 outside of the Office of the Legal Advisor, before 12:16:56
14 sending that letter -- those letters in the fall of 12:16:58
15 2014? 12:17:01

16 A No. I think -- I think the entire work 12:17:05
17 product was coordinated by the Office of the Legal 12:17:07
18 Advisor, with the exclusion of, you know, obviously 12:17:12
19 of some staff who actually formatted the letters, 12:17:15
20 printed them, and handed me -- handed them to me for 12:17:18
21 signature. 12:17:21

22 Q Okay. Do you know who was responsible for 12:17:23

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

90

1	inventorying Mrs. Clinton's records as she was	12:17:34
2	transitioning away from being Secretary of State?	12:17:37
3	MR. MYERS: Objection. Outside the scope	12:17:41
4	of authorized discovery.	12:17:42
5	Q You may answer the question.	12:17:43
6	MR. MYERS: Go ahead.	12:17:45
7	A That would have been the responsibility of	12:17:46
8	the records section of the Executive Secretariat.	12:17:48
9	Q Did you have any responsibility at all	12:17:51
10	about the inventorying of Secretary -- of Secretary	12:17:53
11	Clinton's records?	12:17:58
12	MR. MYERS: Same objection.	12:17:59
13	Q You may answer.	12:18:00
14	A I have -- I have no direct responsibility	12:18:02
15	for the actions of a particular office within the	12:18:04
16	State Department in that -- of that nature.	12:18:08
17	Q Do you know if Mrs. Clinton's e-mails were	12:18:10
18	inventoried at the end of her tenure?	12:18:13
19	MR. MYERS: Same objection.	12:18:15
20	Q You may answer the question.	12:18:17
21	A I have -- I have no personal knowledge	12:18:18
22	of -- of the inventorying of any other appointee.	12:18:20

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

91

1	Q	Have you spoken to anybody at the State	12:18:23
2		Department outside the Office of Legal Advisor about	12:18:27
3		whether Mrs. Clinton's e-mails were inventoried when	12:18:31
4		she was leaving office?	12:18:34
5		MR. MYERS: Same objection.	12:18:35
6	A	Not --	12:18:40
7	Q	You can answer.	12:18:40
8	A	Not contemporaneously with her departure,	12:18:41
9		no.	12:18:45
10	Q	Since her departure, have you spoken with	12:18:45
11		State Department employees outside the Office of the	12:18:47
12		Legal Advisor?	12:18:50
13		MR. MYERS: Same objection.	12:18:50
14	A	Pausing for recollection. I mean, it --	12:19:02
15		it is possible that I spoke to somebody about it,	12:19:04
16		but I do not have -- I cannot remember a specific	12:19:06
17		conversation about it, no, sir.	12:19:11
18	Q	Okay.	12:19:12
19		MR. BEKESHA: I have nothing further.	12:19:23
20		EXAMINATION BY COUNSEL FOR DEFENDANT	12:19:27
21		BY MR. MYERS:	12:19:27
22	Q	Undersecretary Kennedy, I have just a few	12:19:28

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

92

1	questions for you.	12:19:30
2	You testified earlier that you had never	12:19:31
3	received an e-mail from the previous Secretaries of	12:19:33
4	State that you served under prior to working for	12:19:36
5	former Secretary Clinton.	12:19:39
6	What was your understanding of how those	12:19:41
7	individuals, how those former Secretaries	12:19:42
8	communicated and did their jobs?	12:19:44
9	A There is a historical practice going back	12:19:49
10	at least over the -- the 40 years that I have been	12:19:50
11	at the State Department, including a previous period	12:19:55
12	of time on what's called the seventh floor of the	12:19:59
13	State Department. I was an aid to the	12:20:04
14	Undersecretary for Management back in the 1970s.	12:20:08
15	And so there is a long-standing practice	12:20:10
16	of the Secretary of State having a senior staff	12:20:13
17	meeting in the morning, then one or more staff	12:20:17
18	meetings during the course of the week with a larger	12:20:22
19	number of senior State Department officials.	12:20:27
20	There are regular briefings of the	12:20:31
21	Secretary of State in his/her office before --	12:20:33
22	before major events, where a senior team will	12:20:38

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

93

1 assemble to go over the material in preparation for 12:20:41
2 the next -- for the next meeting. 12:20:45

3 There are action memos to the Secretary of 12:20:48
4 State proposing a course of action. There are 12:20:54
5 briefing memos on -- in preparation for events. 12:20:56
6 There are information memos just conveying senior 12:21:01
7 information that is necessary. 12:21:03

8 We have a system that we call -- still 12:21:08
9 call telegrams that exists. These are -- these are 12:21:11
10 messages from ambassadors overseas. Copies of 12:21:14
11 important such messages as those are provided to the 12:21:18
12 Secretary of State. 12:21:22

13 And the Secretary of State also has access 12:21:26
14 to both secure and nonsecure telephonic 12:21:28
15 communications. 12:21:32

16 And so there is an apparatus and a history 12:21:34
17 of providing information to the Secretary of State. 12:21:37
18 Additionally, the Secretary of State also will tell 12:21:43
19 personal staff or the Executive Secretariat of any 12:21:48
20 requests they might have for information on a 12:21:52
21 subject that -- that has come up to their ken and 12:21:55
22 that they wish more information. 12:22:00

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

94

1 So there's a very robust exchange, flow of 12:22:02
2 information, to and from the Secretary of State 12:22:05
3 through the means I've just described. 12:22:07

4 Q And did former Secretary Clinton use all 12:22:09
5 of those means of communicating that you've just 12:22:12
6 described? 12:22:14

7 A Yes, sir. 12:22:15

8 Q And while you worked for her, was it your 12:22:15
9 understanding that she was primarily using those 12:22:19
10 tools or e-mail to conduct her state business? 12:22:22

11 A My understanding was that she was using 12:22:25
12 the classic tools that I had described a moment ago. 12:22:27

13 Q And then I have just one other question. 12:22:29
14 During the period of time when you were 12:22:33
15 Undersecretary of Management, serving under former 12:22:36
16 Secretary Clinton, roughly how many e-mails would 12:22:39
17 you say that you received in a typical day, 12:22:42
18 including both classified and unclassified e-mails? 12:22:45

19 A I would say somewhere between five and 12:22:48
20 seven hundred a day. 12:22:52

21 MR. MYERS: Thank you. I have nothing 12:22:54
22 further. 12:22:56

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

95

1	MR. BEKESHA: I have a few more questions.	12:22:57
2	EXAMINATION BY COUNSEL FOR PLAINTIFF	12:22:58
3	BY MR. BEKESHA:	12:22:58
4	Q You just testified that you understood	12:22:58
5	that Mrs. Clinton was primarily using the classic	12:23:01
6	tools to communicate or do her business.	12:23:05
7	A Yes.	12:23:08
8	Q Why was that your understanding?	12:23:08
9	A Because I was in the senior staff meeting	12:23:11
10	in the morning. I was in the one or more of the --	12:23:16
11	of the expanded staff meetings. I participated in	12:23:23
12	briefings that she received prior to events at the	12:23:28
13	White House, events overseas, events on the Hill.	12:23:32
14	I sent her action memos, briefing memos,	12:23:38
15	information memos. And those memos are also -- that	12:23:42
16	go to the Secretary potentially from another senior	12:23:48
17	official are distributed laterally, so to speak, to	12:23:50
18	other undersecretaries for their cognizance and	12:23:54
19	contextual knowledge.	12:23:59
20	And so I saw -- I was in the meetings, I	12:24:01
21	was in the -- some of the briefings. I knew from	12:24:05
22	her schedule about the other briefings. And I was	12:24:07

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

96

1 either sending her material or I was copied on those 12:24:10
2 action info and briefing memos that she was 12:24:15
3 receiving. 12:24:17

4 Q Okay. Thank you. 12:24:18

5 And also, you know, you described this as 12:24:18
6 a historical practice. I think you also used words 12:24:22
7 "apparatus" and "history." About how the Secretary 12:24:25
8 of State would conduct her business, or conduct the 12:24:30
9 business of the Secretary. 12:24:32

10 Didn't that make it all the more 12:24:35
11 surprising when you received an e-mail from 12:24:37
12 Mrs. Clinton, because it was outside of this 12:24:40
13 historical practice, outside this robust exchange of 12:24:43
14 information, outside this apparatus and history? I 12:24:48
15 mean, didn't this -- didn't you think, Oh, this is 12:24:52
16 different -- 12:24:55

17 MR. MYERS: Objection. 12:24:56

18 Q -- from the four previous Secretaries you 12:24:56
19 worked for? 12:24:59

20 MR. MYERS: Objection. Like, compound 12:25:00
21 times eight. 12:25:02

22 Q You may answer the question. 12:25:03

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

97

1	A	No, sir, because of the very small volume	12:25:06
2		of e-mails involved.	12:25:10
3	Q	And approximately how many e-mails over	12:25:11
4		the four years --	12:25:14
5		MR. MYERS: Objection.	12:25:15
6	Q	-- you received from Secretaries, receive	12:25:16
7		or send to Secretary of State?	12:25:19
8		MR. MYERS: Objection. Asked and	12:25:21
9		answered.	12:25:22
10	Q	You may answer.	12:25:27
11	A	I'm guessing 50, 75, some -- some number	12:25:28
12		in that range.	12:25:32
13	Q	And --	12:25:33
14	A	Over four years.	12:25:34
15	Q	Thank you.	12:25:34
16		And during that period when receiving	12:25:36
17		those e-mails, you never thought this was outside	12:25:37
18		the historical practice, this robust exchange of	12:25:41
19		information, this apparatus and history that you	12:25:45
20		were just talking about?	12:25:48
21		MR. MYERS: Objection. Asked and	12:25:49
22		answered.	12:25:50

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

98

1	Q	You may answer the question.	12:25:51
2	A	No, sir; because of the small volume.	12:25:53
3	Q	Okay.	12:25:55
4		MR. BEKESHA: I have no other questions.	12:25:56
5		MR. MYERS: We're done.	12:25:58
6		VIDEO SPECIALIST: This ends the	12:26:00
7		deposition of Patrick Kennedy. We are off the	12:26:01
8		record at 12:26.	12:26:03
9		(Off the record at 12:26 p.m.)	
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Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

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ACKNOWLEDGMENT OF DEPONENT

I, PATRICK F. KENNEDY, do hereby acknowledge that I
have read and examined the foregoing testimony, and
the same is a true, correct and complete transcription
of the testimony given by me and any corrections
appear on the attached Errata sheet signed by me.

(DATE)

(SIGNATURE)

Videotaped Deposition of Patrick F. Kennedy
Conducted on June 29, 2016

100

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CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Debra Ann Whitehead, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 29th day of June, 2016.

My commission expires:

September 14, 2018



Debra Ann Whitehead

NOTARY PUBLIC IN AND FOR THE

DISTRICT OF COLUMBIA

A			
Abedin	8:10 64:7	advisor	90:9 94:4 96:10
8:14 31:19 55:9,12	action	4:5 19:20 22:18 57:11	almost
60:18 67:11 69:1	1:6 93:3,4 95:14 96:2	57:13 63:15,16,22	49:12
86:3	actions	73:17 76:16,17,19	already
Abedin's	90:15	77:1,18 78:8 79:16	8:22
33:9 66:22 67:16	actual	80:9 81:16 83:8	also
ability	61:18	84:14,21 86:1 89:4,11	4:10 7:8 9:8,13 21:6
66:11	actually	89:13,18 91:2,12	61:11 73:20 74:11
able	52:4 89:19	advisor's	93:13,18 95:15 96:5,6
48:14 49:5 54:12	ad	56:17	Although
about	12:8	Affairs	21:5
8:9,22 12:5 18:2 20:4	Adams	20:22 21:8,22	always
21:11,16,19 22:3 26:9	21:19,20 26:6	affixed	13:5
28:18,21 29:10 31:13	add	100:13	ambassadors
31:19 33:10,14 34:12	78:22	after	93:10
40:22 43:1 44:8,14,18	addes	54:22 62:10,21 67:9	Ambiguous
45:22 46:12 47:4	28:4	88:6	14:15
48:14,22 49:12 50:4,9	additional	again	American
50:13 52:1,2,4 54:18	25:8 62:19 64:5	26:19 34:8 36:9 49:11	16:6 17:13,22 28:12,21
55:1,5 57:19 62:5,5	Additionally	49:22 60:8 76:15	29:1
62:10,13,18,22 63:2	93:18	80:11 87:5	amount
63:10,21 64:9,10	address	against	40:7 52:19
73:18 74:18,19 75:5	10:2 13:22 15:7 16:13	8:11	Amy
75:10 76:9,13 82:5,9	16:19 17:6 18:3	agency	21:16
82:14,18,21 83:12	24:15 25:2 29:8	61:12 79:3,17 80:19,20	analyzed
84:2,4,11,15 85:11,16	30:12 31:10,15,17	ago	32:6
86:4,20,21 87:17,18	32:7 38:11 40:15	22:9 38:12 49:12 50:2	Ann
89:4 90:10 91:2,15,17	41:8 42:5,10,14 44:14	70:3 85:8 94:12	100:2
95:22 96:7 97:20	44:18 48:9 55:13,17	Ah	another
access	55:19 56:9 57:21	26:12	95:16
32:16,21 93:13	75:18 80:13 81:21	ahead	answer
account	addressed	11:14 26:4,5 41:13	12:19 13:14 15:11
11:12 31:2,6 33:8,9	13:2,8 48:5	90:6	16:21 17:10 23:1,17
34:14 37:6 38:7	addressee	aid	25:6 27:22 32:11
39:20 40:10 41:2,15	65:10	92:13	34:17 35:2 37:2,19
41:16 48:1,4 55:10	addresses	aircraft	38:4 39:1,13 40:2
58:3,7 59:7 60:19	42:7 79:2 80:6 81:12	53:21	41:12,21 42:17 43:10
73:10 78:12,15 79:6	addressing	Alice	44:16 46:5,14 47:10
88:18	34:10	21:11	47:17 49:3 50:22
accounts	Administration	Alison	52:5,7 54:7 56:3,14
10:6,7 31:21 32:17	56:19 57:6 61:3,22	4:3 7:4	58:10,21 59:17 60:20
acknowledge	administrative-type	all	66:10 67:1,2 68:5,10
99:2	59:11	7:10 8:6 12:4 14:2 23:2	69:4,5,8,19 71:9 72:5
ACKNOWLEDGM...	advice	25:8 27:6 28:3 36:1	72:11,19 75:4 77:1,9
99:1	53:4	36:21 37:15 42:8	77:15,16 78:3,20
Act	advised	43:13 44:1 47:4 57:3	79:11 80:4,17 81:8
	29:3 89:3	62:20 64:8 65:1 75:1	82:4 84:16,16,16 85:5

85:6,14 86:20 88:2 90:5,13,20 91:7 96:22 97:10 98:1 answered 15:10 37:1,18 38:3 50:16,21 58:20 68:9 79:9 80:3 81:4 97:9 97:22 answering 76:7 answers 87:5 anticipation 89:7 any 9:14 11:7 12:5 17:17 17:18 18:2 23:14 31:16 41:4,5 44:6 45:6,22,22 46:1 49:13 50:3 56:10 58:1 62:20,21 63:9,18 64:8 67:9,15,17 69:21 73:20,22 82:2,8,12,13 83:2,9 84:18 85:10 87:9 89:8 90:9,22 93:19 99:5 100:9 anybody 44:13 55:1,4 60:17 72:8 73:16 76:12 77:5 84:3,10 89:12,12 91:1 anyone 43:1 44:18 62:5 63:9 77:10 82:8 83:12 anything 54:20 anywhere 70:2 Aperiodically 64:16 apparatus 93:16 96:7,14 97:19 appear 99:6 appointee 70:22 90:22 appointees	70:20 72:13 apprised 64:6 appropriate 45:11 56:17 approved 2:13 77:6 approximately 10:13,18 59:13 67:19 97:3 April 63:20,21 66:2 archives 57:19 area 60:9 arena 71:13 Argumentative 32:10 around 30:21 article 40:9 88:7 articles 73:14,19 asked 15:9 29:1 37:1,17 38:2 46:13 50:15,20 58:19 68:8 72:8 79:8 80:2 81:3 97:8,21 asking 9:13 10:11 12:6 49:11 67:6 87:9 assemble 93:1 asserting 73:15 assigned 71:2 assist 29:1,2 assistant 20:21 21:7,14,20,21 61:4,9,9,21 associated 29:8	assume 22:10 Assumes 47:15 69:17 attached 5:8 11:17 65:16 99:6 attention 66:18 attorney 8:8 63:22 attorneys 63:17 64:1 73:18 83:9 84:9 author 37:3 authored 36:3 authorization 55:22 authorized 38:22 39:12 41:11,19 55:19 66:20 81:7 85:4 90:4 Avenue 2:6 3:19 6:11 aware 9:22 31:1 39:19 40:9 49:7,9 55:8 70:17 75:15 77:10 81:17 away 90:2 a.m 1:14 16:4 34:20 35:8	22:3 because 9:10 16:5 17:3,12,21 19:4,4 28:12,18 29:15 32:14 39:9 41:6 42:6 44:19 45:21 47:5 48:5 49:22 51:1 60:8 60:20 68:6,11,11 75:13 82:20 95:9 96:12 97:1 98:2 become 9:22 55:8 70:14,17 81:17 becoming 21:7 been 8:1 22:6,17 26:1 28:18 37:1 40:18 43:20,21 44:2 45:5,5 46:15,18 46:20 47:18 51:4 53:15 54:9 58:11 59:9,22 60:2 62:16 76:18 81:3,18 82:21 90:7 92:10 before 2:12 8:16,20 12:5 13:1 14:22 18:18 23:20 27:7 31:10 35:4 36:2 36:21 45:19,21 78:8 78:21 80:16 89:13 92:21,22 100:2 began 62:13 begin 8:16,20 begins 6:2 behalf 3:2,13 4:2 6:15 being 40:5 49:6 54:12 73:7 90:2 Bekesha 3:3 5:3,5 6:15,15 8:5,8 11:14,20,22 14:8 15:20 29:11 33:22 42:1 51:7,15 63:7
--	--	--	---

65:13 74:2 84:5 86:8 86:15 88:3 91:19 95:1,3 98:4 belief 25:1 beliefs 77:22 believe 10:3 18:8 20:17,20 21:3 23:21 26:9 45:10 53:11 63:18 71:16 73:13 74:4 75:21 76:18 77:21 79:5,19 80:21 bells 41:4,5 82:3 Bentel 60:12,13 Berman 3:16 7:2,2 besides 73:16 83:2,8 84:8 best 18:5 21:13 31:7 33:5 42:11 43:4 64:13 66:10 73:2 74:21 75:9 76:19 82:10 83:5 between 25:11 26:11 63:4,8,19 63:19 70:3 87:3,19 94:19 beyond 38:21 39:11 41:10,18 81:6 85:3 bit 9:7 69:6 80:10 BlackBerry 30:11 48:12,16 53:10 BlackBerry-like 53:13 both 11:5 23:10 26:17 69:5 69:10 93:14 94:18 bottom 13:6,6 BRANCH	2:5 break 51:5,8 67:13 86:9,20 briefed 62:14 64:3 73:7 briefing 93:5 95:14 96:2 briefings 65:2 92:20 95:12,21,22 broader 52:4 brought 30:2 Bryan 70:11,14 budget 64:19,20 build 64:20 Bureau 56:5,18,19 57:6,6,8 61:2,2,22 71:4,17 74:5,7,12 Burns 20:1,2 business 8:15 10:2 35:7 39:20 40:7 41:9,17 43:3 50:14 55:10,20 58:3,8 59:7 60:19 78:16 80:7 88:19,20 94:10 95:6 96:8,9 <hr/> C <hr/> C 3:1 4:1,1,6 5:1 6:1 24:18,21 30:6 call 93:8,9 called 92:12 calls 49:1 56:13 77:14 78:1 78:19 79:9 80:3 81:4 came 65:11 86:19 88:6 capability 48:17	captured 75:19 80:14 careful 78:5 Caroline 3:15 7:6 carries 61:18 case 6:6 53:20 64:2 81:13 100:10 cases 65:6 cc'd 19:6 centrally 61:5 CERTIFICATE 100:1 certify 100:3 chain 13:8 18:15 23:15 24:17 29:15 chance 14:4,10 change 25:10 40:1 84:12 channels 43:14 characterize 45:19 charge 43:8 58:14 Charlie 24:19,21 30:7 checked 74:5 checks 68:16 Cheryl 22:12 30:9 Cheyenne 4:15 7:15 chief 20:10 22:13 47:19 56:4 56:20 73:3	CIO 57:7 circumstances 25:9 citizen 28:12,21 citizens 16:6 17:13 Civil 1:6 2:5 3:18 Clarence 74:14,15 clarification 12:6 clarify 29:9 51:19 classic 94:12 95:5 classified 94:18 clear 14:7 34:19 clearer 9:7 Clearly 24:11 Clinton 8:14 10:1,8,11,14 11:4 11:11 16:15 17:1,7 19:2 22:9 24:10 25:20 27:5 28:19 29:14 31:19 34:9 35:18 38:14,19 39:10 39:19 40:4,5,9 41:1 42:3,9,13,19 43:2 45:9,14 46:18 47:3,12 48:6,6 50:13 53:9 54:14 55:3,18 58:1,6 58:17 62:7 64:11 66:22 67:10,16 68:22 74:19 75:15,16 76:9 77:6 81:18 85:2,7,9 87:11 88:17 89:2 92:5 94:4,16 95:5 96:12 Clintonemail.com 8:13
---	---	---	--

<p>Clinton's 11:6,8 16:18 24:14 31:1 33:8 37:6 38:7 44:6,14,18 52:16 53:2 55:5 56:8 57:20 60:6 62:4,6,21 63:11,12 64:14 65:8 66:15 67:8,14,20 69:16 70:6 73:10 74:19 75:6 76:13 77:21 78:11,15 79:5,19,20 80:12 82:9 82:14 83:3 86:21 90:1,11,17 91:3</p> <p>closing 28:17</p> <p>closure 17:22</p> <p>cognizance 95:18</p> <p>collective 59:10</p> <p>Columbia 1:2 2:14 6:6 100:22</p> <p>com 48:17 55:13,17</p> <p>combination 56:6</p> <p>come 56:4 71:20 88:5 93:21</p> <p>comes 61:1</p> <p>coming 82:3</p> <p>commission 100:15</p> <p>communicate 41:16 47:8 48:15,18 50:4 95:6</p> <p>communicated 92:8</p> <p>communicating 47:6 49:20 55:17 94:5</p> <p>communications 43:13 85:22 93:15</p> <p>complete 99:4</p> <p>complex</p>	<p>17:8 46:2</p> <p>compound 17:8 23:16 36:22 69:3 96:20</p> <p>computer 30:11</p> <p>conclusion 56:13 77:14 78:2,19 79:10 80:3 81:4</p> <p>conduct 8:14 41:8 55:10 59:7 60:19 78:16 88:18,19 94:10 96:8,8</p> <p>confirm 17:6 37:21</p> <p>confirmed 22:1</p> <p>conflict 56:9</p> <p>conform 81:14</p> <p>confusing 13:6 17:9 46:3</p> <p>congressional 74:5</p> <p>constitute 15:19</p> <p>consult 56:16 77:17 78:7,22 79:14 80:8 81:15</p> <p>consulting 80:18</p> <p>contact 33:2 47:13,18,22 48:3 49:5 54:11</p> <p>contacted 28:18</p> <p>contemporaneously 39:3 73:11 91:8</p> <p>contents 87:14</p> <p>contextual 95:19</p> <p>contrary 77:11,22 78:16 79:6,21 79:22 81:1</p> <p>conversation</p>	<p>50:8 91:17</p> <p>conversations 50:6,10 63:9 76:18 82:8</p> <p>conveying 93:6</p> <p>coordinated 89:17</p> <p>coordinates 70:20</p> <p>copied 30:12 82:22 96:1</p> <p>Copies 93:10</p> <p>copying 30:8</p> <p>correct 12:9 15:20 20:13 26:14 34:20 35:7 61:11 99:4 100:4</p> <p>corrections 99:5</p> <p>correspondence 68:22 82:13,14 85:18</p> <p>Cotca 3:4 6:19,19</p> <p>could 8:16 12:16 18:8 19:10 19:13 23:9 24:5 25:14,15 26:18,22 27:10 28:7 33:18 36:9,13 45:10 46:7 52:6 60:7 65:17 66:4 66:4 69:6 76:15 79:21 84:1 87:2,4 88:1</p> <p>couldn't 80:17</p> <p>counsel 6:13 8:4,22 9:14,15 84:9,13 89:10 91:20 95:2 100:8</p> <p>counselor 22:14</p> <p>counsel's 83:22 84:1</p> <p>course</p>	<p>10:12,16,19 66:15 92:18 93:4</p> <p>court 1:1 2:13 6:5 7:17 9:10 9:16</p> <p>creation 8:12</p> <p>Crocker 22:3</p> <p>C05777404 14:9</p> <p>C05779749 15:15</p> <p>C05779851 18:7</p> <p>C05781046 19:12</p> <p>C05784424 23:9</p> <p>C05784434 24:4</p> <p>C05784436 25:13</p> <p>C05784471 26:6,20</p> <p>C05785885 27:10</p> <p>C05789920 28:6</p> <p>C05790452 33:17</p> <p>C05795555 35:12</p> <p>C05798066 36:7,11</p> <p>C05798158 37:9</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 4:1 6:1</p> <p>danger 17:14</p> <p>Daniel 4:13 7:11</p> <p>date 6:7 13:4 63:6 76:3 99:9</p> <p>dated</p>
---	--	---	--

14:18 16:3 24:9 37:15,16 David 21:19,20 26:6 day 94:17,20 100:13 DC 1:12 2:7 3:10,20 4:7 6:12 deals 74:16 death 28:12,21 Debbie 7:18 Debra 1:22 2:12 100:2 December 13:20 14:18 15:6,6 24:10 25:20 27:5,16 87:12 decide 29:17 Defendant 1:8 3:13 4:2 91:20 department 1:7 2:4 3:17 4:4,13,14 6:5,11 7:1,2,4,7 8:11 10:2,9 19:21 20:18 21:5 22:20 23:6 30:18 32:16,17 38:15 38:16,20 39:20 40:6 40:10,14,15 41:7,14 41:16,17 42:5,14,15 43:2,13 45:3 48:1 50:5,13 55:1,4 56:9 56:10 57:20 61:6,17 63:10 64:1,21 71:12 71:15 72:9,14 73:6,17 76:13 77:6,12 78:9 79:1,4,6,12,18,22 80:5,21 81:2,10,11 82:9 83:9 84:9,14,21 85:10 90:16 91:2,11 92:11,13,19 Department's 53:4 77:20 78:13	departure 91:8,10 DEPONENT 99:1 Depos 6:9 7:19 deposition 1:11 2:1 5:9 6:3,10 8:3 9:1 11:16 26:2 65:15 98:7 100:3 deputy 12:21 20:2,6,10 21:21 22:6,18 61:3,8,21 73:3 describe 66:4 described 81:18 94:3,6,12 96:5 description 73:5 desire 50:9 desiring 48:14 device 48:19 53:13 difference 87:3 different 80:11 87:6 96:16 differently 45:22 Dineen 4:11 6:9 Diplomatic 56:5,18 57:8 direct 29:22 33:6 90:14 direction 100:7 directly 26:8 45:11 director 22:6 directors 60:14 discovery	38:22 39:12 41:11,19 66:20 81:7 85:4 90:4 discussed 22:8 81:22 discussing 26:1 discussion 48:13 62:13 65:19 discussions 50:3 54:9 62:20 63:18 64:8 84:20 distinction 87:19 distributed 95:17 District 1:1,2 2:13,14 6:5,6 100:22 DIVISION 2:5 3:18 divisions 61:3 document 13:11,15 14:2,6,8 15:13,15,17,22 17:17 18:6,7,9,18,20 19:12 23:8,9 24:4,4,5,6,7,18 24:20 25:13,13,15,17 26:5,5,7,8,10,17,18 27:2,6,7,8,10,10,13 28:2,6,7,9 29:21 30:5 30:6,6,20,21 33:16,17 33:21 34:2,21 35:11 35:12,13,14 36:4,7,7 36:8,15 37:3,4,9,11 55:11 65:20 66:7,13 69:13 82:18,18,19 documents 19:5 24:17 25:11,22 36:6 37:9 39:22 40:2 62:14,16 64:4 67:6 81:22 doing 65:3 done 9:13,15 29:4 98:5 dot	55:13,17 75:17 80:6,13 down 67:13 dozen 59:21 60:1 draw 87:19 duly 8:1 during 10:16,19 35:7 44:6 47:11,11 60:6 62:4,8 62:22 64:9,9,14 65:8 67:8,14,14,18 69:15 70:6 92:18 94:14 97:16 <hr/> E <hr/> E 3:1,1 4:1,1,1 5:1,7 6:1 6:1 earlier 39:18 51:22 54:9,10 55:11 82:1 92:2 early 48:8 easy 30:21 effort 64:6 eight 49:12 50:1,2 70:3 96:21 either 21:20 30:10 56:4 66:13 96:1 elaborate 87:5 Elect 39:4 electronic 44:21 else 43:8,9 76:12 89:12 Embassy 17:22 employed 72:9 73:5 100:9
---	--	---	--

employee 74:11	44:17 45:7 53:10	experience 42:12	81:19,21 82:9,12,13
employees 32:16 50:5 59:14 60:1 75:17 79:1 80:13 81:11 91:11	55:4 57:18 67:9 73:7 74:18,22 75:5,10 76:9 76:12	experts 30:17 77:17 78:7,22 79:15 80:8 81:15	82:15,21 83:1,3 85:11 86:22 87:18 88:18 92:3 94:10 96:11
encourage 81:11	everything 9:17	expires 100:15	e-mailed 47:3
encouraged 79:2	evidence 47:16 69:18	explain 41:21 69:6	e-mailing 43:2 54:16 85:16,17
encourages 79:13 80:6	exact 48:19 60:15	extensive 87:18 88:12	e-mails 5:10 10:10,13 11:7 15:3 16:17 18:4 23:14 31:20 38:11 39:8 42:2 44:8,12,13 46:1 52:2,14 53:3 62:6 63:1,11,12 67:10 67:10,15,16 68:21 69:16 70:6 75:18 76:10,14 77:22 79:21 80:14 83:2 88:10,12 90:17 91:3 94:16,18 97:2,3,17
ended 71:6,14	exactly 71:19	extensively 88:19,22	
ends 98:6	EXAMINATION 5:2 8:4 91:20 95:2	extent 56:12 66:20 67:5 78:18 81:5	F
enforcement 84:8	examined 99:3	e-mail 5:11 10:1,8 11:11,12 12:16,20 13:1,5,7,7,8 13:18,21 14:14,16,17 14:22 15:7 16:3,10,13 16:16,18,22 17:4,5,7 17:18 18:2,14 19:7,17 23:15 24:9,14,15 25:2 25:19,22 26:6 27:5,15 27:20 28:10,11,14,15 28:16 29:6,7,8,10,12 29:15,18,20 30:1,7,11 30:12,15 31:2,5,10,15 31:17,18,20 32:5,7,17 32:21 33:4,7,8,9 34:4 34:5,14,14,19 35:6,18 35:21,22 36:2,18,20 36:21 37:5,6,12,14,22 37:22 38:6,7,9,11 39:7,20 40:6,10,11,15 40:16,17,22 41:1,8,15 41:16 42:5,7,10,14,20 44:7,14,18 45:4,6,14 46:9,11 47:2,13 48:1 48:4,9 50:4,9,13 52:9 52:10,19 55:9,19 56:9 57:20 58:2,7 59:7 60:19 62:6 66:1,5,22 73:10 74:20 75:6,17 75:18 78:12,15 79:6 79:20 80:12,13 81:12	
engage 30:19	except 23:3 67:4 84:20		F 1:11 2:1 3:5 5:2 7:22 8:18 99:2
entire 11:18 12:7 18:9 30:20 63:6 89:16	exchange 15:19 16:11 17:20 24:22 28:10,11 37:12 94:1 96:13 97:18		fact 31:20 34:13 40:22 87:19
entities 23:6	exchanges 10:16,18 17:19		facts 47:15 69:17
entity 62:18	exclude 63:15 73:20 76:16		fair 22:19 30:22
equivalent 53:13	excluding 63:16,22 76:17		fall 88:15 89:14
Errata 99:6	exclusion 89:18		family 48:15,18 49:5,20 50:9 54:11,16
especially 62:13	excuse 84:10		February 16:3 18:15 28:15 29:20 63:4,8,19
ESQUIRE 3:3,4,5,6,14,15,16 4:3	executive 20:17 21:14 43:17,22 49:6 59:1,10,14 60:14 70:9 74:16 90:8 93:19		FEDERAL 2:5
European 21:8	exhibit 5:9,10,11 11:15,16,18 11:20 12:4 65:13,15 65:18 69:12,13		few 8:21 26:1 36:6 86:17 91:22 95:1
evacuation 16:6 17:13,22	exists 93:9		files 11:4,5,6,7,8
even 9:10	expanded 95:11		
evening 32:4	expecting 89:2		
events 92:22 93:5 95:12,13,13			
ever 31:8 42:13,19 43:6			

<p>financial 100:10 find 32:2 51:1 fine 26:17 51:7 81:9 finish 88:1 Finney 74:14,15,18,22 75:5,10 first 9:22 11:10 12:2,10,11 12:12,14 13:4,7 17:15 17:16,17 18:14 28:15 28:16 29:12,12 34:5 37:1,22 40:13,18,19 40:22 45:13 46:13 50:12 52:1,8 63:12 66:1 70:13,13,15 76:1 81:17 86:19 five 46:18 94:19 five-minute 86:9 floor 92:12 flow 94:1 focus 17:11 43:9 81:21 82:1 82:19 focused 17:12 18:19 43:7 44:10 80:11 81:5 FOIA 10:20,22 11:2 15:4 61:1,5 62:5,6,22 63:10 64:11 65:3,8 66:17,21 67:4,7 69:14 70:5,6 75:6,11 81:6 FOIA-related 64:15 follow 84:5 follows 8:1 foregoing</p>	<p>99:3 100:3,4 forgot 57:9 form 69:7 85:19 formal 56:20 formatted 89:19 former 45:2 66:21 86:2 87:8 87:11 92:5,7 94:4,15 forward 30:2 foundation 12:18 13:13 34:16 54:6 56:2 58:9 59:15 68:4 68:9 72:4,10,18 four 10:16 44:3,6 46:15 47:1,11 53:19 70:2 71:22 86:1 87:8 89:5 89:9 96:18 97:4,14 frame 54:1 63:3 Francis 8:18 Freedom 8:10 64:7 Friday 35:18 friends 50:9 54:16 front 23:5 53:20 fully 87:3 function 28:3 45:1 70:8 72:6,7 72:12 85:8 further 79:13 80:7 81:12 91:19 94:22 future 39:10</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G</p>	<p>6:1 gather 30:17 gave 71:16,18 general 17:20 22:1 28:2 generally 28:11,17 35:20 48:21 49:4,7 69:1 71:10 74:19 75:12 gestures 9:10 getting 9:18 give 12:4 14:4 56:20 60:7 given 71:16 99:5 100:5 go 8:21 9:2 11:14 12:2 30:5,5 36:6 41:13 77:1 79:13 80:7 81:12 90:6 93:1 95:16 going 11:14 17:15 26:4,8 38:19 41:20 42:20 48:22 51:4 59:18 69:12,12 84:5 92:9 Good 8:7 gov 75:18 80:6,13 government 8:15 41:8 55:10,20 58:3,7 59:7 60:19 75:17 78:16 80:12,15 88:19,20 grave 17:14 Great 8:6 9:21 15:21 18:10 19:16 24:8 36:16 86:16 Gregory 4:12 7:13</p>	<p>ground 8:21 guess 37:15 47:18 59:20 67:22 guessing 97:11</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>H 5:7 18:21 19:1 22:8 29:7,8,18 30:8 34:8 HAbedin@HillaryC... 31:14 half 37:1 50:1 hallway 54:14 55:3 Hammer 20:19,20 hand 9:10 53:13,22 100:12 handed 89:20,20 handful 53:18 handled 43:16 44:22 49:6 71:12 happened 45:19,21 happens 30:15 happy 9:6 hard 47:10 hard-copy 85:19 Harold 19:19,20 hazard 67:22 HDR22@Clintonem... 13:9,21 14:18 15:8 16:4,14 31:2 head 9:9,10 82:3 hear</p>
---	---	---	--

<p>9:3 held 2:1 65:19 help 39:22 here 6:2 8:9 41:22 63:3,17 73:18 hereby 99:2 100:3 hereunto 100:12 high 89:9 Hill 95:13 Hillary 8:14 historical 72:14 92:9 96:6,13 97:18 history 93:16 96:7,14 97:19 his/her 92:21 hit 25:2,8 hitting 27:19 Hold 26:12 holding 68:18 honestly 69:20 hopefully 9:1 hour 25:11 51:5 hours 35:7 House 71:20 95:13 HR15@AT&T.Blac... 31:9 Huma 8:14 55:12,17</p>	<p>Human 74:6,7 hundred 94:20 H2 29:18 30:8 31:5</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identification 11:17 65:16 identify 12:16 59:8 immediate 59:3 immediately 75:19 80:14 88:5 important 9:8,13 93:11 Inc 1:4 3:7 6:4 include 52:14 including 13:9 24:17 92:11 94:18 incoming 38:8 individual 43:19 59:9 68:14 individually 12:3 individuals 43:20 44:1 59:1 62:21 77:2 79:20 92:7 info 96:2 inform 57:19 information 8:10 25:8 30:17 56:5 56:20 57:7 61:2,20 64:7 71:4,17 73:3 74:12 93:6,7,17,20,22 94:2 95:15 96:14 97:19 informed 60:17 74:8,9,10,11 83:16 87:10 informing</p>	<p>58:6 59:5 infrequent 47:5 Infrequently 62:3 input 62:16 inputted 62:16 inquiries 33:6 inquiry 28:20 74:5 instruct 41:20 instructed 57:19 instructions 9:19 interest 100:10 interns 7:8 interpreted 40:5 introduce 7:10 inventoried 90:18 91:3 inventorying 90:1,10,22 investigation 74:1 83:11 investigations 73:21 involved 16:6 28:12 30:3 33:15 64:15 65:7 66:16 67:3 97:2 involvement 64:17 IRM 71:15 issue 43:9 49:16 69:2 82:21 issues 64:15</p>	<p>itself 13:12 34:22 66:8</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>J 3:6 19:22 20:2 Jacob 20:8,10 James 3:5 6:20 12:20 January 38:16,18 Jeremy 4:11 6:9 job 1:20 32:8,12 59:4 73:4 jobs 92:8 John 39:5 60:11,13 Judicial 1:4 3:7 4:12,15 6:4,16 6:17,19,20 7:13,15 8:8,10 July 35:18 June 1:13 6:7 100:13 Justice 2:4 3:17 4:13,14 6:11 64:1 73:17 83:8 84:9 84:21</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>ken 93:21 Kennedy 1:11 2:1 5:2,9 6:3 7:22 8:2,7,19 11:16 12:1 14:13 20:12 24:6 51:16 65:15 86:17 91:22 98:7 99:2 kept 64:6 Kerry 39:5 46:20 kind 53:12,12</p>
---	--	---	---

<p>knew 16:22 31:1,3 39:2,2 43:11 76:5 87:20 88:9 95:21</p> <p>know 9:4,5 10:8,17 16:13,17 16:18 17:2 18:21 19:6 22:4,15 24:1,14 29:7 31:5 38:6,10,14 38:18 45:2 46:3 48:8 48:11 49:16,18,18,21 53:14,18 54:5 55:9,18 56:1 58:1,14 59:4 60:5,11,13,17 64:20 66:14 68:7,20 69:9 70:4,10 71:6,14,18 72:2,8,16 73:1,4,9,11 73:12 74:14 76:1,5 77:5,11 78:11,14 79:18 84:3 88:14,17 89:18,22 90:17 96:5</p> <p>knowing 72:20</p> <p>knowledge 13:12 42:11 58:4 60:21 66:9 74:21 75:9 78:13 86:21 88:4 90:21 95:19</p> <p>known 24:14</p> <p>Koh 19:19,20</p> <p>K-E-N-N-E-D-Y 8:19</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lack 13:12 68:3,9</p> <p>large 52:13,19 62:13 65:4 87:12,20</p> <p>larger 24:17,22 92:18</p> <p>last 24:18 26:1,8 37:8 83:14 85:1</p> <p>late 48:8</p>	<p>laterally 95:17</p> <p>latter 12:9 22:2</p> <p>Laudadio 4:12 7:13,13</p> <p>law 84:8</p> <p>lawsuits 8:11</p> <p>lawyer 56:15</p> <p>law-enforcement 73:21,22 83:9,10</p> <p>learn 10:5 19:3 52:2,8,13 70:14</p> <p>learned 19:1 40:14 52:18 73:19</p> <p>least 40:10,15 77:14 92:10</p> <p>leaving 38:19 39:10 91:4</p> <p>led 53:2</p> <p>left 38:14,16 85:9</p> <p>legal 4:5 19:20 22:18 53:5 56:13,17 57:11,13 63:15,16,22 73:17 76:16,17,19 77:1,14 77:18 78:2,8,19 79:9 79:15 80:3,9 81:4,16 83:8 84:9,13,14,21 86:1 89:3,11,13,17 91:2,12</p> <p>Legislative 21:22</p> <p>letter 52:17 53:1,7 85:18 89:1,14</p> <p>letters 88:15 89:4,14,19</p> <p>Let's 14:3 19:9,11 26:4 37:8 65:13</p>	<p>level 44:20</p> <p>LEWIS 3:15</p> <p>liaison 71:20</p> <p>limited 42:12 47:10 66:21</p> <p>line 17:5,11 18:21</p> <p>listed 29:18</p> <p>literally 53:18</p> <p>little 9:7 51:5 63:2 69:6 80:10</p> <p>long 18:8 25:14 26:16</p> <p>longer 74:10</p> <p>long-standing 92:15</p> <p>look 12:13 17:5</p> <p>looking 17:15 18:13 27:3 34:4 35:16 54:12 65:22 87:2</p> <p>lots 88:9</p> <p>loud 9:9</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>Madam 34:10</p> <p>major 53:21 92:22</p> <p>making 9:10</p> <p>manage 60:22</p> <p>management 57:1,7 61:1,13 71:5,17 74:13 75:14 78:5 79:4,18 80:17,20 81:6 92:14 94:15</p>	<p>March 10:3 52:20 63:20,21 64:10 82:6,7 87:17</p> <p>Marcia 3:16 7:2</p> <p>mark 11:15 12:3 65:13</p> <p>marked 11:16 65:15,18 69:13 69:13</p> <p>Mary 22:15,17</p> <p>Massachusetts 2:6 3:19 6:11</p> <p>material 52:14,16,19 68:18 82:16 87:9,12,13,15 87:21 93:1 96:1</p> <p>matter 6:4 17:3,12 28:18 32:13 33:14 66:13 77:17 78:7 79:15 80:8 81:15</p> <p>Max 4:14 7:12</p> <p>McLeod 22:16,17</p> <p>mean 30:4 46:8 61:15 83:16 91:14 96:15</p> <p>Meaning 65:6</p> <p>means 49:19 54:12 94:3,5</p> <p>media 81:19</p> <p>meeting 92:17 93:2 95:9</p> <p>meetings 92:18 95:11,20</p> <p>memory 21:9 55:15</p> <p>memos 93:3,5,6 95:14,14,15 95:15 96:2</p> <p>mentioned 49:10 57:10</p>
--	---	---	---

<p>messages 44:21 93:10,11 Michael 3:3 6:15 8:8 14:5 15:18 20:19,20 41:20 51:4 Microsoft 28:3 middle 27:4 30:6 35:16 37:15 65:22 might 44:2 52:14 68:12 87:9 87:10 93:20 Mills 18:15 22:12 30:9 47:20 47:21,22 66:2,6 86:4 mind 41:4 minutes 25:11 26:1 Mischaracterizes 25:4 45:15 misunderstood 46:22 moment 15:16 19:13 20:21 21:14 22:8 24:5 25:15 26:22 27:11 28:7 33:18 36:13 37:10 65:17 94:12 monitor 6:8 months 85:8 morning 8:7 92:17 95:10 move 14:3 15:14 18:6 19:9 19:11 23:8 24:3 25:12 26:4,5 27:9 28:6 30:21 33:17 35:11,12 37:8 Mull 20:15 Mull's 20:16 Myers</p>	<p>3:14 5:4 6:22,22 8:2 11:18 12:10,18 13:11 14:5,15 15:9,18 16:20 17:8 22:22 23:16 25:4 27:21 29:9,13 32:10 33:20 34:1,16 34:21 36:22 37:17 38:2,21 39:11,14 41:10,13,18 42:16 44:15 45:15 46:2 47:9,15 49:1 50:15,20 51:4,9 54:6 56:2,12 58:9,16,19 59:15 63:5 63:14 66:7,19 67:2 68:3,8 69:3,7,9,17 71:8 72:4,10,18 73:20 74:3 76:15 77:8,13 78:1,18 79:8 80:2 81:3,9 84:2,7 85:3,13 88:1 90:3,6,12,19 91:5,13,21 94:21 96:17,20 97:5,8,21 98:5</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 3:1 4:1,1,1 5:1,1 6:1 name 8:7,17 23:4 60:8 names 22:20 narrative 49:2 national 57:19 nature 16:12 32:7 42:12 48:19 50:7 88:5,6 90:16 near 39:10 necessary 93:7 need 52:2 80:8 neither 100:8 never 45:5 46:9 47:2 92:2</p>	<p>97:17 New 39:21 40:8 52:21 newspaper 10:6,7 73:14,19 75:22 76:2,6 82:6 87:17 88:7 newspapers 53:21 next 14:3 15:14 18:6 19:11 23:8 24:3 25:13 26:5 27:10 28:5 33:16 39:5 93:2,2 Nides 20:5,6 night 32:13 35:4 nominated 22:1 39:5 noncareer 70:20,21 72:13 none 69:22 nonsecure 93:14 non-State 40:10,15 41:16 42:14 56:9 57:20 non-State.gov 10:1 11:12 33:8,9 34:14 37:6 38:7 39:19 41:1 48:4 55:9 55:19 58:2,7 59:6 60:18 78:12,15 79:5 88:18 normal 27:18 35:7 normally 33:2 75:14 notarial 100:13 Notary 2:14 100:1,21 note 14:5 noted</p>	<p>54:10 nothing 91:19 94:21 notice 2:12 noticed 38:10 Nuland 21:1,4,4 number 6:2,6 10:10 14:6,8 15:15 18:7 24:4,18 25:13 26:5,18 33:17 36:9 37:9 46:20 69:20 92:19 97:11 NW 2:6 3:19 4:6</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 4:1 5:1 6:1 Obama 39:4,4 objecting 9:15 objection 12:18 13:11 14:15 15:9 16:20 17:8 22:22 23:16 25:4 27:21 34:16,21 36:22 37:17 38:2,21 39:11 41:10 41:18 42:16 44:15 45:15 46:2 47:9,15 49:1 50:15,20 54:6 56:2,12 58:9,16,19 59:15 66:7,19 68:3,8 69:3,7,17 71:8 72:4 72:10,18 77:8,13 78:1 78:18 79:8 80:2 81:3 85:3,13 90:3,12,19 91:5,13 96:17,20 97:5 97:8,21 objections 9:14 obviously 89:18 occasion 47:3</p>
--	---	--	---

<p>occasional 44:7</p> <p>occasionally 53:16,17</p> <p>occasions 33:4 53:11</p> <p>occupied 23:3,5</p> <p>office 4:5 7:9 32:4,14,18,22 39:10 43:17,22 44:2 45:1 47:7,13 53:5,17 54:15 55:6 56:18,19 57:9,11,12 58:12,13 58:15 59:2,3 60:9,14 61:20 65:10,11 67:5 68:11,12,14,15,15,17 71:2,4,7,11,20,21 72:1,7,12,15,16 73:17 74:16 75:11 77:18 78:7 79:15 80:9 81:16 83:8 84:8,13,13 84:20 85:22 89:3,10 89:13,17 90:15 91:2,4 91:11 92:21</p> <p>officer 56:5 61:17 74:15 100:2</p> <p>officers 56:20 73:3 83:10</p> <p>offices 2:2 23:5 57:3 65:1 70:19</p> <p>official 8:15 41:8 61:12 78:16 79:3,17 80:7,19,20 95:17</p> <p>officials 22:21 56:17 92:19</p> <p>often 25:7 30:15 53:14 62:1 64:15 65:7 67:13</p> <p>Oh 88:3 96:15</p> <p>Okay 13:1,4,17,20 14:3,21 15:3,14 16:9,13 17:4 17:15 19:9,19,22 20:4</p>	<p>20:8,12,15,19 21:1,10 21:16,18 22:3,8,12,19 23:7,20 24:3,13 25:1 25:12 26:3 27:7,9,18 28:5,14,22 29:5,17,22 30:10,22 31:5,8,13,18 33:7,16 34:8,12,19 35:6,20 36:2,5,20 37:8,14,21 38:18 39:7 39:17 40:8,13,21 41:7 42:9 43:19 44:4 45:2 45:13,21 46:17,19,22 47:22 48:11,16,21 50:12 51:3,9 52:6,12 53:1,6,9 54:4,18 55:8 55:14,18 56:8 57:9,15 57:18 58:1 59:4,13,22 60:5,17,22 61:7,11 62:1,4,10 63:21 64:14 65:5,7 66:4,14 67:1 70:10,17,21 71:2 72:2 72:21 73:4,9 74:14 75:3,8 76:1,4,21 77:5 77:19 79:3 80:10 82:7 83:7,18 84:18 85:1,18,21 86:3,7 87:22 88:11,14 89:22 91:18 96:4 98:3</p> <p>onboarding 70:20</p> <p>one 8:9 9:3 12:2,2,5 15:3 20:2 23:21 24:17 25:11,22 26:15 29:11 30:2,20 40:11,16,18 40:19 43:11 51:22 52:3 53:17,19 60:13 61:3,21 65:11 70:19 73:2 74:10 76:22 83:3 89:7 92:17 94:13 95:10</p> <p>ones 10:20 23:21 57:5</p> <p>one-page 35:12</p> <p>ongoing 17:13 64:6 83:10</p>	<p>opinion 78:4</p> <p>opinions 78:6,8</p> <p>opportunity 12:13 14:10 18:10 23:11</p> <p>opposed 9:9</p> <p>order 62:19 65:1 78:4</p> <p>Orfanedes 3:6 6:17,17</p> <p>organize 17:21</p> <p>original 30:3</p> <p>other 20:6 26:15 44:21 46:1 57:9 79:20 83:2 89:7 90:22 94:13 95:18,22 98:4</p> <p>others 30:19</p> <p>otherwise 100:11</p> <p>outcome 100:11</p> <p>outside 53:16 54:15 55:5 59:16 66:19 89:13 90:3 91:2,11 96:12,13,14 97:17</p> <p>overseas 93:10 95:13</p> <p>own 11:3</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 3:1,1 4:1,1 6:1</p> <p>packet 11:18,20 12:7</p> <p>page 5:2,9 12:10,11,12,14 13:5,7 14:3 15:14 16:2 17:16,17 18:14 19:11 27:4 28:6,16</p>	<p>29:12 34:5 35:17 37:8,15 38:1 53:20 66:1</p> <p>pages 1:21 15:19 18:7,8 23:10 25:14 28:8 52:15 53:3</p> <p>Pagliano 70:10,11,14,21 72:21 73:9</p> <p>Pagliano's 72:17 73:4</p> <p>paper 22:11</p> <p>paragraph 82:17,20,20</p> <p>part 23:14 24:16,22 61:21 69:15 83:14 87:3,4,7</p> <p>participated 95:11</p> <p>particular 90:15</p> <p>particularly 16:5,7</p> <p>parties 100:9</p> <p>parts 87:6</p> <p>pasted 30:12</p> <p>Patrick 1:11 2:1 5:2 6:3 7:22 8:18 20:12 98:7 99:2</p> <p>Paul 3:6 6:17</p> <p>Pausing 91:14</p> <p>PDA 53:12,22 54:5 55:5</p> <p>pending 73:21,22</p> <p>people 13:9 23:2 71:22 83:16</p> <p>period 21:6 22:1,5 44:3 48:22 54:2 60:16 64:9,10</p>
--	---	---	--

92:11 94:14 97:16 periodically 65:2 person 59:9 60:11 61:7,8 62:2 personal 13:12 32:5 41:15 66:9 73:10 81:19 82:4 86:21 90:21 93:19 Peterson 3:5 6:20,20 photo 54:2,4 phrased 88:13,13 pick 76:3 picture 53:20 54:5,19,21,22 piece 22:10 place 6:10 17:13 21:9 50:4 70:2 placed 74:12 Plaintiff 1:5 3:2 8:4 95:2 Planet 6:9 7:18 planning 22:7 please 6:13 7:20 8:16 9:4 23:10 25:16 26:19 27:1 36:9 46:7 plus 59:20 point 21:5,22 22:17 32:15 44:6 58:2 62:15 74:10 policies 56:10 policy 22:7 77:12,20 78:14,17 79:7 80:1,5 81:2	portion 59:19,19 poses 30:16 position 20:9,16 21:2,12 22:2 positions 23:3,5 72:13 possession 67:6 possible 91:15 post 64:10 potentially 30:19 76:22 77:14 79:9 95:16 practice 27:18 75:17 76:6,8,10 76:13 77:6,11,21 79:20 80:12,22 81:1 92:9,15 96:6,13 97:18 practices 56:10 preparation 84:19 93:1,5 preparing 83:7 present 4:10 63:8 preservation 80:22 81:1 preserved 75:19 79:21 80:15 preserving 76:10,14 77:21 President 39:3,4,4 press 21:4 66:17 pretty 51:6 previous 42:6 44:19 51:19 86:19 89:5 92:3,11 96:18 previously 14:1 15:12 23:4 50:18	81:20 88:21 primarily 47:7 94:9 95:5 primary 47:13,18 82:20 principal 22:6 printed 89:20 prior 10:7 25:5 40:8 44:12 45:9,16 46:9,15 47:1 76:6 82:7 88:14 92:4 95:12 probably 10:3 problem 26:16 procedures 56:11 process 62:18 64:4,9 69:15 processing 61:5 63:10 64:4,11 66:16 67:4 70:5,5 71:12 81:6 87:14 product 89:17 Program 61:20 PROGRAMS 2:5 propose 72:13 proposing 93:4 provide 25:7 44:20 52:6 65:1 provided 25:2 62:18 64:5 72:2 93:11 provides 59:2,11 providing 28:2 93:17 provision 43:15	PST 11:4 Public 2:14 20:22 100:1,21 purpose 8:12 purposes 10:9 Pursuant 2:12 purview 43:18 put 87:13 P-A-T-R-I-C-K 8:18 p.m 28:15 29:21 30:8,11 37:16 98:9
<hr/> Q <hr/>			
quantity 52:14 87:12,20 quarter 70:15 query 44:11 question 9:5 12:19 13:14 15:11 16:21 17:10 23:1,17 25:6 27:22 30:16 32:11 34:17 35:2 37:2,19 38:4 39:1,13 40:3,5 41:12 42:17 44:16,19 46:3,5,7 47:17 49:3,11 50:22 54:7 56:3,14 58:10,21 59:17 60:20 63:6,15 66:10 67:1 68:5,10 69:4,8,19 71:9 72:5 72:11,19 75:2 77:9,15 77:16 78:3,20 79:11 80:4,10,11,18,19 81:8 82:5 83:22 84:1,2,13 85:5,6,14 88:9 90:5 90:20 94:13 96:22 98:1 questions			

8:9,12 9:3,14 10:11 12:5,8 52:1 86:18 92:1 95:1 98:4	82:12,13,16 83:2	23:20 27:1,11 33:19 36:14 37:10 51:10,14 51:16 65:19 86:10,14 98:8,9 100:5	relevant 32:2
R	receive 10:14 44:7 46:1 55:22 67:15 97:6	recordkeeping 80:15	reluctant 67:21
résumé 71:14,18 72:3,17	received 10:10 11:11 16:16 17:4 28:1,20 38:11 39:7 40:21 42:2 44:11,12 45:6,13 46:9,11 47:2 50:12 52:10,10,15 62:22 67:5,9,20 68:6 68:7 69:10 72:16 81:22 87:20 89:10 92:3 94:17 95:12 96:11 97:6	records 11:3,4 33:10 39:9 43:15 58:11 60:4 61:12 62:17 68:2,11 68:13 69:2 74:17 79:4,12,17 80:20 81:5 84:18 89:5 90:1,8,11	remain 54:11
R 3:1 4:1,3 6:1	receives 68:14	records-managed 33:11 39:9 44:9	remember 17:20 23:18 25:9 28:17 35:1,17 37:22 49:22 53:19 60:15 69:20,21 70:1 71:19 91:16
Ramona 3:4 6:19	receiving 13:17 14:14,17 16:3,9 16:22 17:16,18 18:3 18:13,14 19:17 23:13 27:4 43:12 44:13 96:3 97:16	records-management 77:20 78:14 79:22 80:5	render 78:4,6
range 97:12	recent 53:7 81:21	record-keeping 75:20	rendering 78:8
rather 81:6	recently 36:4 37:4	reduced 100:6	repeat 9:4 26:18 36:9
read 8:3 12:7,7,7 15:22 73:14,14 82:5 88:7 99:3	recess 51:12 86:12	referred 19:1 83:3	rephrase 9:6 63:5 83:14,22 84:1
reading 76:6 100:7	recipients 27:19	referring 14:16	reply 25:2,8 27:19 28:2,3 30:1
reads 35:8	recognize 23:4	refers 18:22 22:9 34:8	replying 38:8
realized 40:4	recollection 13:3 18:5 21:13 22:5 24:16 30:13 31:7,11 31:16 33:5 38:13 39:15 40:1 43:4 48:13 54:8 55:16 64:13 67:17 73:2 76:20 82:10 83:6 91:14	refresh 39:22	report 57:3,5,13,15 72:21
really 46:3	recommendation 81:14	refreshed 55:15	reported 1:22 73:1
reasons 42:15	record 8:17 9:11,16 12:17 14:6,11 18:11 19:14	register 41:3	reporter 2:13 7:17,20 9:11,16 100:1
recall 11:9,10 13:17,20 14:1 14:14,17,21 15:1,5,6 15:13 16:2,5,9,11,11 16:16 17:16,17 18:13 18:14,17,19 19:16 21:1,11,17 23:13 24:9 24:12,13 25:19,21 27:3,4,6,8,15 28:10 28:11,14 29:6 31:8,14 32:6 34:4,5 35:17,19 35:20,22 36:3,17,20 37:4,5,12,14 39:8 40:13,19 44:1,17 48:22 49:13,14 50:3,6 50:11 54:1 65:22 66:1,12,13 68:20 69:14 71:10 72:20 73:7 74:7 77:2 82:7		regular 43:12 92:20	reports 57:14 61:7,8,9,10 70:19
		regulations 81:11	represent 6:14
		related 16:17 28:19 63:1,11 69:2,11,16 75:6,11 100:9	representative 52:16
		relates 41:22	representatives 85:11 86:1
		release 66:16,17	representing 6:9 7:18 64:1 73:18
		relevance 67:7	request 10:22 24:20 67:7 87:7
			requested 48:9,11 65:1 100:8
			requests

10:20 11:2 15:4 61:5 62:5,6,22 63:11 64:7 64:11 66:17,21 67:4 69:10,14 70:5,7 75:6 75:11 93:20 requirement 61:16 reserves 8:3 resided 70:9 resolved 49:16,17,19 Resource 71:17 74:13 resources 57:7 62:19 64:5,22 71:5 74:6,8 respect 64:2 respond 9:8 30:19 50:17 64:7 responded 44:19 50:18 responding 10:19 29:14 31:3 32:3 35:3 44:10 response 10:21 11:1 15:4 33:6 49:2 51:22 52:17 56:21 65:3 74:4 88:8 responses 65:8 89:8 responsibilities 61:19 responsibility 17:21 44:20 59:10 60:1 60:3,10 72:15 90:7,9 90:14 responsible 16:8 43:14 45:1 58:5 59:5 61:4 70:4 89:22 responsive 68:18,19 rest 61:19 restate	46:7 restriction 63:6 return 53:2 89:2 returned 11:4 review 10:21 11:3 12:1,4 14:4 14:11 15:16,19 18:9 18:11 19:13 23:10,11 24:6 25:15 26:22 27:11,19 28:4,8 33:18 36:13 37:10 62:17 65:17 84:18 reviewed 10:20 11:1,5 14:22 15:4 19:15 23:22 24:1,7 25:17 27:2,12 27:12 28:9 34:2 35:14 36:15 37:11 65:20 69:15 reviewing 82:16 reviews 64:19 re-elect 39:4 Richardson 4:13 7:11,11 right 8:3 62:20 64:8 robust 94:1 96:13 97:18 role 48:7 61:1 roughly 53:3,14 94:16 rules 8:21 <hr/> <p style="text-align: center;">S</p> <hr/> S 3:1 4:1 5:1,7 6:1 same 26:17 29:11,21 37:16 90:12,19 91:5,13 99:4 save	12:3 saw 39:21 53:12,16 54:2,4 54:14,19,21 55:3 76:1 85:7 95:20 say 21:8 22:19 30:22 45:11 52:3 53:17 59:20 69:22 70:15 81:13 94:17,19 says 29:7 Scanlon 21:16 23:3 schedule 95:22 scope 38:21 39:11 41:10,18 59:16 66:20 81:7 85:3 90:3 seal 100:13 search 67:9,15 68:1,21 second 13:6 16:2 secondly 43:14 second-to-last 36:8 Secretariat 43:17 44:1 49:7 59:1 59:11,14 60:15 70:9 90:8 93:19 Secretariats 61:22 Secretariat's 74:16 Secretaries 20:3 42:7 45:3,6,8,8,12 46:10,14,15 47:1 53:8 86:2 87:8 89:5,9 92:3 92:7 96:18 97:6 Secretary 8:13 10:11 12:21 13:15 16:15 17:1 19:2 20:7 20:11,17,21 21:7,15	21:21,21 22:13 24:19 28:19 29:3,14,19 30:7 31:3 32:3,8,20,20 33:1,2 34:11 39:5 42:4,20 43:12,16 44:18,22 46:11,18,20 47:7,12,14 48:7,14 49:4,19 52:16 53:9 54:10 57:14,15 58:13 58:17 59:6 61:4,9,10 62:8,11 63:13 64:12 66:21 67:18 75:11 76:8 85:7,12 87:11,11 90:2,10,10 92:5,16,21 93:3,12,13,17,18 94:2 94:4,16 95:16 96:7,9 97:7 Secretary's 59:3 section 58:12 90:8 secure 93:14 Security 56:6,18 57:8 see 17:5 53:10 seeing 13:21 15:7 19:5 27:8 31:9 36:3 37:4 54:22 82:13 seen 13:1 14:13,22 15:1 18:17 23:20 27:7 31:9 36:2,21 40:2 75:21 Senator 28:21 29:2 send 24:15 34:13 53:1 86:1 89:4,4 97:7 sending 17:16,18 18:3 23:14 24:9,12 25:19,21 27:15 28:14 29:6 31:18 34:5,13 35:17 35:20 36:17 37:14,22
--	--	--	---

66:1,6 88:14 89:14 96:1 senior 22:20 61:12,17 79:3,17 80:19,20 92:16,19,22 93:6 95:9,16 sent 24:11 33:6,7 35:6,8 37:5 38:6 39:8 68:13 87:8 95:14 September 100:16 seriatim 12:8 series 25:22 served 92:4 server 81:19,19 82:4,9,15 83:4 Services 61:20 serving 94:15 session 55:12 set 8:6 82:2 100:12 seven 18:8 25:14 50:1 94:20 seventh 92:12 several 11:1 13:9 18:7 53:7,11 53:20 58:22 59:21 60:1 shaking 9:9,9 sheet 99:6 SHORTHAND 100:1 shortly 38:20 should 58:6 59:6 60:18	showed 24:18,21 55:11 Siegel 4:14 7:12,12 sign 8:3 signature 89:21 99:9 signed 99:6 significant 40:6 signing 100:8 Similarly 9:4 simply 25:1 29:3 30:2 38:8 61:17 since 25:10 63:21 67:20 71:10 85:9 91:10 sir 9:20 12:15 13:19 14:20 18:12,16 19:8,10,15 19:18 20:14 23:12 24:7,22 25:17 26:2,7 26:19,21 27:2,6,13,17 28:1,9 31:12,22 32:9 34:2,7,10,18 35:5,9 35:14,19,22 36:10,12 36:15,19 37:3,7,11,13 37:20 38:5,9,12 40:3 40:17,20 42:18,22 44:10,19 47:5,21 48:2 48:10 49:13,15 50:6 50:17 54:3,8 55:2,7 55:21 56:15 57:4,11 57:17,22 58:4 60:2 61:8,14 65:20 66:3,12 70:12 71:1 72:22 73:8 75:7,13 76:11 77:4 82:11 83:5 84:22 86:6 87:1 88:21 91:17 94:7 97:1 98:2 sitting	63:17 situation 16:17 six 45:12 46:9,15 50:1 skip 26:4 28:5 33:16 35:11 36:6 skipping 26:7 small 10:10 97:1 98:2 smoothly 9:2 social 85:8 some 8:9 21:5,22 32:19,19 53:12,12 78:9 85:8 89:19 95:21 97:11,11 somebody 43:8,8 91:15 someone 49:10,22 something 14:6 30:14 35:3 43:6 45:18 49:12 75:13 81:13 something-something 55:13 sometime 70:15 somewhere 94:19 soon 51:6 sorry 63:5,14 84:15 sorts 9:12 sought 72:8 speak 43:1 62:1,5 83:11,12 84:10,10 85:1 89:12 95:17 speaking	49:4 speaks 13:12 34:22 66:8 Specialist 4:11 6:2 7:17 51:10,13 86:10,13 98:6 specialists 30:18 specific 10:22 16:10 17:18 25:9 25:19 30:13 38:13 48:19 59:9 60:8 63:2 65:6,8 68:21 69:2 81:13 88:9 91:16 specifically 8:11 11:13 14:20 15:1 15:5,13 23:18 24:2,12 25:21 27:17 31:11,17 35:19 49:8 57:18 59:4 specificity 21:8 specifics 49:13 spell 8:17 spoke 49:14 77:3 91:15 spoken 73:16 74:18,22 75:5,10 85:10,15,15 86:3 91:1 91:10 spokesman 21:5 stack 36:8 37:9 staff 20:10 22:7,13 33:3 47:19 61:19 68:17 76:22 77:3 83:20 89:19 92:16,17 93:19 95:9,11 standing 78:9 started 35:4 47:3 state
---	---	---	---

<p>1:7 4:4 6:5,14 7:1,3,5 7:7 8:11,14,16 10:2,8 12:22 13:16 16:15 17:1 19:21 20:3,7,18 20:21 21:7,15,21,22 22:20 23:6 24:19 29:3 30:8,18 31:4 32:3,8,16,17,21 33:1 33:2 38:15,16,19 39:6 39:20 40:6,14 41:7,14 41:17 42:4,4,7,15,21 43:2,12,13,16 45:3,3 45:7,9,12 46:10,11,14 46:16 47:12 48:1,7 49:19 50:5,13 53:4,8 53:10 55:1,4 56:10 57:14,16 58:18 62:9 62:11 63:10,13 64:12 64:21 71:13 72:9,14 73:5 76:8,13 77:5,12 77:20 78:9,13 79:1,4 79:6,12,18,22 80:5,21 81:1,10,11 82:8 84:14 85:9,12 86:2 87:8 89:5,9 90:2,16 91:1 91:11 92:4,11,13,16 92:19,21 93:4,12,13 93:17,18 94:2,10 96:8 97:7</p> <p>stated 14:1 15:12 23:4 75:15 75:16 77:7 80:12,22</p> <p>statement 51:20</p> <p>States 1:1 2:13 4:4 28:20 29:2</p> <p>State's 22:13 29:20 67:18</p> <p>State.gov 31:20 79:2,13 80:6 81:12</p> <p>status 74:6</p> <p>Steinberg 12:21</p> <p>stenographically 100:6</p>	<p>Stephen 20:15,16</p> <p>Steven 3:14 6:22</p> <p>still 78:1 93:8</p> <p>story 52:21 87:17</p> <p>Street 3:8 4:6</p> <p>strike 41:4,5 44:5</p> <p>string 5:11 29:16,19 30:3,20</p> <p>stuck 26:14,15</p> <p>subject 16:5,7 17:3,12 23:19 28:18 33:14 49:6 66:13 69:11 77:17 78:7 79:14 80:8 81:15 93:21</p> <p>submitted 87:11</p> <p>subsequently 19:1 24:21</p> <p>substance 84:4,11 86:4</p> <p>sufficient 64:22</p> <p>Suite 3:9</p> <p>Sullivan 20:10</p> <p>Sullivan's 20:9</p> <p>summer 7:8</p> <p>supervisor 60:5</p> <p>supervisors 59:20 60:3</p> <p>support 43:16 59:2,12 60:4</p> <p>supported 58:12</p> <p>supposed</p>	<p>43:9</p> <p>sure 9:15 14:8 26:20 36:11 42:1 46:6,8 54:20 59:8 60:7 63:4,7 64:22 68:17 75:3 83:15 87:2 88:3</p> <p>surprised 50:14,19</p> <p>surprising 96:11</p> <p>surrounding 8:12</p> <p>SW 3:8</p> <p>swear 7:20</p> <p>sworn 8:1</p> <p>Syria 28:13</p> <p>system 8:13 62:17 93:8</p> <p>systems 75:20 80:15</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 4:1 5:1,1,7</p> <p>take 15:16 19:13 24:5 25:15 26:22 27:11 28:7 33:18 36:13 37:10 51:5,7 65:17 86:8</p> <p>taken 51:12 86:12 100:3,6</p> <p>taking 6:10</p> <p>talk 44:13 48:21 54:22 55:4 76:9</p> <p>talked 8:22 26:8 44:17 76:12 82:14,18 84:3 86:20</p> <p>talking 29:10 97:20</p> <p>Tape 6:2</p>	<p>tasked 68:1 77:1</p> <p>tasker 67:6 68:6,7 69:1</p> <p>taskers 68:14,21</p> <p>taskings 65:11 67:9,15,17,19</p> <p>team 92:22</p> <p>technical 71:11</p> <p>technology 58:12 59:19</p> <p>telecommunication 43:15</p> <p>telecommunications 44:21</p> <p>telegrams 93:9</p> <p>telephonic 93:14</p> <p>tell 93:18</p> <p>telling 49:22</p> <p>tenure 10:12 60:6,16 62:4,10 62:21 63:1 64:14 65:9 66:15 67:8,14,18 67:20 69:16 70:6 90:18</p> <p>terms 17:20</p> <p>testified 8:1 34:22 39:18 46:8 66:8 80:16 81:20 84:3 88:21 92:2 95:4</p> <p>testifying 83:17,19,20</p> <p>testimony 25:5 44:4 45:16 83:7 83:13 84:11,19 86:4,5 99:3,5 100:5,5</p> <p>text 35:8</p> <p>Thank</p>
---	---	---	--

Thank 8:20 15:21 16:1 19:16 21:10,18 22:15 23:7 23:13 24:8 25:12,18 26:3 27:3,9,14 28:5 29:5 33:22 34:3 35:10,15 36:5,12,16 39:17 46:22 57:2,12 65:21 74:2 75:3 76:4 84:7 86:16 94:21 96:4 97:15	22:21 25:10 31:1 34:12 37:16 40:21 47:10 48:22 54:1,1 62:8 63:3,13 64:9,10 71:21 72:1 92:12 94:14 times 39:21 40:9 52:22 53:18 66:14 96:21 title 59:5 61:18 today 6:9 7:18 39:18 63:4,17 83:8,13,17,19,20 84:10,19 86:5 Today's 6:7 told 58:2 62:18 83:19,20 took 21:9 50:3 70:2 tools 94:10,12 95:6 top 28:16 29:12 34:4 topic 41:22 total 45:12 To/From 69:11 trailing 82:17,19,20 transcript 5:8 11:17 14:7 65:16 100:4 transcription 99:4 transition 21:9 transitioned 21:6 transitioning 48:7 90:2 Trimels 4:15 7:15,15 Tripoli	18:1 true 99:4 100:4 try 9:6 trying 70:1 83:22 87:18 Turning 16:2 two 7:8 15:19 20:2 56:6 two-page 23:9,15 24:5 26:10 33:20 36:7 two-part 43:10 type 64:17 typewriting 100:7 typical 94:17	60:4 United 1:1 2:13 4:4 28:20 29:2 unusual 42:3 45:14,17,20 51:2 usage 85:11 use 8:12 28:3 41:7,14,15 45:3,4 53:10 55:5,19 56:8 57:20 58:2,6 59:6 60:18 74:19 78:11,15 79:2,5,13,19 80:6 81:12 86:21 87:18 88:12 94:4 using 10:1,8 29:19 39:19 40:14 41:1 42:4,9,14 42:20 48:16 54:5 81:18 94:9,11 95:5 U.S 1:7 2:4 3:17 6:4,5
		U	V
		U 4:1 unable 76:3 unaware 48:18 87:14 unclassified 94:18 under 61:3 92:4 94:15 100:7 undersecretaries 95:18 Undersecretary 8:2 57:1 60:22 68:16 75:14 78:5,10 80:17 91:22 92:14 94:15 understand 9:5,11,19 46:6 understanding 51:17 73:13 77:19 92:6 94:9,11 95:8 understood 52:2 87:3 95:4 unit	v 1:6 6:4 Vague 16:20 22:22 27:21 42:16 44:15 46:2 47:9 71:8 77:8,13 85:13 value 89:10 various 10:19 23:6 61:19 Victoria 21:1,3,4 video 4:11 6:2,8,10 7:17 51:10,13 86:10,13 98:6 videographer 6:8 videotaped 1:11 2:1 6:3 voice-identify 6:13 volume

<p>97:1 98:2 volumetric 65:6</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>want 7:10 12:1 14:5 15:18 51:5 wanted 49:4 51:19 wanting 50:4 Washington 1:12 2:7 3:10,20 4:7 6:12 wasn't 29:22 42:10 51:1 75:3 Watch 1:4 3:7 4:12,15 6:4,16 6:18,19,21 7:14,16 8:9 Watch's 8:10 way 9:18,22 76:7 80:13 89:7 ways 9:1 Wednesday 1:13 29:20 week 92:18 Welcher 4:3 7:4,4 Wells 21:11 went 29:7 30:10 53:7 weren't 50:19 We'll 12:2 we're 26:4,16 41:22 51:16 98:5 we've 51:4 WHEREOF</p>	<p>100:12 whichever 40:18 White 71:20 95:13 Whitehead 1:22 2:12 7:18 100:2 whole 11:20 wife 83:19 William 19:22 20:2 wish 93:22 wished 54:10 witness 7:21 34:22 41:21 66:8 100:12 Wolverton 3:15 7:6,6 wondering 46:10 87:4 word 45:17 words 96:6 work 62:19 80:14 89:16 worked 45:7,9,11 46:14 73:9 94:8 96:19 working 44:2 61:18 82:22 92:4 writ 65:4 writing 85:18 wrote 89:1</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>x 1:3,9 5:7</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah</p>	<p>12:12 34:1 74:3 years 10:16,18 38:12 44:3,7 47:11 49:12 50:1,2 53:19 70:2,3 92:10 97:4,14 York 39:21 40:8 52:21 yourself 13:10 20:12 yourselves 7:10</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>05784424 24:19 05784434 24:21 05789920 30:7</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 1:21 5:10 6:3 11:15,16 11:19,21 12:4 10:05 1:14 6:8 100 1:21 11 5:10 11:03 34:20 35:8 11:07 51:11 11:21 51:14 11:59 86:11 112297 1:20 12th 24:10 27:5 12:13 86:14 12:26 98:8,9 13-CV-1363</p>	<p>6:6 13-cv-1363(EGS) 1:7 13:53:21 14:19 14 88:16,17 100:16 15 52:20 18 27:16 1970s 92:14</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 5:11 65:14,15,18 69:13 87:4,7 2nd 66:2 20 2:6 3:19 6:11 88:15 20th 16:3 20001 2:7 20024 3:10 2008 48:8 2009 13:21 48:8 70:16 2011 16:4 18:15 21:3 24:10 25:20 27:5,16 2012 28:15 29:21 34:6 35:18 66:2 2013 38:17,18 63:4,8,19 2014 87:12 89:15 2015 10:4 63:20,22 64:10 82:6,7 87:17 2016 1:13 6:7 100:13 2018</p>
---	---	--	--

100:16	2:8		
202	55,000		
2:8 3:11,21 4:8	52:15 53:2,3 62:14		
20520	64:4		
4:7			
20530			
3:20	6		
22nd	46:21		
13:20 28:15 29:20	646-5172		
2201	3:11		
4:6	647-6371		
24	4:8		
25:11	65		
24-hour-a-day	5:11		
32:12			
25th	7		
16:3 18:15	7:14		
27	37:16		
35:18 38:18	75		
29	97:11		
1:13 6:7			
29th	8		
100:13	8		
	5:3		
3	8:18		
	16:4		
3	8:38		
87:4	29:21 30:8,11		
30	800		
10:18	3:9		
30th			
34:6	9		
30-or-so-odd	9-to-5		
10:15	32:8		
	9:37		
4	28:15		
	91		
4th	5:4		
14:18 15:7	95		
40	5:5		
92:10			
425			
3:8			
5			
50			
97:11			
514-2205			
3:21			
514-3374			

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLUMBIA

3 ----- x

4 JUDICIAL WATCH, INC., :

5 Plaintiff, :

6 v. : Civil Action No.

7 U.S. DEPARTMENT OF STATE, : 13-cv-1363(EGS)

8 Defendant. :

9 ----- X

10

11 Videotaped Deposition of PATRICK F. KENNEDY

12 Washington, DC

13 Wednesday, June 29, 2016

14 10:05 a.m.

15

16

17

18

19

20 Job No.: 112297

21 Pages 1 - 100

22 Reported by: Debra A. Whitehead

1 Videotaped Deposition of PATRICK F. KENNEDY, held
2 at the offices of:

3

4 U.S. DEPARTMENT OF JUSTICE

5 CIVIL DIVISION, FEDERAL PROGRAMS BRANCH

6 20 Massachusetts Avenue, NW

7 Washington DC 20001

8 (202) 514-3374

9

10

11

12 Pursuant to notice, before Debra A. Whitehead, an
13 Approved Reporter of the United States District Court
14 and Notary Public of the District of Columbia.

15

16

17

18

19

20

21

22

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12 GREGORY LAUDADIO, Judicial Watch
13 DANIEL RICHARDSON, Department of Justice
14 MAX SIEGEL, Department of Justice
15 CHEYENNE TRIMELS, Judicial Watch

16

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22

1 C O N T E N T S

2 EXAMINATION OF PATRICK F. KENNEDY	PAGE
3 By Mr. Bekesha	8
4 By Mr. Myers	91

5 By Mr. Bekesha 95

6

7 EXHIBITS

8 (Attached to the Transcript)

9 KENNEDY DEPOSITION EXHIBIT PAGE

10 Exhibit 1 E-mails 11

11 Exhibit 2 E-mail String 65

12

13

14

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10:05:06 1 PROCEEDINGS

10:05:06 2 VIDEO SPECIALIST: Here begins Tape Number

10:05:17 3 1 in the videotaped deposition of Patrick Kennedy in

10:05:22 4 the matter of Judicial Watch, Inc., v. the U.S.

10:05:25 5 Department of State, in the U.S. District Court for

10:05:27 6 the District of Columbia, Case Number 13-CV-1363.

10:05:35 7 Today's date is June 29, 2016. The time

10:05:40 8 on the video monitor is 10:05. The videographer

10:05:45 9 today is Jeremy Dineen, representing Planet Depos.

10:05:49 10 This video deposition is taking place at the

10:05:51 11 Department of Justice, at 20 Massachusetts Avenue,

10:05:55 12 in Washington, DC.

10:05:57 13 Would counsel please voice-identify

10:05:59 14 themselves and state whom they represent.

10:06:01 15 MR. BEKESHA: Michael Bekesha, on behalf

10:06:03 16 of Judicial Watch.

10:06:03 17 MR. ORFANEDES: Paul Orfanedes, Judicial

10:06:06 18 Watch.

10:06:06 19 MS. COTCA: Ramona Cotca, Judicial Watch.

10:06:07 20 MR. PETERSON: James Peterson, Judicial

10:06:11 21 Watch.

10:06:11 22 MR. MYERS: Steven Myers, for the

7

10:06:12 1 Department of State.

10:06:12 2 MS. BERMAN: Marcia Berman, Department of

10:06:12 3 State.

10:06:12 4 MS. WELCHER: Alison Welcher, Department

10:06:17 5 of State.

10:06:17 6 MS. WOLVERTON: Caroline Wolverton,

10:06:19 7 Department of State.

10:06:19 8 We also have two summer interns from our
10:06:22 9 office.
10:06:22 10 If you all want to introduce yourselves.
10:06:22 11 MR. RICHARDSON: Daniel Richardson.
10:06:26 12 MR. SIEGEL: Max Siegel.
10:06:26 13 MR. LAUDADIO: Gregory Laudadio, Judicial
10:06:26 14 Watch.
10:06:26 15 MS. TRIMELS: Cheyenne Trimels, Judicial
10:06:30 16 Watch.
10:06:30 17 VIDEO SPECIALIST: The court reporter
10:06:35 18 today is Debbie Whitehead, representing Planet
10:06:38 19 Depos.
10:06:38 20 Would the reporter please swear in the
10:06:39 21 witness.
10:06:39 22 PATRICK F. KENNEDY,

8

10:06:46 1 having been duly sworn, testified as follows:
10:06:46 2 MR. MYERS: And Undersecretary Kennedy
10:06:48 3 reserves the right to read and sign his deposition.
10:06:52 4 EXAMINATION BY COUNSEL FOR PLAINTIFF
10:06:52 5 BY MR. BEKESHA:
10:06:55 6 Q All set? Great.
10:06:56 7 Good morning, Mr. Kennedy. My name is
10:06:58 8 Michael Bekesha. I'm an attorney for Judicial

10:07:00 9 Watch. I'm here to ask you some questions about one
10:07:03 10 of Judicial Watch's Freedom of Information Act
10:07:07 11 lawsuits against the State Department. Specifically
10:07:08 12 questions surrounding the creation, purpose and use
10:07:10 13 of the Clintonemail.com system by then Secretary of
10:07:13 14 State Hillary Clinton, and Huma Abedin, to conduct
10:07:16 15 official government business.

10:07:17 16 Before we begin, could you please state
10:07:19 17 and spell your name, for the record.

10:07:21 18 A Patrick, P-A-T-R-I-C-K; F as in Francis,
10:07:25 19 Kennedy. K-E-N-N-E-D-Y.

10:07:27 20 Q Thank you. And before we begin, I would
10:07:29 21 like to go over just a few ground rules. Your
10:07:31 22 counsel may have already talked to you about them.

9

10:07:33 1 But these are ways that hopefully the deposition
10:07:35 2 will go more smoothly.

10:07:37 3 If you don't hear one of my questions,
10:07:39 4 please let me know, I'll repeat it. Similarly, if
10:07:42 5 you don't understand a question, let me know, and I
10:07:44 6 will be happy to rephrase it or try to make myself a
10:07:48 7 little bit clearer.

10:07:50 8 It's also important that you respond out
10:07:52 9 loud as opposed to shaking your head -- shaking your
10:07:56 10 head or even making hand gestures, because the court

10:07:58 11 reporter cannot understand or can't record those

10:08:00 12 sorts of things.

10:08:02 13 It's also important that I'm done asking

10:08:04 14 my questions. If counsel has any objections, make

10:08:07 15 sure that counsel is done objecting so that there is

10:08:12 16 time so that the court reporter can record

10:08:15 17 everything.

10:08:17 18 With that getting out of the way -- do you

10:08:19 19 understand those instructions?

10:08:20 20 A Yes, sir.

10:08:20 21 Q Great. And now that that's out of the

10:08:24 22 way, when did you first become aware that

10

10:08:25 1 Mrs. Clinton was using a non-State.gov e-mail

10:08:28 2 address for State Department business?

10:08:30 3 A I believe it was in probably March of

10:08:39 4 2015.

10:08:39 5 Q And how did you learn that?

10:08:40 6 A From newspaper accounts.

10:08:42 7 Q And prior to the newspaper accounts, did

10:08:45 8 you know if Mrs. Clinton was using e-mail for State

10:08:50 9 Department purposes?

10:08:56 10 A I had received a small number of e-mails

10:08:58 11 from Secretary Clinton asking me questions over the

10:09:01 12 course of my tenure.

10:09:05 13 Q And approximately how many e-mails did you

10:09:08 14 receive from Mrs. Clinton?

10:09:09 15 A I think there were maybe 30-or-so-odd

10:09:15 16 exchanges during the course of four years.

10:09:17 17 Q And how do you know that there were

10:09:18 18 approximately 30 or so exchanges over the years?

10:09:25 19 A During the course of responding to various

10:09:27 20 FOIA requests, these were the ones I reviewed.

10:09:32 21 Q Did you review them in response to a

10:09:38 22 specific FOIA request?

11

10:09:39 1 A I reviewed them in response to several

10:09:42 2 FOIA requests.

10:09:43 3 Q Did you review the records from your own

10:09:46 4 PST files or the records returned by Mrs. Clinton?

10:09:49 5 A I reviewed them both from my files and

10:09:52 6 from Mrs. Clinton's files.

10:09:54 7 Q Were there any e-mails in your files that

10:09:57 8 were not in Mrs. Clinton's files?

10:10:05 9 A I don't recall.

10:10:05 10 Q Do you recall when -- when the first

10:10:07 11 e-mail was that you received from Mrs. Clinton on

10:10:09 12 her non-State.gov e-mail account?

10:10:12 13 A Not specifically, no.

10:10:22 14 MR. BEKESHA: I'm going to go ahead and

10:10:24 15 mark these as Exhibit 1.

10:10:25 16 (Kennedy Deposition Exhibit 1 marked for

10:10:34 17 identification and is attached to the transcript.)

10:10:34 18 MR. MYERS: This entire packet is Exhibit

10:10:36 19 1?

10:10:37 20 MR. BEKESHA: That whole packet is Exhibit

10:10:39 21 1.

10:10:40 22 BY MR. BEKESHA:

12

10:10:40 1 Q Mr. Kennedy, if you just want to review

10:10:42 2 the first one. We'll go through each one

10:10:44 3 individually. But it will save time to mark them

10:10:48 4 all as Exhibit 1. But I'll give you time to review

10:10:51 5 each one before I ask any questions about it.

10:10:52 6 A For clarification, are you asking me to

10:10:53 7 read -- read the entire packet now, or to read them

10:10:56 8 ad seriatim as you ask questions?

10:10:59 9 Q No. That's correct, the latter. So --

10:11:00 10 MR. MYERS: Just the first page.

10:11:03 11 A Just the first page?

10:11:04 12 Q Just the first page, yeah.

10:11:14 13 Have you had an opportunity to look at the

10:11:15 14 first page?

10:11:15 15 A Yes, sir.

10:11:16 16 Q And could you identify what this e-mail --

10:11:17 17 what this record is?

10:11:20 18 MR. MYERS: Objection. Foundation.

10:11:21 19 Q You may answer the question.

10:11:25 20 A No, I -- it -- it is an e-mail from James

10:11:29 21 B. Steinberg, who was then the Deputy Secretary of

10:11:34 22 State.

13

10:11:34 1 Q Okay. Have you seen this e-mail before?

10:11:40 2 A It was addressed to me, but I have no

10:11:42 3 recollection of it.

10:11:42 4 Q Okay. And the date of the -- the first

10:11:45 5 e-mail on the page -- or -- it always gets

10:11:49 6 confusing, the bottom -- the bottom -- the second

10:11:52 7 e-mail on the page, so the first e-mail of the

10:11:55 8 chain, that's an e-mail addressed from

10:11:58 9 HDR22@Clintonemail.com, to several people, including

10:12:01 10 yourself?

10:12:01 11 MR. MYERS: Objection. The document

10:12:02 12 speaks for itself. Lack of personal knowledge, and

10:12:04 13 foundation.

10:12:04 14 Q You may answer the question.

10:12:10 15 A It's a document from the Secretary of

10:12:11 16 State.

10:12:11 17 Q Okay. Do you -- do you recall receiving

10:12:13 18 this e-mail?

10:12:14 19 A No, sir.

10:12:14 20 Q Okay. Do you recall on December 22nd,

10:12:21 21 2009, seeing the HDR22@Clintonemail.com e-mail

10:12:25 22 address?

14

10:12:27 1 A As I previously stated, I don't recall

10:12:30 2 this document at all.

10:12:32 3 Q Okay. Let's move on to the next page.

10:12:36 4 And I'll give you a chance to review this.

10:12:48 5 MR. MYERS: Michael, do you want to note

10:12:49 6 the document number or something on the record, just

10:12:51 7 so the transcript is clear?

10:12:53 8 MR. BEKESHA: Sure. The document number

10:12:55 9 is C05777404.

10:13:23 10 Q Have you had a chance -- opportunity to

10:13:25 11 review the record?

10:13:26 12 A Yes.

10:13:26 13 Q Mr. Kennedy, have you seen -- do you

10:13:29 14 recall receiving this e-mail?

10:13:30 15 MR. MYERS: Objection. Ambiguous. Which

10:13:32 16 e-mail are you referring to?

10:13:34 17 Q Do you recall receiving the e-mail from

10:13:37 18 HDR22@Clintonemail.com dated December 4th at
10:13:44 19 13:53:21?
10:13:45 20 A Not specifically, no, sir.
10:13:47 21 Q Okay. Do you recall -- have you
10:13:51 22 reviewed -- have you seen this e-mail before?

15

10:13:54 1 A I do not recall specifically having seen
10:13:56 2 it.
10:13:57 3 Q Okay. Is this one of the e-mails that you
10:14:00 4 reviewed in response to FOIA requests?
10:14:02 5 A I do not recall specifically.
10:14:05 6 Q Do you recall in December -- on December
10:14:10 7 4th seeing the e-mail address
10:14:14 8 HDR22@Clintonemail.com?
10:14:14 9 MR. MYERS: Objection. Asked and
10:14:15 10 answered.
10:14:15 11 Q You may answer the question.
10:14:16 12 A I -- as I stated previously, I do not
10:14:18 13 recall specifically this document.
10:14:21 14 Q Okay. We can move on to the next page,
10:14:25 15 Document Number C05779749.
10:14:32 16 If you can take a moment and review this
10:14:34 17 document.
10:14:49 18 MR. MYERS: Michael, do you want him to
10:14:50 19 review the two pages that constitute this exchange?

10:14:52 20 MR. BEKESHA: That's correct.

10:15:10 21 Q Great. Thank you.

10:15:11 22 A I -- I have read the document.

16

10:15:13 1 Q Thank you.

10:15:13 2 Turning to the second page, do you recall

10:15:16 3 receiving the e-mail dated February 20th -- 25th,

10:15:21 4 2011, at 8:18 a.m. from HDR22@Clintonemail.com?

10:15:29 5 A I recall this subject particularly because

10:15:31 6 it involved an evacuation of American citizens, and

10:15:35 7 that is a subject for which I am particularly

10:15:39 8 responsible.

10:15:39 9 Q Okay. Do you recall receiving this

10:15:41 10 specific e-mail?

10:15:47 11 A I recall this -- I recall an exchange of

10:15:48 12 this nature.

10:15:48 13 Q Okay. Do you know whose e-mail address is

10:15:55 14 HDR22@Clintonemail.com?

10:15:57 15 A It was Secretary of State Clinton.

10:15:58 16 Q When you received this e-mail or recall,

10:16:05 17 you know, the situation related to these e-mails,

10:16:07 18 did you know that that was Mrs. Clinton's e-mail

10:16:10 19 address at that time?

10:16:11 20 MR. MYERS: Objection. Vague.

10:16:12 21 Q You may answer the question.

10:16:15 22 A I knew I was receiving an e-mail from

17

10:16:19 1 Secretary of State Clinton.

10:16:20 2 Q And how did you know that?

10:16:23 3 A Because of the subject matter.

10:16:26 4 Q Okay. When you received the e-mail, did

10:16:33 5 you look at the "from" line to see what the e-mail

10:16:37 6 address was to confirm that this was what you

10:16:40 7 thought it to be, an e-mail from Mrs. Clinton?

10:16:44 8 MR. MYERS: Objection. Compound, complex,

10:16:45 9 and confusing.

10:16:46 10 Q You may answer the question.

10:16:49 11 A I did not focus on the "from" line. I

10:16:52 12 focused on the subject matter, because this was an

10:16:55 13 ongoing evacuation of American citizens from a place

10:16:59 14 of grave danger.

10:17:00 15 Q Okay. Looking on the first -- going to

10:17:05 16 the first page, do you recall sending or receiving

10:17:11 17 any -- the first page of the document, do you recall

10:17:14 18 sending or receiving any of these specific e-mail

10:17:17 19 exchanges?

10:17:20 20 A I remember the exchange in general terms

10:17:24 21 because it was my responsibility to organize the

10:17:29 22 evacuation and the closure of the American Embassy

10:17:32 1 in Tripoli.

10:17:32 2 Q At any time did you think about the e-mail

10:17:38 3 address to which you were receiving or sending

10:17:40 4 e-mails?

10:17:41 5 A To the best of my recollection, no.

10:17:43 6 Q We can move on to the next document,

10:17:51 7 Document Number C05779851. It's several pages. I

10:18:00 8 believe it's seven pages long. If you could just

10:18:02 9 review the entire document.

10:22:18 10 Great. Have you had an opportunity to

10:22:20 11 review the record?

10:22:20 12 A Yes, sir.

10:22:21 13 Q Do you recall receiving -- looking at the

10:22:25 14 first page, do you recall receiving this e-mail

10:22:27 15 chain from Ms. Mills on February 25th, 2011?

10:22:32 16 A No, sir.

10:22:32 17 Q Do you -- do you recall -- have you seen

10:22:35 18 this document before?

10:22:37 19 A I don't recall having focused on this

10:22:39 20 document.

10:22:39 21 Q In the "to" line, do you know what the H

10:22:44 22 refers to?

10:22:46 1 A Subsequently I learned that H referred to

10:22:48 2 Secretary Clinton.

10:22:49 3 Q How did you learn that?

10:22:52 4 A Because it -- because just from -- just

10:22:55 5 from seeing documents.

10:22:58 6 Q Do you know why you were cc'd on this

10:23:03 7 e-mail?

10:23:03 8 A No, sir.

10:23:04 9 Q Okay. Let's move on --

10:23:07 10 A I could -- no, sir.

10:23:09 11 Q Let's move on to the next page. This is

10:23:13 12 Document C05781046.

10:23:18 13 If you could take a moment to review this

10:23:20 14 record.

10:23:41 15 A I have reviewed it, sir.

10:23:42 16 Q Great. Thank you. Do you recall

10:23:43 17 receiving this e-mail?

10:23:45 18 A No, sir.

10:23:45 19 Q Okay. Who is Harold Koh?

10:23:50 20 A Harold Koh was then the legal advisor for

10:23:53 21 the Department of State.

10:23:54 22 Q Okay. And at that time who was William J.

10:23:58 1 Burns?

10:23:59 2 A William J. Burns was one of the two Deputy

10:24:02 3 Secretaries of State.

10:24:03 4 Q Okay. And what about, who was -- what was

10:24:06 5 Thomas Nides?

10:24:09 6 A Thomas Nides was the other Deputy

10:24:12 7 Secretary of State.

10:24:12 8 Q Okay. And at that time what was Mr. Jacob

10:24:16 9 Sullivan's position?

10:24:19 10 A Jacob Sullivan was a Deputy Chief of Staff

10:24:22 11 to the Secretary.

10:24:23 12 Q Okay. And Patrick Kennedy is yourself?

10:24:25 13 Is that correct?

10:24:27 14 A Yes, sir.

10:24:27 15 Q Okay. And who is Stephen Mull at that --

10:24:30 16 what was Stephen Mull's position at that time?

10:24:34 17 A I believe he was Executive Secretary of

10:24:41 18 the Department of State.

10:24:41 19 Q Okay. And who is Michael Hammer?

10:24:49 20 A I believe that Michael Hammer at this

10:24:52 21 moment was the Assistant Secretary of State for

10:24:54 22 Public Affairs.

10:24:56 1 Q Okay. Victoria Nuland, do you recall what

10:24:59 2 her position was at that time?

10:25:07 3 A 2011? I believe at this time Victoria

10:25:11 4 Nuland -- Victoria Nuland was the -- was the press

10:25:16 5 spokesman of the department. Although at some point

10:25:20 6 in this period she had -- she also transitioned,

10:25:24 7 becoming the Assistant Secretary of State for

10:25:26 8 European Affairs. And I cannot say with specificity

10:25:30 9 when that transition took place from memory.

10:25:32 10 Q Okay. Thank you.

10:25:34 11 What about Alice Wells; do you recall what

10:25:36 12 her position was at that time?

10:25:39 13 A To the best of my recollection, at that

10:25:41 14 moment she was the executive assistant to the

10:25:43 15 Secretary of State.

10:25:45 16 Q Okay. What about Amy Scanlon?

10:25:49 17 A I do not recall who she is.

10:25:51 18 Q Okay. Thank you.

10:25:54 19 What about David Adams?

10:26:01 20 A David Adams was either the Assistant

10:26:05 21 Secretary of State or the Deputy Assistant Secretary

10:26:10 22 of State for Legislative Affairs. At some point in

10:26:12 1 this general period he was nominated and confirmed

10:26:17 2 for the -- for the latter position.

10:26:23 3 Q Okay. What about Bathsheba Crocker; do
10:26:27 4 you know who she -- he or she was at that time?

10:26:30 5 A My recollection was at this period of time
10:26:35 6 she would have been the principal deputy director of
10:26:44 7 the policy planning staff.

10:26:45 8 Q Okay. And H, as we discussed a moment
10:26:50 9 ago, refers to Mrs. Clinton?

10:26:54 10 A I -- I can only assume so from this piece
10:26:57 11 of paper.

10:26:57 12 Q Okay. And who -- Cheryl Mills at the time
10:27:00 13 was the Secretary of State's chief of staff?

10:27:04 14 A And counselor, yes.

10:27:05 15 Q Thank you. And do you know who Mary
10:27:07 16 McLeod was?

10:27:09 17 A Mary McLeod at this point would have been
10:27:12 18 a deputy legal advisor.

10:27:14 19 Q Okay. Is it fair to say that many of
10:27:18 20 these names were of senior State Department
10:27:21 21 officials at that time?

10:27:24 22 MR. MYERS: Objection. Vague.

10:27:27 1 Q You may answer the question.

10:27:30 2 A These -- these were all people who
10:27:33 3 occupied positions, except for Ms. Scanlon, who, as
10:27:42 4 I previously stated, I do not recognize the name,

10:27:45 5 were occupied positions in the front offices of

10:27:49 6 various entities in the State Department.

10:27:52 7 Q Okay. Thank you.

10:27:54 8 We can move on to the next document.

10:28:00 9 C05784424. It's a two-page document. If you could

10:28:04 10 review both pages, please.

10:28:47 11 Have you had an opportunity to review?

10:28:48 12 A Yes, sir.

10:28:48 13 Q Thank you. Do you recall receiving or

10:28:51 14 sending any of the e-mails that's part of this

10:28:55 15 two-page e-mail chain?

10:28:57 16 MR. MYERS: Objection. Compound.

10:28:59 17 Q You may answer the question.

10:29:02 18 A I -- I do not specifically remember this

10:29:05 19 subject, no.

10:29:06 20 Q Okay. Have you seen this record before?

10:29:19 21 A I believe it was likely one of the ones

10:29:20 22 that I reviewed.

24

10:29:23 1 Q Do you know when you reviewed it?

10:29:28 2 A Not specifically, no.

10:29:29 3 Q Okay. We can move on to the next

10:29:33 4 document, which is Document Number C05784434. It's

10:29:40 5 a two-page document. If you could take a moment to

10:29:42 6 review the document, Mr. Kennedy.

10:30:44 7 A I have reviewed the document, sir.

10:30:45 8 Q Great. Thank you.

10:30:46 9 Do you recall sending this e-mail dated

10:30:49 10 December 12th, 2011, to Mrs. Clinton?

10:30:55 11 A Clearly I sent it, but I don't

10:30:57 12 specifically recall sending it.

10:30:58 13 Q Okay. Do you recall how you -- do you

10:31:02 14 know how you would have known Mrs. Clinton's e-mail

10:31:04 15 address to send this e-mail?

10:31:12 16 A My recollection is that this was part of a

10:31:15 17 larger chain of documents, including the one that

10:31:22 18 you showed me last; Document Number C, as in

10:31:30 19 Charlie, 05784424, in which the Secretary of State

10:31:37 20 made a request of me. And this document that you've

10:31:41 21 subsequently showed me, C, as in Charlie, 05784434,

10:31:47 22 is part of a -- of a larger exchange, sir.

25

10:31:51 1 Q Okay. So it's your belief that you simply

10:31:54 2 hit Reply, and so the e-mail address was provided to

10:31:59 3 you?

10:31:59 4 MR. MYERS: Objection. Mischaracterizes

10:32:01 5 prior testimony.

10:32:02 6 Q You may answer the question.

10:32:04 7 A I very often, when I have to do -- provide

10:32:11 8 additional information, I can -- I hit Reply All,
10:32:13 9 but I cannot remember the specific circumstances of
10:32:17 10 how I did that, but since the -- the time change
10:32:20 11 between these documents is one hour and 24 minutes.

10:32:32 12 Q Okay. Thank you. We can move on to the
10:32:35 13 next document, which is Document Number C05784436.
10:32:46 14 If you could -- it is seven pages long. If you
10:32:51 15 could take a moment and review that document,
10:32:54 16 please.

10:35:48 17 A I have reviewed the document, sir.

10:35:49 18 Q Thank you.

10:35:50 19 Do you recall sending this specific e-mail
10:35:53 20 to Mrs. Clinton in December 2011?

10:35:57 21 A I do not recall specifically sending this
10:36:00 22 e-mail, but this is one of a series of documents

26

10:36:05 1 that we have been discussing in the last few minutes
10:36:08 2 of this deposition, sir.

10:36:09 3 Q Okay. Thank you.

10:36:13 4 Let's move ahead. We're going to skip the
10:36:17 5 next document, move ahead to the Document Number
10:36:21 6 C05784471. It's an e-mail from David Adams.

10:36:31 7 A Sir, I'm not skipping a document. I'm
10:36:35 8 going directly from the last document we talked

10:36:38 9 about, I believe, to the --

10:36:43 10 Q There may be a two-page document in

10:36:45 11 between.

10:36:46 12 A Ah. Hold on.

10:36:47 13 Q But --

10:36:48 14 A I -- yes, you're correct. It is stuck --

10:36:51 15 it was stuck to the other one.

10:36:52 16 Q Not a problem. As long as we're on the --

10:36:54 17 both on the same document, it's fine.

10:36:56 18 A If you could repeat the document number

10:36:58 19 again, please, sir.

10:36:58 20 Q Sure. C05784471.

10:37:02 21 A Yes, sir.

10:37:02 22 Q If you could take a moment and review this

27

10:37:06 1 record, please.

10:37:28 2 A Yes, sir. I have reviewed the document.

10:37:30 3 Q Thank you. Do you recall -- looking at

10:37:31 4 the middle of the page, do you recall receiving the

10:37:33 5 e-mail from Mrs. Clinton on December 12th, 2011?

10:37:38 6 A I don't recall this document at all, sir.

10:37:42 7 Q Okay. Have you seen this document before?

10:37:43 8 A I -- I don't recall seeing this document.

10:37:46 9 Q Okay. Thank you. We can move on to the

10:37:48 10 next document. Document C05785885. If you could

10:37:58 11 take a moment and review this record.

10:38:38 12 A I have reviewed -- I have reviewed the
10:38:39 13 document, sir.

10:38:40 14 Q Thank you.

10:38:41 15 Do you recall sending this e-mail on
10:38:42 16 December 18, 2011?

10:38:44 17 A No, sir, not specifically.

10:38:46 18 Q Okay. Was it your normal practice to --
10:38:51 19 when hitting Reply, to review the recipients of the
10:38:55 20 e-mail?

10:38:55 21 MR. MYERS: Objection. Vague.

10:38:59 22 Q You may answer the question.

28

10:39:01 1 A No, sir. I -- I -- if I had received a
10:39:04 2 document and I was providing a general reply, I
10:39:06 3 would just use the Reply All function on Microsoft
10:39:11 4 and not -- and not review the -- the addrees.

10:39:15 5 Q Okay. Thank you. We can skip the next
10:39:25 6 page and move on to Document C05789920. And that's
10:39:31 7 a three-page document. If you could take a moment
10:39:39 8 to review the three pages.

10:40:17 9 A I have reviewed the document, sir.

10:40:18 10 Q Do you recall this e-mail exchange?

10:40:21 11 A I generally recall this e-mail exchange

10:40:23 12 because it involved the death of an American citizen
10:40:25 13 in Syria.

10:40:27 14 Q Okay. Do you recall sending the e-mail on
10:40:32 15 February 22nd, 2012, at 9:37 p.m., the first e-mail,
10:40:38 16 the top e-mail on the first page?

10:40:44 17 A I generally remember closing out the
10:40:47 18 subject matter because I had been contacted about
10:40:53 19 the -- the -- by Secretary Clinton and related to an
10:41:01 20 inquiry that she had received from a United States
10:41:05 21 Senator about the death of an American citizen.

10:41:07 22 Q Okay.

29

10:41:08 1 A And I was asked to assist the American --
10:41:09 2 assist the United States Senator, which I did. And
10:41:12 3 then I simply advised the Secretary of State that I
10:41:15 4 had done so.

10:41:16 5 Q Okay. Thank you.

10:41:20 6 Do you recall sending this e-mail? It
10:41:25 7 says the e-mail went to H. Do you know what the
10:41:27 8 e-mail address associated with H is?

10:41:30 9 MR. MYERS: Can you just clarify which
10:41:31 10 e-mail you're talking about?

10:41:33 11 MR. BEKESHA: The same one we were just --
10:41:35 12 the first -- the top e-mail on the first page.

10:41:37 13 MR. MYERS: Thanks.

10:41:39 14 A I was responding to Secretary Clinton
10:41:43 15 because that -- she was in the chain of this e-mail
10:41:46 16 string.

10:41:47 17 Q Okay. How did -- how did you decide to
10:41:50 18 e-mail what is listed as H, H2?

10:41:56 19 A I was using the string from the Secretary
10:42:01 20 of State's e-mail to me of Wednesday, February 22nd,
10:42:07 21 2012, at 8:38 p.m., which is in the same document.

10:42:10 22 Q Okay. So -- but this wasn't a direct

30

10:42:17 1 reply to that e-mail; was it?

10:42:21 2 A I simply brought forward the -- the one --
10:42:26 3 the original string that I was involved in.

10:42:29 4 Q What do you mean by that?

10:42:30 5 A If you go to the document, if you go to
10:42:35 6 the document at -- in the middle of Document C as in
10:42:40 7 Charlie 05789920, the e-mail from the Secretary of
10:42:46 8 State at 8:38 p.m., I was copying H and H2, and
10:42:54 9 Cheryl Mills.

10:42:57 10 Q Okay. So you went back either on your
10:42:59 11 BlackBerry or your computer to the 8:38 p.m. e-mail
10:43:04 12 and copied the e-mail address and pasted them in?

10:43:09 13 A I have no specific recollection of how I
10:43:11 14 did it. But when you -- this is something that

10:43:15 15 happens very often. There will be an e-mail to me
10:43:20 16 that it poses a question.

10:43:23 17 I must gather information from the experts
10:43:26 18 and specialists in the State Department on that,
10:43:30 19 potentially engage with others, and then respond.

10:43:36 20 And so the entire string is in one document, and it
10:43:39 21 is easy to move things around in that document.

10:43:41 22 Q Okay. And is it fair to say that at that

31

10:43:49 1 time you knew -- you were aware of Mrs. Clinton's
10:43:54 2 HDR22@Clintonemail.com e-mail account?

10:44:00 3 A I knew I was responding to the Secretary
10:44:03 4 of State.

10:44:03 5 Q Okay. Do you know what the H2 e-mail
10:44:08 6 account is?

10:44:16 7 A To the best of my recollection, no.

10:44:18 8 Q Okay. Have you ever -- do you recall
10:44:22 9 seeing the HR15@AT&T.Blackberry.net? Have you seen
10:44:29 10 that e-mail address before?

10:44:33 11 A I have no recollection specifically of
10:44:35 12 that, sir.

10:44:35 13 Q Okay. What about
10:44:42 14 HAbedin@HillaryClinton.com; do you recall that
10:44:44 15 e-mail address?

10:44:45 16 A I do not have any recollection

10:44:46 17 specifically of that e-mail address.

10:44:49 18 Q Okay. When you were sending the e-mail to

10:44:53 19 Mrs. Clinton and Ms. Abedin, did you think about the

10:44:58 20 fact that the e-mails were not State.gov e-mail

10:45:03 21 accounts?

10:45:04 22 A No, sir.

32

10:45:04 1 Q Why not?

10:45:07 2 A I didn't find it relevant. I was

10:45:09 3 responding to the Secretary of State in the -- in

10:45:13 4 the evening, and she was not in the office.

10:45:18 5 Q Did you think this was a personal e-mail?

10:45:21 6 A I don't recall that I analyzed the -- the

10:45:24 7 nature of the e-mail address.

10:45:25 8 Q Is Secretary of State a 9-to-5 job?

10:45:31 9 A No, sir.

10:45:31 10 MR. MYERS: Argumentative.

10:45:34 11 Q You may answer the question.

10:45:36 12 A It's a -- it's a 24-hour-a-day job.

10:45:38 13 Q So why did it matter that it was at night?

10:45:41 14 A Because she was not in the office at that

10:45:43 15 point.

10:45:43 16 Q Do State Department employees have access

10:45:48 17 to their State Department e-mail accounts when they

10:45:50 18 are not in the office?

10:45:54 19 A Some do; some do not.

10:45:55 20 Q Did the Secretary -- would the Secretary

10:45:58 21 of State have access to e-mail when she was not in

10:46:00 22 the office?

33

10:46:05 1 A The Secretary of State had -- we -- I

10:46:09 2 normally would contact the Secretary of State

10:46:12 3 through -- through staff.

10:46:16 4 Q But you did e-mail her on occasions.

10:46:19 5 A To the best of my recollection, only in

10:46:23 6 response to direct inquiries that she sent to me.

10:46:27 7 Q Okay. When you sent this e-mail to

10:46:33 8 Mrs. Clinton's non-State.gov e-mail account and

10:46:37 9 Ms. Abedin's non-State.gov e-mail account, did you

10:46:42 10 think about how these records would be

10:46:45 11 records-managed?

10:46:48 12 A No.

10:46:48 13 Q Why not?

10:46:49 14 A I was thinking about the subject matter

10:46:52 15 involved.

10:46:56 16 Q Okay. We can skip the next document and

10:47:18 17 move on to Document Number C05790452.

10:47:28 18 If you could take a moment to review that

10:47:30 19 record.

10:47:32 20 MR. MYERS: And this is a two-page

10:47:34 21 document?

10:47:35 22 MR. BEKESHA: It is. Thank you.

34

10:47:36 1 MR. MYERS: Yeah.

10:48:38 2 A I have reviewed the document, sir.

10:48:39 3 Q Thank you.

10:48:40 4 Do you recall, looking at the top e-mail

10:48:44 5 on the first page, do you recall sending this e-mail

10:48:46 6 on May 30th, 2012?

10:48:48 7 A No, sir, I do not.

10:48:49 8 Q Okay. And again, the H refers to

10:48:56 9 Mrs. Clinton?

10:49:00 10 A Yes, sir. I am addressing her as Madam

10:49:03 11 Secretary.

10:49:03 12 Q Okay. At the time did you think about the

10:49:06 13 fact that she was send -- that you were sending an

10:49:09 14 e-mail to a non-State.gov e-mail account?

10:49:12 15 A No.

10:49:12 16 MR. MYERS: Objection. Foundation.

10:49:13 17 Q You may answer the question.

10:49:15 18 A No, sir, I do not.

10:49:16 19 Q Okay. And just to be clear, this e-mail

10:49:18 20 is at 11:03 a.m. Is that correct?

10:49:23 21 MR. MYERS: Objection. The document
10:49:24 22 speaks for itself. The witness has testified he

35

10:49:26 1 doesn't remember it.

10:49:27 2 Q You may answer the question.

10:49:30 3 A I am responding to something that --

10:49:33 4 that's -- that is -- that started the night before,

10:49:36 5 sir.

10:49:36 6 Q Okay. But the -- but the e-mail you sent

10:49:43 7 was during normal business hours. Is that correct?

10:49:47 8 A The text reads it was sent at 11:03 a.m.,

10:49:50 9 sir.

10:49:50 10 Q Thank you.

10:50:00 11 We can move -- we can skip a document and

10:50:03 12 move on to Document C05795555. It's a one-page

10:50:09 13 document.

10:50:34 14 A I reviewed the document, sir.

10:50:35 15 Q Thank you.

10:50:37 16 Do you -- looking at the middle of the

10:50:38 17 page, do you recall -- do you remember sending this

10:50:42 18 e-mail to Mrs. Clinton on Friday, July 27, 2012?

10:50:48 19 A No, sir, I don't recall specifically.

10:50:50 20 Q Okay. Do you recall generally sending

10:50:51 21 this e-mail?

10:50:53 22 A No, sir. I don't recall this e-mail at

10:50:55 1 all.

10:50:55 2 Q Okay. Have you seen this e-mail before?

10:50:59 3 A I authored it, but I don't recall seeing

10:51:02 4 this document recently.

10:51:03 5 Q Okay. Thank you.

10:51:19 6 Why don't we skip a few documents and go

10:51:21 7 to Document C05798066. It's a two-page document,

10:51:28 8 and the second-to-last document of the stack.

10:51:32 9 A Could you repeat the number again, please,

10:51:34 10 sir.

10:51:34 11 Q Sure. C05798066.

10:51:39 12 A Thank you, sir.

10:51:43 13 Q If you could take a moment and review the

10:51:45 14 record.

10:52:28 15 A I've reviewed the document, sir.

10:52:29 16 Q Great. Thank you.

10:52:30 17 Do you -- do you recall sending this

10:52:34 18 e-mail?

10:52:34 19 A No, sir.

10:52:34 20 Q Okay. Do you -- do you recall this e-mail

10:52:40 21 at all? Have you seen this e-mail before?

10:52:43 22 MR. MYERS: Objection. Compound. And the

10:52:44 1 first half has been asked and answered.

10:52:46 2 Q You may answer the question.

10:52:48 3 A I was the author of the document, sir, but

10:52:50 4 I do not recall seeing this document recently.

10:52:52 5 Q Do you recall why you sent this e-mail to

10:52:56 6 Mrs. Clinton's non-State.gov e-mail account?

10:53:00 7 A No, sir, I do not.

10:53:01 8 Q Okay. Let's move on to the last page in

10:53:06 9 this stack of documents, Document Number C05798158.

10:53:14 10 If you would take a moment to review this record.

10:53:30 11 A I have reviewed the document, sir.

10:53:32 12 Q Do you recall this e-mail exchange?

10:53:34 13 A No, sir, I do not.

10:53:35 14 Q Okay. Do you recall sending the e-mail in

10:53:39 15 the middle of the page, dated -- I guess they're all

10:53:43 16 dated the same, but the time of 7:14 p.m.?

10:53:46 17 MR. MYERS: Objection. Asked and

10:53:47 18 answered.

10:53:48 19 Q You may answer the question.

10:53:49 20 A No, sir, I do not.

10:53:50 21 Q Okay. And just to confirm, do you

10:53:53 22 remember sending the e-mail, the first e-mail on the

10:53:57 1 page?

10:53:57 2 MR. MYERS: Objection. Asked and

10:53:58 3 answered.

10:53:59 4 Q You can answer the question.

10:54:01 5 A No, sir, I do not.

10:54:02 6 Q Do you know why you sent this e-mail to

10:54:06 7 Mrs. Clinton's non-State.gov e-mail account?

10:54:10 8 A I was simply replying to the incoming

10:54:13 9 e-mail, sir.

10:54:13 10 Q Do you -- do you know if you noticed her

10:54:17 11 e-mail address when you received these e-mails?

10:54:24 12 A This, sir, was three-and-a-half years ago,

10:54:27 13 and I have no specific recollection.

10:54:29 14 Q Do you know when Mrs. Clinton left the

10:54:32 15 State Department?

10:54:36 16 A She left the State Department in January

10:54:38 17 of 2013.

10:54:40 18 Q Okay. On January 27, 2013, did you know

10:54:44 19 that Mrs. Clinton was going to be leaving the State

10:54:47 20 Department shortly thereafter?

10:54:50 21 MR. MYERS: Objection. Beyond the scope

10:54:51 22 of authorized discovery.

10:54:52 1 Q You may answer the question.

10:54:57 2 A Yes. The -- I knew that -- I knew
10:55:00 3 contemporaneously that -- that President -- the
10:55:03 4 President re-elect Obama, President Elect Obama, had
10:55:07 5 nominated John Kerry to be the next Secretary of
10:55:11 6 State.

10:55:11 7 Q Okay. When you received this e-mail or
10:55:13 8 sent these e-mails, do you recall thinking how these
10:55:17 9 records would be records-managed because
10:55:20 10 Mrs. Clinton was leaving office in the near future?

10:55:23 11 MR. MYERS: Objection. Beyond the scope
10:55:26 12 of authorized discovery.

10:55:26 13 Q You may answer the question.

10:55:27 14 MR. MYERS: You may.

10:55:29 15 A I have no -- I have no recollection of
10:55:30 16 thinking that.

10:55:30 17 Q Okay. Thank you.

10:55:33 18 Earlier today you testified that you were
10:55:36 19 not aware of Mrs. Clinton using a non-State.gov
10:55:40 20 e-mail account for State Department business until
10:55:43 21 you saw it in The New York Times.

10:55:46 22 Do these documents help refresh your

10:55:48 1 recollection, or would you like to change your
10:55:50 2 answer now that you've seen these documents?

10:55:54 3 A No, sir. Your question was when I
10:55:56 4 realized that -- that Mrs. Clinton used -- I
10:55:59 5 interpreted your question being when Mrs. Clinton
10:56:01 6 used State Department e-mail for a significant
10:56:04 7 amount of business.

10:56:05 8 Q Okay. So when -- prior to The New York
10:56:12 9 Times article, were you aware that Mrs. Clinton used
10:56:16 10 a non-State Department e-mail account for at least
10:56:20 11 one e-mail?

10:56:24 12 A Yes.

10:56:25 13 Q Okay. Do you recall when you first
10:56:28 14 learned that she was using a State Department -- or
10:56:32 15 a non-State Department e-mail address for at least
10:56:35 16 one e-mail?

10:56:36 17 A When I got an e-mail from her, sir,
10:56:38 18 which -- whichever the first one would have been.

10:56:40 19 Q Do you recall what the first one was?

10:56:42 20 A No, sir, I do not.

10:56:43 21 Q Okay. At that time when you received that
10:56:48 22 first e-mail, did you think about the fact that

10:56:52 1 Mrs. Clinton was using a non-State.gov e-mail
10:56:55 2 account?

10:56:56 3 A It did not -- it did not register as -- it
10:57:00 4 did not strike any bells in my mind, no.

10:57:02 5 Q Why didn't it strike any bells?

10:57:05 6 A Because it did not.

10:57:06 7 Q Okay. Do you use a State Department

10:57:13 8 e-mail address to conduct official government

10:57:15 9 business?

10:57:16 10 MR. MYERS: Objection. Beyond the scope

10:57:17 11 of authorized discovery.

10:57:19 12 Q You may answer the question.

10:57:21 13 MR. MYERS: Go ahead.

10:57:22 14 A I use a State Department.

10:57:25 15 Q Do you use a personal e-mail account or a

10:57:27 16 non-State Department e-mail account to communicate

10:57:31 17 for State Department business?

10:57:32 18 MR. MYERS: Objection. Beyond the scope

10:57:33 19 of authorized discovery.

10:57:35 20 And, Michael, I'm going to instruct the

10:57:37 21 witness not to answer if you can't explain how this

10:57:39 22 relates to the topic that we're here for.

42

10:57:41 1 MR. BEKESHA: Sure.

10:57:45 2 Q When you received e-mails from

10:57:46 3 Mrs. Clinton, did you think it was unusual for the

10:57:48 4 Secretary of State to be not using a State

10:57:50 5 Department e-mail address?

10:57:58 6 A No, I did not. Because previous
10:58:00 7 Secretaries of State had not used e-mail addresses
10:58:02 8 at all.

10:58:03 9 Q Okay. But Mrs. Clinton was using an
10:58:08 10 e-mail address; wasn't she?

10:58:16 11 A To the best of my knowledge and
10:58:17 12 experience, it was a very, very limited nature.

10:58:21 13 Q Did you ever ask Mrs. Clinton if she was
10:58:23 14 using a non-State Department e-mail address to --
10:58:25 15 for State Department reasons?

10:58:28 16 MR. MYERS: Objection. Vague.

10:58:29 17 Q You may answer the question.

10:58:32 18 A No, sir.

10:58:33 19 Q Did you ever ask Mrs. Clinton if she was
10:58:37 20 going -- if she was using e-mail as Secretary of
10:58:41 21 State?

10:58:45 22 A No, sir, I did not.

43

10:58:46 1 Q Did you speak with anyone about whether or
10:58:48 2 not Mrs. Clinton was e-mailing for State Department
10:58:51 3 business?

10:58:54 4 A To the best of my recollection, no.

10:58:56 5 Q Why not?

10:58:59 6 A It's not -- it's not something that I ever
10:59:01 7 focused on.

10:59:04 8 Q Was somebody else in charge or somebody

10:59:06 9 else supposed to focus on that issue?

10:59:12 10 A I think this is a two-part answer.

10:59:14 11 One, we have a -- I knew that the

10:59:18 12 Secretary of State was receiving regular

10:59:21 13 communications through all the State Department

10:59:24 14 channels. And secondly, I am not responsible for

10:59:30 15 the provision of records or telecommunication

10:59:36 16 support to the Secretary of State. That is handled

10:59:39 17 by an office within the Executive Secretariat.

10:59:41 18 So it was not in my purview.

10:59:44 19 Q Okay. And who would have that individual

10:59:49 20 or those individuals have been?

10:59:50 21 A That would -- it would have been -- there

10:59:52 22 is -- there is an office within the Executive

44

10:59:55 1 Secretariat, and I cannot recall all the individuals

10:59:58 2 who might have been working in that office over the

11:00:00 3 period of four years.

11:00:01 4 Q Okay. And so is it your testimony that --

11:00:10 5 strike that.

11:00:14 6 At any point during Mrs. Clinton's four

11:00:16 7 years when you would receive the occasional e-mail

11:00:19 8 from her, did you think about how those e-mails

11:00:23 9 would be records-managed?

11:00:27 10 A No, sir. I -- I was focused on responding

11:00:30 11 to the query that I had received.

11:00:32 12 Q When you received those e-mails -- prior

11:00:37 13 to receiving those e-mails, did you talk to anybody

11:00:39 14 about Mrs. Clinton's e-mail address?

11:00:45 15 MR. MYERS: Objection. Vague.

11:00:47 16 Q You can answer the question.

11:00:49 17 A I don't recall ever having talked to

11:00:50 18 anyone about Secretary Clinton's e-mail address.

11:00:53 19 Because as I responded, sir, to a previous question,

11:00:57 20 it was not my responsibility to provide that level

11:01:00 21 of telecommunications or other electronic messages

11:01:05 22 to the Secretary. That was handled by -- by an

45

11:01:08 1 office that was responsible for that function.

11:01:09 2 Q Okay. How do you know that former

11:01:12 3 Secretaries of State did not use State Department --

11:01:15 4 did not use e-mail?

11:01:19 5 A It has been -- it has been -- I never had

11:01:21 6 received an e-mail from any of the Secretaries of

11:01:24 7 State that I had ever worked for.

11:01:26 8 Q And how many Secretaries -- Secretaries of

11:01:29 9 State had you worked for prior to Mrs. Clinton?

11:01:34 10 A I -- I believe I could -- it is

11:01:38 11 appropriate to say that I had worked directly for

11:01:41 12 six Secretaries of State total.

11:01:43 13 Q Okay. And so when you first received an

11:01:46 14 e-mail from Mrs. Clinton, that was unusual, then?

11:01:50 15 MR. MYERS: Objection. Mischaracterizes

11:01:51 16 prior testimony.

11:01:55 17 A "Unusual" is -- is not the word I just

11:01:58 18 said. It was -- it was something that had not

11:02:00 19 happened before, but I would not characterize it as

11:02:02 20 unusual.

11:02:03 21 Q Okay. Because it had not happened before,

11:02:07 22 did you think about it any -- any differently from

46

11:02:09 1 any other e-mails you would receive?

11:02:12 2 MR. MYERS: Objection. Vague, complex,

11:02:13 3 confusing. I really don't know what the question

11:02:16 4 is.

11:02:16 5 Q You can answer the question.

11:02:18 6 A I'm not sure that I understand your

11:02:20 7 question. Could you please restate.

11:02:22 8 Q Sure. I mean, you've testified that you

11:02:25 9 had never received an e-mail from six prior

11:02:27 10 Secretaries of State. So I'm just wondering, when

11:02:31 11 you received an e-mail from the Secretary of State,

11:02:35 12 did you think about it?

11:02:37 13 A Well, first you had asked how many

11:02:39 14 Secretaries of State I worked for. The answer is

11:02:41 15 six. It would have been four prior Secretaries of

11:02:44 16 State.

11:02:44 17 Q Okay.

11:02:45 18 A Secretary Clinton would have been five.

11:02:47 19 Q Okay.

11:02:47 20 A And Secretary Kerry would have been Number

11:02:51 21 6.

11:02:51 22 Q Okay. I misunderstood you. Thank you.

47

11:02:53 1 So there were four prior Secretaries that

11:02:55 2 you had never received an e-mail from, and then

11:02:58 3 Mrs. Clinton started -- e-mailed you on occasion.

11:03:03 4 Did you think about that at all?

11:03:05 5 A No, sir. Because they were so infrequent.

11:03:08 6 Q When you were communicating with the

11:03:14 7 Office of the Secretary, who would you primarily

11:03:16 8 communicate with?

11:03:17 9 MR. MYERS: Objection. Vague. And it's

11:03:18 10 not time limited, so it's hard for him to answer.

11:03:21 11 Q During -- during the four years

11:03:22 12 Mrs. Clinton was Secretary of State, who was your

11:03:25 13 primary e-mail contact within the Office of the

11:03:27 14 Secretary?

11:03:28 15 MR. MYERS: Objection. Assumes facts not
11:03:30 16 in evidence.

11:03:31 17 Q You can answer the question.

11:03:35 18 A I guess my primary contact would have been
11:03:37 19 the chief of staff.

11:03:38 20 Q And that was Ms. Mills?

11:03:40 21 A Ms. Mills, yes, sir.

11:03:41 22 Q Okay. Did you contact Ms. Mills on a

48

11:03:43 1 State Department e-mail account?

11:03:46 2 A Yes, sir, I did.

11:03:46 3 Q Why did you not contact her on a
11:03:49 4 non-State.gov e-mail account?

11:03:54 5 A Because that's how she addressed me.

11:03:56 6 Q When Mrs. Clinton -- as Mrs. Clinton was
11:04:09 7 transitioning into her role as Secretary of State,
11:04:12 8 so late 2008, early 2009, do you know if she
11:04:16 9 requested an e-mail address?

11:04:20 10 A No, sir, I do not.

11:04:21 11 Q Okay. Do you know if she requested a
11:04:24 12 BlackBerry?

11:04:29 13 A My recollection, there was a discussion
11:04:31 14 with the Secretary about her desiring to be able to

11:04:34 15 communicate with her family.

11:04:38 16 Q Okay. By using a BlackBerry?

11:04:42 17 A By com -- by a -- having a capability to

11:04:46 18 communicate with her family. I'm -- I was unaware

11:04:49 19 of the exact specific nature of the device to be

11:04:53 20 used.

11:04:53 21 Q Okay. Then just talk generally what you

11:04:57 22 recall about what was going on at that time period.

49

11:04:59 1 MR. MYERS: Objection. Calls for a

11:05:00 2 narrative response.

11:05:03 3 Q You can answer the question.

11:05:04 4 A Generally speaking, the Secretary wanted

11:05:06 5 to be able to contact her family. And that was a

11:05:10 6 subject that was being handled by the Executive

11:05:14 7 Secretariat. I was just aware of it generally, but

11:05:17 8 not -- not specifically.

11:05:18 9 Q How were you aware of it?

11:05:21 10 A I -- I think someone mentioned it to me.

11:05:26 11 But, again, this is -- you're asking me a question

11:05:28 12 about something that was almost eight years ago,

11:05:33 13 sir. So I -- I do not recall any specifics.

11:05:36 14 Q Do you recall who you spoke to?

11:05:40 15 A No, sir, I do not.

11:05:41 16 Q Do you know how this issue was resolved,

11:05:44 17 or if it was resolved?

11:05:50 18 A I know that it -- I know that it was

11:05:52 19 resolved that the Secretary of State had a means of

11:05:56 20 communicating with her family.

11:05:58 21 Q How do you know that?

11:06:00 22 A Because I remember, again, someone telling

50

11:06:02 1 me that eight years or six -- seven and a half,

11:06:07 2 eight years ago.

11:06:08 3 Q Do you recall if any discussions took

11:06:09 4 place about her wanting to communicate by e-mail

11:06:13 5 with State Department employees?

11:06:16 6 A No, sir. I recall no conversations of

11:06:18 7 that nature.

11:06:18 8 Q So the only conversation you had were

11:06:22 9 about her desire to e-mail with family and friends?

11:06:25 10 A That is the -- those are the conversations

11:06:27 11 I recall.

11:06:28 12 Q Okay. So when you received that first

11:06:32 13 e-mail from Mrs. Clinton about State Department

11:06:35 14 business, were you surprised?

11:06:39 15 MR. MYERS: Objection. Asked and

11:06:40 16 answered.

11:06:41 17 A No, sir, I was not. As I respond -- as I

11:06:45 18 responded previously.

11:06:46 19 Q Why weren't you surprised?

11:06:48 20 MR. MYERS: Objection. Asked and

11:06:48 21 answered.

11:06:48 22 Q You can answer the question.

51

11:06:50 1 A Because I wasn't. I didn't find it

11:06:52 2 unusual.

11:06:53 3 Q Okay.

11:06:56 4 MR. MYERS: Michael, we've been going a

11:06:58 5 little over an hour. Do you want to take a break

11:07:01 6 pretty soon?

11:07:02 7 MR. BEKESHA: That's fine. We can take a

11:07:04 8 break now.

11:07:04 9 MR. MYERS: Okay.

11:07:05 10 VIDEO SPECIALIST: We are off the record

11:07:06 11 at 11:07.

11:07:08 12 (A recess was taken.)

11:21:44 13 VIDEO SPECIALIST: We are back on the

11:21:46 14 record at 11:21.

11:21:52 15 BY MR. BEKESHA:

11:21:52 16 Q We're back on the record, Mr. Kennedy.

11:21:54 17 It is my understanding --

11:21:55 18 A Yes.

11:21:55 19 Q -- you wanted to clarify a previous

11:21:58 20 statement?

11:21:58 21 A Yes.

11:21:59 22 In -- in response to one of your earlier

52

11:22:01 1 questions about when -- what was -- when did I first

11:22:03 2 learn about e-mails, I think I need -- I understood

11:22:07 3 you to say one thing, but I think there -- thinking

11:22:10 4 about it, there's actually a broader three-part

11:22:13 5 answer.

11:22:14 6 Q Okay. Could you provide that three-part

11:22:16 7 answer?

11:22:16 8 A When did I first learn that -- that she

11:22:21 9 used e-mail, which is when I -- which, as I said,

11:22:24 10 when I received -- when I received an e-mail from

11:22:26 11 her.

11:22:27 12 Q Okay.

11:22:28 13 A When did I learn that there was a large

11:22:31 14 quantity of material that might include e-mails?

11:22:36 15 And that was when we received the 55,000 pages of

11:22:39 16 material from Secretary Clinton's representative in

11:22:44 17 response to my -- to my letter to them.

11:22:47 18 And then when I learned to an -- that

11:22:51 19 there was a large amount of e-mail material, and

11:22:55 20 that was in the -- was in that -- in March of '15,

11:23:00 21 when the -- when the story was in The New York
11:23:04 22 Times.

53

11:23:04 1 Q Okay. And why did you send that letter
11:23:06 2 that led to Mrs. Clinton's return of the 55,000 --
11:23:10 3 roughly 55,000 pages of e-mails?

11:23:13 4 A On the advice of the State Department's
11:23:16 5 legal office.

11:23:16 6 Q Okay.

11:23:18 7 A And the letter went to several recent
11:23:21 8 Secretaries of State.

11:23:23 9 Q Okay. While Mrs. Clinton was Secretary of
11:23:28 10 State, did you ever see her use a BlackBerry?

11:23:33 11 A I believe there were several occasions
11:23:35 12 when I saw her with some kind of a PDA, some kind of
11:23:40 13 BlackBerry-like or equivalent device in her hand.

11:23:44 14 Q Did you know what -- how often, roughly,
11:23:47 15 would that have been?

11:23:50 16 A I saw her occasionally outside of her
11:23:55 17 office with one, and when I say "occasionally," I
11:23:58 18 can't -- you know, a handful of times literally over
11:24:02 19 four years. And then I remember there was in one
11:24:06 20 case a -- a picture on the front page of several
11:24:08 21 major newspapers of her on an aircraft with a --
11:24:12 22 with a PDA in her hand.

11:24:13 1 Q Do you recall the time frame or the time

11:24:16 2 period for when you saw that photo?

11:24:20 3 A No, sir, I do not.

11:24:20 4 Q Okay. When you saw that photo, did -- did

11:24:27 5 you know why she was using the PDA in the picture?

11:24:31 6 MR. MYERS: Objection. Foundation.

11:24:34 7 Q You may answer the question.

11:24:37 8 A My recollection, sir, was that there had

11:24:40 9 been discussions earlier on, as I may have -- as I

11:24:43 10 may have noted earlier, that the Secretary wished to

11:24:47 11 remain in contact with her family, and, therefore,

11:24:50 12 she was looking for a -- a means of being able to do

11:24:54 13 that.

11:24:57 14 Q When you saw Mrs. Clinton in the hallway

11:24:59 15 outside of her office, did you think she was

11:25:02 16 e-mailing family and friends?

11:25:04 17 A Yes.

11:25:04 18 Q Okay. And is that what you thought about

11:25:09 19 when you saw the picture?

11:25:11 20 A I'm not sure that I thought anything when

11:25:13 21 I saw the picture.

11:25:15 22 Q After seeing the picture, did you talk to

11:25:19 1 anybody in the State Department about it?

11:25:21 2 A No, sir.

11:25:21 3 Q When you saw Mrs. Clinton in the hallway,

11:25:25 4 did you ever talk to anybody at the State Department

11:25:28 5 about Mrs. Clinton's use of a PDA outside of her

11:25:31 6 office?

11:25:32 7 A No, sir.

11:25:32 8 Q Okay. When did you become aware -- do you

11:25:38 9 know if Ms. Abedin used a non-State.gov e-mail

11:25:42 10 account to conduct government business?

11:25:51 11 A You showed me a document in the earlier

11:25:57 12 session in which there was a Huma Abedin

11:26:03 13 something-something dot com address.

11:26:05 14 Q Okay.

11:26:06 15 A So that -- that refreshed my memory.

11:26:08 16 I -- I have no recollection of -- of

11:26:13 17 communicating with Huma on a dot com address.

11:26:16 18 Q Okay. Do you know if Mrs. Clinton was

11:26:25 19 authorized to use a non-State.gov e-mail address for

11:26:28 20 government business?

11:26:32 21 A No, sir, I do not.

11:26:33 22 Q If she were to receive authorization, who

11:26:37 1 would know that?

11:26:37 2 MR. MYERS: Objection. Foundation.

11:26:39 3 Q You may answer the question.

11:26:40 4 A It would have come either from the chief

11:26:44 5 information officer or from the Bureau of Diplomatic

11:26:50 6 Security. Most likely a combination of the two of

11:26:52 7 them.

11:26:53 8 Q Okay. Was Mrs. Clinton's use of a

11:26:57 9 non-State Department e-mail address, did it conflict

11:27:00 10 with any State Department policies, practices, or

11:27:02 11 procedures?

11:27:03 12 MR. MYERS: Objection to the extent that

11:27:04 13 it calls for a legal conclusion.

11:27:06 14 Q You may answer the question.

11:27:08 15 A I'm not -- I am not a lawyer, sir. I

11:27:10 16 would have to consult with -- with -- with the

11:27:13 17 appropriate officials and the legal advisor's

11:27:17 18 office, the Bureau of Diplomatic Security, the

11:27:20 19 Bureau of Administration, and the office -- and the

11:27:23 20 chief information officers to give you a -- a formal

11:27:27 21 response --

11:27:28 22 Q Do you --

11:27:28 1 A -- as Undersecretary for Management.

11:27:30 2 Q Thank you.

11:27:31 3 Do all of those offices report to you?

11:27:33 4 A No, sir, they do not.

11:27:34 5 Q Which ones report to you?

11:27:36 6 A The Bureau of Administration, the Bureau

11:27:41 7 of Information Resources Management, the CIO, and

11:27:42 8 the Bureau of Diplomatic Security.

11:27:44 9 Q Okay. I forgot what the other office was

11:27:47 10 that you mentioned.

11:27:49 11 A The Office of the Legal Advisor, sir.

11:27:51 12 Q Thank you. Who does the Office of the

11:27:53 13 Legal Advisor report to?

11:27:55 14 A Reports to the Secretary of State.

11:27:56 15 Q Okay. Do you report to the Secretary of

11:27:58 16 State?

11:27:59 17 A Yes, sir.

11:27:59 18 Q Okay. Were you ever specifically

11:28:04 19 instructed not to inform the national archives about

11:28:09 20 Mrs. Clinton's use of a non-State Department e-mail

11:28:13 21 address?

11:28:14 22 A No, sir.

11:28:15 1 Q Okay. Do you know if Mrs. Clinton at any

11:28:20 2 point was told not to use a non-State.gov e-mail

11:28:25 3 account for government business?

11:28:28 4 A I have no knowledge of that, sir.

11:28:29 5 Q If -- who would be responsible for

11:28:34 6 informing Mrs. Clinton that she should not use a

11:28:37 7 non-State.gov e-mail account for government

11:28:40 8 business?

11:28:40 9 MR. MYERS: Objection. Foundation.

11:28:42 10 Q You may answer the question.

11:28:44 11 A It would have been the -- the records and

11:28:49 12 technology section in the office that supported the

11:28:53 13 Office of the Secretary.

11:28:54 14 Q And do you know who was in charge of that

11:28:57 15 office --

11:28:58 16 MR. MYERS: Objection.

11:28:58 17 Q -- while Mrs. Clinton was Secretary of

11:29:00 18 State?

11:29:00 19 MR. MYERS: Objection. Asked and

11:29:01 20 answered.

11:29:03 21 Q You may answer the question.

11:29:04 22 A There were -- there were several

11:29:05 1 individuals in the Executive Secretariat, which is

11:29:08 2 the office that provides that support to -- to the

11:29:13 3 Secretary's immediate office.

11:29:14 4 Q Okay. Do you know specifically a job

11:29:16 5 title of who would be responsible for informing the
11:29:21 6 Secretary that she should not use a non-State.gov
11:29:25 7 e-mail account to conduct government business?

11:29:33 8 A I'm not sure that -- that I can identify a
11:29:37 9 specific individual person. It would have been the
11:29:42 10 collective responsibility of the Executive
11:29:46 11 Secretariat, which provides that administrative-type
11:29:49 12 support.

11:29:49 13 Q Okay. And approximately how many
11:29:51 14 employees are within the Executive Secretariat?

11:29:54 15 MR. MYERS: Objection. Foundation. And
11:29:57 16 outside the scope.

11:29:58 17 Q You may answer the question.

11:30:00 18 A Well, there are -- in going to that
11:30:04 19 portion, which is the technology portion, I would
11:30:07 20 say there -- plus supervisors, I can only guess
11:30:13 21 several dozen.

11:30:14 22 Q Okay. And so it would have been the

60

11:30:16 1 responsibility of those several dozen employees --

11:30:19 2 A No. No, sir, not -- it would have been
11:30:22 3 responsibility of the supervisors of those -- of the
11:30:26 4 unit that does IT and records support.

11:30:28 5 Q Okay. Do you know who that supervisor was

11:30:32 6 during Mrs. Clinton's tenure?

11:30:37 7 A I'm not sure that I could give you the
11:30:40 8 specific name. Because, again, that is not an
11:30:42 9 office that is within -- within my area of
11:30:45 10 responsibility.

11:30:45 11 Q Do you know if that person was John
11:30:48 12 Bentel?

11:30:50 13 A I know that John Bentel was a -- a -- one
11:30:55 14 of the office directors within the Executive
11:30:58 15 Secretariat, yes. But I do not remember his exact
11:31:02 16 period of tenure.

11:31:03 17 Q Okay. Do you know if anybody informed
11:31:07 18 Ms. Abedin that she should not use a non-State.gov
11:31:12 19 e-mail account to conduct government business?

11:31:15 20 A I can't answer that question because it's
11:31:16 21 not within my -- my knowledge.

11:31:18 22 Q Okay. As Undersecretary for manage -- for

61

11:31:25 1 Management, what is your role when it comes to FOIA?

11:31:29 2 A The Bureau of Information -- the Bureau of
11:31:35 3 Administration, one of its divisions, under a Deputy
11:31:39 4 Assistant Secretary, is responsible for the
11:31:42 5 processing of FOIA requests centrally for the
11:31:46 6 department.

11:31:47 7 Q Okay. And that person reports to you?

11:31:49 8 A No, sir. That person reports to a Deputy
11:31:53 9 Assistant Secretary, who reports to an Assistant
11:31:54 10 Secretary, who reports to me.

11:31:55 11 Q Okay. You're also the -- is it correct
11:32:01 12 that you're the senior agency official for records
11:32:04 13 management?

11:32:05 14 A Yes, sir.

11:32:05 15 Q What does that mean?

11:32:08 16 A The -- there is a requirement that there
11:32:10 17 simply be a senior officer of the department who
11:32:16 18 is -- carries that title. But the actual working
11:32:19 19 responsibilities rest with -- with various staff
11:32:22 20 within the Office of Information Program Services,
11:32:26 21 which is part -- is one of the Deputy Assistant
11:32:30 22 Secretariats within the Bureau of Administration.

62

11:32:32 1 Q Okay. And how often do you speak with
11:32:34 2 that person?

11:32:37 3 A Infrequently.

11:32:38 4 Q Okay. During Mrs. Clinton's tenure, did
11:32:43 5 you speak to anyone about FOIA requests about
11:32:47 6 Mrs. Clinton's e-mail -- FOIA requests for e-mails
11:32:50 7 of Mrs. Clinton?

11:32:54 8 A During her time as -- as Secretary of

11:32:56 9 State, no.

11:32:56 10 Q Okay. What about after her tenure as

11:32:59 11 Secretary of State?

11:33:01 12 A When -- when the -- when the -- there

11:33:05 13 began to be the large discussion, especially about

11:33:08 14 the 55,000 documents, I was -- I was briefed that

11:33:14 15 there were these -- at the point in which the

11:33:17 16 documents had been input -- inputted into the --

11:33:23 17 into our system of -- of records review, yes, I was

11:33:27 18 told about the process and provided that entity with

11:33:31 19 additional resources in order to -- to do the work.

11:33:35 20 Q All right. Did you have any discussions

11:33:36 21 with any individuals after Mrs. Clinton's tenure

11:33:40 22 about FOIA requests that were received during her

63

11:33:44 1 tenure that related to her e-mails?

11:33:51 2 A Can you be a little more specific about

11:33:53 3 the time frame here?

11:33:55 4 Q Sure. Between February of 2013 and today.

11:34:01 5 MR. MYERS: Sorry. Can you just rephrase

11:34:03 6 the entire question with the date of restriction?

11:34:05 7 MR. BEKESHA: Sure.

11:34:06 8 Q Between February of 2013 and the present,

11:34:09 9 have you had any conversations with anyone at the

11:34:12 10 State Department about the processing of FOIA

11:34:15 11 requests for Mrs. Clinton's e-mails or related to
11:34:19 12 Mrs. Clinton's e-mails, I think I said the first
11:34:21 13 time, while she was Secretary of State?

11:34:23 14 MR. MYERS: And, sorry. Does your
11:34:24 15 question exclude the legal advisor?

11:34:26 16 Q Excluding the legal advisor and the
11:34:29 17 attorneys sitting here today.

11:34:31 18 A I do not believe I had any discussions
11:34:33 19 between -- of that between February of 2013 and
11:34:45 20 March, April of 2015.

11:34:48 21 Q Okay. What about since March or April of
11:34:51 22 2015, excluding attorney -- legal advisor or the

64

11:34:57 1 Justice Department attorneys representing you with
11:35:00 2 respect to this case?

11:35:01 3 A I was -- I was briefed in -- and on the
11:35:03 4 process of processing the 55,000 documents, and
11:35:13 5 provided them with additional resources, and was
11:35:15 6 kept apprised of the -- of the ongoing effort to
11:35:18 7 respond to Freedom of Information Act requests.

11:35:22 8 Q All right. Did you have any discussions
11:35:24 9 during that time period about the process -- during
11:35:27 10 that time period post March of 2015, about the
11:35:30 11 processing of FOIA requests while Mrs. Clinton was

11:35:33 12 Secretary of State?

11:35:35 13 A Not to the best of my recollection.

11:35:36 14 Q Okay. During Mrs. Clinton's tenure, how

11:35:44 15 often would you be involved in FOIA-related issues?

11:35:51 16 A Aperiodically.

11:35:51 17 Q And what type of involvement would you

11:35:54 18 have?

11:35:55 19 A We would -- it would be budget reviews

11:35:58 20 to -- you know, we -- we have to build a budget for

11:36:01 21 the -- the back end of the State Department and make

11:36:05 22 sure that it's -- sufficient resources were

65

11:36:09 1 requested in order to provide for all the offices.

11:36:13 2 And I would get briefings periodically on just

11:36:18 3 where -- how we were doing on -- on FOIA response

11:36:24 4 writ large.

11:36:24 5 Q Okay.

11:36:25 6 A Meaning volumetric, not specific cases.

11:36:28 7 Q Okay. How often were you involved with

11:36:33 8 specific FOIA responses during Mrs. Clinton's

11:36:38 9 tenure?

11:36:40 10 A Only when my office was an addressee for

11:36:44 11 one of the taskings that came from the -- the office

11:36:48 12 that did that.

11:36:55 13 MR. BEKESHA: Let's mark this as Exhibit

11:36:56 14 2.

11:36:56 15 (Kennedy Deposition Exhibit 2 marked for
11:37:12 16 identification and is attached to the transcript.)

11:37:12 17 Q If you could take a moment and review
11:37:13 18 what's marked as Exhibit 2.

11:37:33 19 (A discussion was held off the record.)

11:37:43 20 A I've reviewed the document, sir.

11:37:44 21 Q Thank you.

11:37:45 22 Do you recall -- looking at the middle of

66

11:37:47 1 the first page, do you recall sending this e-mail to
11:37:52 2 Ms. Mills on April 2nd, 2012?

11:37:54 3 A No, sir, I do not.

11:37:55 4 Q Okay. Could you -- could you describe
11:38:00 5 what this -- what that e-mail was that you were
11:38:02 6 sending to Ms. Mills?

11:38:03 7 MR. MYERS: Objection. The document
11:38:04 8 speaks for itself. And the witness has testified he
11:38:06 9 has no personal knowledge.

11:38:08 10 Q You can answer the question to the best of
11:38:10 11 your ability.

11:38:12 12 A No, sir, I do not recall -- I do not
11:38:15 13 recall either the document or the subject matter.

11:38:17 14 Q Okay. Do you know how -- how many times

11:38:23 15 over the course of Mrs. Clinton's tenure were you
11:38:26 16 involved in the release -- the processing or the
11:38:30 17 release of FOIA requests that may get press
11:38:33 18 attention?

11:38:33 19 MR. MYERS: Objection. And outside the
11:38:35 20 scope of authorized discovery to the extent it's not
11:38:38 21 limited to FOIA requests for former Secretary
11:38:40 22 Clinton and Ms. Abedin's e-mail.

67

11:38:43 1 Q Okay. You may answer the question.

11:38:45 2 MR. MYERS: You can answer.

11:38:48 3 A As I said, I do not -- I was not involved
11:38:52 4 in the processing of the -- of FOIA requests, except
11:38:57 5 to the extent that my office would have received a
11:39:01 6 tasker asking did I have in my possession documents
11:39:07 7 of relevance to the FOIA request.

11:39:10 8 Q During Mrs. Clinton's tenure, as well as
11:39:14 9 after, have you ever received any taskings to search
11:39:17 10 your e-mails for e-mails of Mrs. Clinton or
11:39:21 11 Ms. Abedin?

11:39:25 12 A Yes.

11:39:26 13 Q How often -- did -- I'll break that down.
11:39:30 14 During -- while -- during Mrs. Clinton's tenure, did
11:39:33 15 you receive any taskings to search your e-mails for
11:39:36 16 Mrs. Clinton or Ms. Abedin's e-mails?

11:39:41 17 A I have no recollection of any taskings

11:39:45 18 during the Secretary of State's tenure.

11:39:47 19 Q Approximately how many taskings have you

11:39:51 20 received since Mrs. Clinton's tenure?

11:39:56 21 A I would be -- I would be very reluctant to

11:39:58 22 hazard a guess.

68

11:40:01 1 Q Why were you tasked to search for those

11:40:04 2 records?

11:40:04 3 MR. MYERS: Objection. Lack of

11:40:05 4 foundation.

11:40:06 5 Q You may answer the question.

11:40:08 6 A Because I received a tasker.

11:40:10 7 Q Do you know why you received the tasker?

11:40:16 8 MR. MYERS: Objection. Asked and

11:40:18 9 answered, and lack of foundation.

11:40:20 10 Q You may answer the question.

11:40:22 11 A Because the -- because the records office

11:40:23 12 thought that my office might have -- have such

11:40:26 13 records and sent my -- there is a -- there is an

11:40:32 14 individual in my office who receives these taskers

11:40:35 15 for the office -- for the Office of the

11:40:38 16 Undersecretary, and then checks with myself and the

11:40:42 17 staff in the office to make sure that we are -- that

11:40:45 18 we -- if we are holding responsive material, we are

11:40:49 19 responsive.

11:40:50 20 Q Do you know if those -- do you recall if

11:40:52 21 those taskers were specific to search for e-mails

11:40:57 22 that you -- correspondence you had with Mrs. Clinton

69

11:40:59 1 or Ms. Abedin, or if it was generally a tasker for

11:41:03 2 records related to a specific issue?

11:41:05 3 MR. MYERS: Objection. Compound.

11:41:07 4 Q You may answer the question.

11:41:10 5 A I think the answer is both and.

11:41:14 6 Q Could you explain that a little bit?

11:41:16 7 MR. MYERS: Objection. Form.

11:41:17 8 Q You may answer the question.

11:41:19 9 MR. MYERS: If you know what it is.

11:41:22 10 A We received requests that were both

11:41:24 11 related to To/From, and Subject.

11:41:29 12 Q Going -- going back to the exhibit

11:41:40 13 marked -- the document marked as Exhibit 2.

11:41:43 14 Do you recall how many FOIA requests you

11:41:47 15 reviewed or you were part of the process during

11:41:50 16 Mrs. Clinton's tenure that related to her e-mails?

11:41:59 17 MR. MYERS: Objection. Assumes facts not

11:42:01 18 in evidence.

11:42:02 19 Q You can answer the question.

11:42:05 20 A I honestly don't remember a number.

11:42:09 21 Q Do you remember any?

11:42:14 22 A I cannot say that they were none, but I --

70

11:42:18 1 I can -- I have no -- I'm trying to remember things

11:42:21 2 that took place over four years, which were anywhere

11:42:27 3 between eight and three-and-a-half years ago.

11:42:33 4 Q Do you know who is responsible for

11:42:36 5 processing FOIA requests -- processing

11:42:39 6 Mrs. Clinton's e-mails during her tenure for FOIA

11:42:42 7 requests?

11:42:47 8 A That was -- that would be a function that

11:42:48 9 resided in the Executive Secretariat.

11:42:50 10 Q Okay. Do you know who Mr. Pagliano is,

11:42:54 11 Bryan Pagliano?

11:42:57 12 A Yes, sir.

11:42:57 13 Q When did you first -- when did you first

11:43:05 14 become -- learn of Bryan Pagliano?

11:43:12 15 A I would say sometime in the first quarter

11:43:16 16 of 2009.

11:43:18 17 Q Okay. And how did you become aware of

11:43:20 18 him?

11:43:24 19 A One of the offices that reports to me

11:43:28 20 coordinates the onboarding of noncareer appointees.

11:43:36 21 Q Okay. Was Mr. Pagliano a noncareer

11:43:41 22 appointee?

71

11:43:42 1 A Yes, sir.

11:43:42 2 Q Okay. And which office was he assigned

11:43:47 3 to?

11:43:47 4 A The Office -- the Bureau of Information

11:43:50 5 Resources Management.

11:43:50 6 Q Do you know how he ended up in that

11:43:52 7 office?

11:43:53 8 MR. MYERS: Objection. Vague.

11:43:54 9 Q You may answer the question.

11:44:00 10 A I generally recall that since he had an IT

11:44:02 11 technical background, that was the office that

11:44:06 12 handled the backbone processing for the Department

11:44:13 13 of State in the IT arena.

11:44:14 14 Q Do you know how his résumé ended up with

11:44:17 15 the IRM department?

11:44:23 16 A I believe it was given to me, and I gave

11:44:26 17 it to the Bureau of Information Resource Management.

11:44:30 18 Q Do you know who gave you his résumé?

11:44:32 19 A I do not remember exactly, but it would

11:44:34 20 have come to me from the White House liaison office.

11:44:37 21 Q And who was in that office at that time?

11:44:42 22 A There were three or four people in the

11:44:43 1 office at that time.

11:44:45 2 Q Okay. Do you know why they provided you

11:44:48 3 with his résumé?

11:44:50 4 MR. MYERS: Objection. Foundation.

11:44:53 5 Q You may answer the question.

11:44:54 6 A That is -- that is the function -- that is

11:44:56 7 the function of that office.

11:44:59 8 Q Do you know if anybody had sought -- asked

11:45:02 9 for him to be employed at the State Department?

11:45:04 10 MR. MYERS: Objection. Foundation.

11:45:06 11 Q You may answer the question.

11:45:07 12 A It is the function of that office to -- to

11:45:11 13 propose noncareer appointees for positions within

11:45:16 14 the State Department. That is the historical

11:45:20 15 responsibility of that office.

11:45:21 16 Q Do you know how that office received

11:45:24 17 Mr. Pagliano's résumé?

11:45:25 18 MR. MYERS: Objection. Foundation.

11:45:27 19 Q You may answer the question.

11:45:29 20 A I do not recall knowing that.

11:45:31 21 Q Okay. Did Mr. Pagliano report to you?

11:45:34 22 A No, sir.

11:45:34 1 Q Do you know who he reported to?

11:45:39 2 A To the best of my recollection, it was one

11:45:41 3 of the deputy chief information officers.

11:45:44 4 Q Okay. Do you know what Mr. Pagliano's job

11:45:47 5 description was while he was employed at the State

11:45:49 6 Department?

11:45:52 7 A I do not recall ever being briefed on

11:45:56 8 that, no, sir.

11:45:57 9 Q Okay. Do you know if Mr. Pagliano worked

11:46:02 10 on Mrs. Clinton's personal e-mail account?

11:46:09 11 A I did not know that contemporaneously.

11:46:11 12 Q Do you know that now?

11:46:13 13 A My understanding -- I believe I have

11:46:16 14 read -- I have read articles in the newspaper so

11:46:19 15 asserting.

11:46:19 16 Q Have you spoken to anybody besides the

11:46:22 17 Office of Legal Advisor or the Department of Justice

11:46:26 18 attorneys representing you here about what you

11:46:29 19 learned in those newspaper articles?

11:46:30 20 MR. MYERS: Can you also exclude any

11:46:32 21 pending law-enforcement investigations.

11:46:34 22 Q Or any pending law-enforcement

11:46:36 1 investigation.

11:46:36 2 MR. BEKESHA: Thank you.

11:46:37 3 MR. MYERS: Yeah.

11:46:40 4 A I believe in -- in a response to a

11:46:42 5 congressional inquiry, I checked with the Bureau of

11:46:46 6 Human Resources on his status.

11:46:51 7 Q Do you recall what the Bureau of Human

11:46:53 8 Resources informed you?

11:46:56 9 A They just informed me that he was -- at

11:46:56 10 one point they informed me he was no longer an

11:46:58 11 employee. And then they also informed me of where

11:47:01 12 he was placed within the Bureau of Information

11:47:05 13 Resource Management.

11:47:05 14 Q Okay. Do you know who Clarence Finney is?

11:47:10 15 A Clarence Finney is an officer within the

11:47:12 16 Executive Secretariat's office that deals with

11:47:16 17 records.

11:47:16 18 Q Have you ever spoken to Mr. Finney about

11:47:20 19 Mrs. Clinton -- generally about Mrs. Clinton's use

11:47:22 20 of e-mail?

11:47:24 21 A To the best of my knowledge, I don't think

11:47:26 22 I ever have spoken to Mr. Finney.

11:47:28 1 Q At all?

11:47:30 2 A On the -- on your question.

11:47:31 3 Q Okay. Thank you. I wasn't sure by -- by

11:47:34 4 your answer.

11:47:35 5 Have you ever spoken to Mr. Finney about

11:47:38 6 FOIA requests related to Mrs. Clinton's e-mail?

11:47:42 7 A No, sir.

11:47:42 8 Q Okay.

11:47:44 9 A To the best of my knowledge.

11:47:44 10 Q Have you ever spoken to Mr. Finney about

11:47:48 11 FOIA requests related to the Office of the Secretary

11:47:54 12 generally?

11:47:56 13 A No, sir. Because that is not something an

11:47:58 14 Undersecretary for Management would normally do.

11:48:00 15 Q Mrs. Clinton has stated -- are you aware

11:48:17 16 that Mrs. Clinton has stated that it was her

11:48:20 17 practice to e-mail government employees on their dot

11:48:23 18 gov e-mail address so that the e-mails would

11:48:26 19 immediately be captured and preserved in

11:48:29 20 record-keeping systems?

11:48:35 21 A I believe I have seen that in the

11:48:36 22 newspaper.

11:48:36 1 Q Okay. Do you know when you first saw that

11:48:38 2 in the newspaper?

11:48:44 3 A I -- I would be unable to pick a date.

11:48:45 4 Q Okay. Thank you.

11:48:46 5 Do you know if you knew that that was her

11:48:48 6 practice prior to reading it in the newspaper?

11:48:54 7 A I have no way of answering what the

11:48:56 8 Secretary of State thought her practice was.

11:48:59 9 Q Did you ever talk to Mrs. Clinton about

11:49:02 10 her practice of preserving e-mails?

11:49:05 11 A No, sir.

11:49:05 12 Q Have you ever talked to anybody else in

11:49:07 13 the State Department about Mrs. Clinton's practice

11:49:11 14 of preserving e-mails?

11:49:12 15 MR. MYERS: And again, if you could

11:49:14 16 exclude the legal advisor.

11:49:15 17 Q Excluding the legal advisor.

11:49:23 18 A I believe my conversations have only been

11:49:25 19 with the legal advisor, to the best of my

11:49:27 20 recollection.

11:49:28 21 Q Okay.

11:49:29 22 A Or potentially with one of my staff, who I

77

11:49:32 1 tasked to go get an answer from the legal advisor.

11:49:36 2 Q Do you recall which individuals in -- of

11:49:40 3 your staff that you spoke with?

11:49:41 4 A No, sir.

11:49:41 5 Q Okay. Do you know if anybody in the State
11:49:46 6 Department approved this practice that Mrs. Clinton
11:49:49 7 stated that she had?

11:49:51 8 MR. MYERS: Objection. Vague.

11:49:53 9 Q You may answer the question.

11:49:54 10 A I am not aware of anyone.

11:49:56 11 Q Do you know if this practice is contrary
11:49:58 12 to State Department policy?

11:50:00 13 MR. MYERS: Objection. Vague, and
11:50:02 14 potentially at least calls for a legal conclusion.

11:50:04 15 Q You may answer the question.

11:50:08 16 A To answer that question I would have to
11:50:09 17 consult with my subject matter experts and with the
11:50:12 18 Office of the Legal Advisor.

11:50:13 19 Q Okay. Based on your understanding of the
11:50:17 20 State Department's records-management policy, do you
11:50:22 21 believe Mrs. Clinton's practice of preserving
11:50:25 22 e-mails was contrary to -- to your beliefs?

78

11:50:28 1 MR. MYERS: Objection. It still calls for
11:50:30 2 a legal conclusion.

11:50:32 3 Q You may answer the question.

11:50:36 4 A In order to render an opinion as the
11:50:38 5 Undersecretary for Management, I am very careful

11:50:41 6 when I render such opinions. And, therefore, I
11:50:44 7 consult with subject matter experts and the Office
11:50:48 8 of the Legal Advisor before rendering opinions which
11:50:51 9 have some standing within the State Department as
11:50:54 10 the Undersecretary.

11:50:56 11 Q Do you know if Mrs. Clinton's use of a
11:51:00 12 non-State.gov e-mail account -- based on your
11:51:03 13 knowledge of the State Department's
11:51:06 14 records-management policy, do you know if
11:51:10 15 Mrs. Clinton's use of a non-State.gov e-mail account
11:51:13 16 to conduct official government business was contrary
11:51:16 17 to that policy?

11:51:17 18 MR. MYERS: Objection to the extent that
11:51:19 19 it calls for a legal conclusion.

11:51:20 20 Q You may answer the question.

11:51:25 21 A As I've said before, I would -- I would
11:51:27 22 consult with -- with the experts. I will add that

79

11:51:30 1 it is -- the State Department employees are
11:51:33 2 encouraged to use State.gov addresses.

11:51:38 3 Q Okay. As senior agency official for
11:51:41 4 records management at the State Department, do you
11:51:43 5 believe that Mrs. Clinton's use of a non-State.gov
11:51:46 6 e-mail account was contrary to State Department
11:51:50 7 policy?

11:51:50 8 MR. MYERS: Objection. Asked and

11:51:52 9 answered, and potentially calls for a legal

11:51:53 10 conclusion.

11:51:54 11 Q You can answer the question.

11:51:56 12 A As I said, the State Department records

11:51:59 13 encourages the use of State.gov. But to go further

11:52:02 14 than that, I would have to consult with subject

11:52:04 15 matter experts and -- and the Office of the Legal

11:52:07 16 Advisor.

11:52:07 17 Q As the senior agency official for records

11:52:10 18 management at the State Department, do you know --

11:52:14 19 do you believe that Mrs. Clinton's use of --

11:52:18 20 Mrs. Clinton's practice to e-mail other individuals

11:52:23 21 so their e-mails could be preserved was contrary --

11:52:26 22 is contrary to State Department records-management

80

11:52:28 1 policy?

11:52:29 2 MR. MYERS: Objection. Asked and

11:52:30 3 answered, and calls for a legal conclusion.

11:52:32 4 Q You may answer that question.

11:52:34 5 A State Department records-management policy

11:52:36 6 encourages the use of dot gov -- State.gov addresses

11:52:40 7 for official business, and to go further I would

11:52:43 8 need to consult with subject matter experts and the

11:52:46 9 Office of the Legal Advisor.

11:52:47 10 Q Okay. My question was a little bit

11:52:50 11 different. My question was focused again on

11:52:54 12 Mrs. Clinton's stated practice to e-mail government

11:52:56 13 employees on their dot gov e-mail address, that way

11:52:59 14 work e-mails would be immediately captured and

11:53:01 15 preserved in government recordkeeping systems.

11:53:04 16 Before you testified that as

11:53:07 17 Undersecretary of Management you couldn't answer

11:53:08 18 that question with -- without consulting. So my

11:53:13 19 question now is, as senior agency official, as the

11:53:16 20 senior agency official for records management for

11:53:18 21 the State Department, do you believe that that

11:53:20 22 practice of preservation, or that her stated

81

11:53:24 1 practice of preservation, was contrary to State

11:53:27 2 Department policy?

11:53:27 3 MR. MYERS: Objection. It's been asked

11:53:29 4 and answered. It calls for a legal conclusion. And

11:53:31 5 to the extent that it's focused on records

11:53:33 6 management rather than FOIA processing, it's beyond

11:53:35 7 the scope of authorized discovery.

11:53:37 8 Q You may answer the question.

11:53:38 9 MR. MYERS: That's fine.

11:53:41 10 A As I said, it -- State Department

11:53:46 11 regulations encourage State Department employees to
11:53:48 12 use State.gov e-mail addresses. To go further and
11:53:54 13 say whether a -- in a specific case something does
11:53:57 14 or does not conform to that recommendation, I would
11:54:01 15 have to consult with subject matter experts and
11:54:04 16 the -- and the Office of the Legal Advisor.

11:54:05 17 Q When did you first become aware that
11:54:17 18 Mrs. Clinton was using a -- what's been described in
11:54:19 19 the media as a personal server, e-mail server?

11:54:32 20 A As I have testified previously, I did not
11:54:38 21 focus on the -- her e-mail address when I recent --
11:54:43 22 re -- received the documents that we had discussed

82

11:54:46 1 earlier. I did not focus on that.

11:54:49 2 So the -- it just did not set off any
11:54:52 3 bells in my head that these were coming from a
11:54:54 4 personal server. And, therefore, my answer to your
11:54:59 5 question is in -- when I read about it in the
11:55:03 6 newspaper in March of 2015.

11:55:07 7 Q Okay. Prior to March 2015, do you recall
11:55:10 8 having any conversations with anyone at the State
11:55:15 9 Department about Mrs. Clinton's e-mail server?

11:55:17 10 A Not to the best of my recollection, no,
11:55:20 11 sir.

11:55:20 12 Q Do you recall having any e-mail
11:55:23 13 correspondence or -- do you recall seeing any e-mail
11:55:27 14 correspondence that talked about Mrs. Clinton's
11:55:31 15 e-mail server?

11:55:45 16 A I do recall in reviewing material there
11:55:50 17 was a -- there was a -- a trailing paragraph to a
11:55:54 18 document -- in a document that -- that talked about
11:55:58 19 it. But I did not focus on the trailing document --
11:56:01 20 trailing paragraph, because the primary paragraph in
11:56:05 21 that e-mail was about an issue that I had been
11:56:09 22 working on, which is why I was on that -- copied on

83

11:56:12 1 that e-mail.

11:56:14 2 Q Do you recall any other e-mails, besides
11:56:19 3 that one, that referred to Mrs. Clinton's e-mail
11:56:24 4 server?

11:56:25 5 A No, sir, not to the best of my
11:56:26 6 recollection.

11:56:26 7 Q Okay. In preparing for your testimony
11:56:31 8 today, besides the Office of Legal Advisor, Justice
11:56:36 9 Department attorneys, or any law-enforcement
11:56:38 10 officers in an ongoing law-enforcement
11:56:42 11 investigation, who did you speak with?

11:56:44 12 Did you speak with anyone about your
11:56:45 13 testimony today?

11:56:51 14 A May I ask you to rephrase the last part?

11:56:54 15 Q Sure.

11:56:55 16 A I mean, I -- I informed people I was

11:56:57 17 testifying today.

11:56:58 18 Q Okay.

11:56:59 19 A I told my wife I was testifying today. I

11:57:01 20 told my staff I was testifying today.

11:57:05 21 But if -- if -- I -- but if I -- I'm not

11:57:09 22 trying to rephrase counsel's question. But if you

84

11:57:11 1 could rephrase counsel's question.

11:57:13 2 MR. MYERS: Is your question about, you

11:57:14 3 know, if he testified -- if he talked to anybody

11:57:15 4 about the substance?

11:57:16 5 MR. BEKESHA: I was just going to follow

11:57:17 6 up with that.

11:57:18 7 MR. MYERS: Thank you.

11:57:19 8 Q So besides law enforcement, Office of

11:57:22 9 Legal Counsel, Justice Department attorneys, did you

11:57:25 10 speak -- excuse me. Did you speak to anybody today

11:57:28 11 about the substance of your testimony?

11:57:33 12 A If -- if I may -- if I can change your

11:57:36 13 question, Office of Legal Counsel, to Office of

11:57:38 14 Legal Advisor at the State Department.

11:57:40 15 Q Yes. Sorry about that.

11:57:41 16 A The answer -- the answer -- the answer is

11:57:45 17 no.

11:57:45 18 Q Okay. Did you review any records in

11:57:50 19 preparation for testimony today?

11:57:55 20 A Except from discussions with the Office of

11:57:59 21 the Legal Advisor or the Department of Justice, no,

11:58:01 22 sir.

85

11:58:01 1 Q Okay. When did you last speak with

11:58:06 2 Mrs. Clinton?

11:58:08 3 MR. MYERS: Objection. Beyond the scope

11:58:09 4 of authorized discovery.

11:58:11 5 You can answer the question.

11:58:12 6 Q You may answer the question.

11:58:16 7 A I think I saw Secretary Clinton at a

11:58:21 8 social function some months ago.

11:58:27 9 Q Since Mrs. Clinton left the State

11:58:30 10 Department, have you spoken to her or any of her

11:58:32 11 representatives about her e-mail usage while she was

11:58:37 12 Secretary of State?

11:58:38 13 MR. MYERS: Objection. Vague.

11:58:41 14 Q You may answer the question.

11:58:47 15 A Spoken -- spoken, no.

11:58:51 16 Q What about e-mailing?

11:58:54 17 A E-mailing, no.
11:58:55 18 Q Okay. Letter writing, correspondence in
11:59:01 19 hard-copy form?
11:59:03 20 A Yes.
11:59:04 21 Q Okay.
11:59:04 22 A Communications that the Office of the

86

11:59:08 1 Legal Advisor had me send to representatives of four
11:59:12 2 former Secretaries of State.

11:59:14 3 Q Okay. Have you spoken with Ms. Abedin or
11:59:20 4 Ms. Mills about the substance of the testimony -- of
11:59:24 5 your testimony today?

11:59:26 6 A No, sir.

11:59:27 7 Q Okay.

11:59:34 8 MR. BEKESHA: Why don't we take a
11:59:37 9 five-minute break.

11:59:38 10 VIDEO SPECIALIST: We are off the record
11:59:39 11 at 11:59.

11:59:40 12 (A recess was taken.)

12:13:33 13 VIDEO SPECIALIST: We are back on the
12:13:37 14 record at 12:13.

12:13:41 15 BY MR. BEKESHA:

12:13:42 16 Q Great. Thank you.

12:13:43 17 Mr. Kennedy, I just have a few more

12:13:44 18 questions.

12:13:45 19 First, when we came back from the previous
12:13:47 20 break, you talked about the three-part answer to
12:13:52 21 your knowledge about Mrs. Clinton's use of personal
12:13:56 22 e-mail.

87

12:13:58 1 A Yes, sir.

12:13:58 2 Q Could you -- I'm not sure, looking back,
12:14:02 3 that I fully understood the difference between Part
12:14:05 4 2 and Part 3. And I was just wondering if you could
12:14:08 5 just elaborate again on your answers on the
12:14:13 6 different parts.

12:14:16 7 A I -- in Part 2, which was the request that
12:14:21 8 we had sent out to four former Secretaries of State
12:14:25 9 asking for any material that they might have that we
12:14:28 10 might not have, when I was informed that -- that
12:14:35 11 Secretary -- former Secretary Clinton had submitted
12:14:37 12 a large quantity of material in December of 2014.
12:14:48 13 It was -- that material was then put into
12:14:50 14 processing, and I was unaware of the contents of
12:14:53 15 that material.

12:14:54 16 And then there was -- then there was a
12:14:55 17 story of -- in the newspaper in about March of 2015
12:15:04 18 about her extensive use of e-mail. I was trying to
12:15:07 19 draw a distinction between the fact that I had -- I

12:15:10 20 was -- I knew that we had received a large quantity

12:15:12 21 of material, but --

12:15:14 22 Q Okay. And --

88

12:15:15 1 MR. MYERS: Could he just finish his

12:15:17 2 answer?

12:15:18 3 MR. BEKESHA: Oh, sure.

12:15:19 4 A And -- but -- but my knowledge of the

12:15:21 5 nature of that did not come to me immediately.

12:15:26 6 Q The nature of it came to you after you

12:15:28 7 read the newspaper article?

12:15:30 8 A That was when -- in response to your

12:15:33 9 specific question, when did I know there were lots

12:15:35 10 of e-mails.

12:15:37 11 Q Okay.

12:15:38 12 A Extensive use of her e-mails, I think

12:15:40 13 that's how you phrased it, or I phrased it.

12:15:42 14 Q Okay. Did you know, prior to sending

12:15:52 15 those letters in the fall of 20 --

12:15:56 16 A '14.

12:15:57 17 Q -- 14, did you know that Mrs. Clinton used

12:16:01 18 her non-State.gov e-mail account to conduct

12:16:05 19 government business -- extensively to conduct

12:16:07 20 government business?

12:16:10 21 A As I testified previously, sir, not

12:16:13 22 extensively.

89

12:16:16 1 Q When you wrote the letter then, what were

12:16:20 2 you expecting Mrs. Clinton to return?

12:16:26 3 A I was advised by the Office of the Legal

12:16:29 4 Advisor to send -- to send these letters about

12:16:32 5 records to four previous Secretaries of State.

12:16:35 6 Q Did you --

12:16:36 7 A I had no anticipation one way or the other

12:16:39 8 as to what the responses would be from any of the

12:16:42 9 four Secretaries of State. But I -- I have a high

12:16:48 10 value in counsel that I received from the Office of

12:16:51 11 the Legal Advisor.

12:16:51 12 Q And did you speak to anybody else, anybody

12:16:56 13 outside of the Office of the Legal Advisor, before

12:16:58 14 sending that letter -- those letters in the fall of

12:17:01 15 2014?

12:17:05 16 A No. I think -- I think the entire work

12:17:07 17 product was coordinated by the Office of the Legal

12:17:12 18 Advisor, with the exclusion of, you know, obviously

12:17:15 19 of some staff who actually formatted the letters,

12:17:18 20 printed them, and handed me -- handed them to me for

12:17:21 21 signature.

12:17:23 22 Q Okay. Do you know who was responsible for

12:17:34 1 inventorying Mrs. Clinton's records as she was
12:17:37 2 transitioning away from being Secretary of State?

12:17:41 3 MR. MYERS: Objection. Outside the scope
12:17:42 4 of authorized discovery.

12:17:43 5 Q You may answer the question.

12:17:45 6 MR. MYERS: Go ahead.

12:17:46 7 A That would have been the responsibility of
12:17:48 8 the records section of the Executive Secretariat.

12:17:51 9 Q Did you have any responsibility at all
12:17:53 10 about the inventorying of Secretary -- of Secretary
12:17:58 11 Clinton's records?

12:17:59 12 MR. MYERS: Same objection.

12:18:00 13 Q You may answer.

12:18:02 14 A I have -- I have no direct responsibility
12:18:04 15 for the actions of a particular office within the
12:18:08 16 State Department in that -- of that nature.

12:18:10 17 Q Do you know if Mrs. Clinton's e-mails were
12:18:13 18 inventoried at the end of her tenure?

12:18:15 19 MR. MYERS: Same objection.

12:18:17 20 Q You may answer the question.

12:18:18 21 A I have -- I have no personal knowledge
12:18:20 22 of -- of the inventorying of any other appointee.

12:18:23 1 Q Have you spoken to anybody at the State
12:18:27 2 Department outside the Office of Legal Advisor about
12:18:31 3 whether Mrs. Clinton's e-mails were inventoried when
12:18:34 4 she was leaving office?

12:18:35 5 MR. MYERS: Same objection.

12:18:40 6 A Not --

12:18:40 7 Q You can answer.

12:18:41 8 A Not contemporaneously with her departure,
12:18:45 9 no.

12:18:45 10 Q Since her departure, have you spoken with
12:18:47 11 State Department employees outside the Office of the
12:18:50 12 Legal Advisor?

12:18:50 13 MR. MYERS: Same objection.

12:19:02 14 A Pausing for recollection. I mean, it --
12:19:04 15 it is possible that I spoke to somebody about it,
12:19:06 16 but I do not have -- I cannot remember a specific
12:19:11 17 conversation about it, no, sir.

12:19:12 18 Q Okay.

12:19:23 19 MR. BEKESHA: I have nothing further.

12:19:27 20 EXAMINATION BY COUNSEL FOR DEFENDANT

12:19:27 21 BY MR. MYERS:

12:19:28 22 Q Undersecretary Kennedy, I have just a few

12:19:30 1 questions for you.

12:19:31 2 You testified earlier that you had never

12:19:33 3 received an e-mail from the previous Secretaries of

12:19:36 4 State that you served under prior to working for

12:19:39 5 former Secretary Clinton.

12:19:41 6 What was your understanding of how those

12:19:42 7 individuals, how those former Secretaries

12:19:44 8 communicated and did their jobs?

12:19:49 9 A There is a historical practice going back

12:19:50 10 at least over the -- the 40 years that I have been

12:19:55 11 at the State Department, including a previous period

12:19:59 12 of time on what's called the seventh floor of the

12:20:04 13 State Department. I was an aid to the

12:20:08 14 Undersecretary for Management back in the 1970s.

12:20:10 15 And so there is a long-standing practice

12:20:13 16 of the Secretary of State having a senior staff

12:20:17 17 meeting in the morning, then one or more staff

12:20:22 18 meetings during the course of the week with a larger

12:20:27 19 number of senior State Department officials.

12:20:31 20 There are regular briefings of the

12:20:33 21 Secretary of State in his/her office before --

12:20:38 22 before major events, where a senior team will

12:20:41 1 assemble to go over the material in preparation for

12:20:45 2 the next -- for the next meeting.

12:20:48 3 There are action memos to the Secretary of

12:20:54 4 State proposing a course of action. There are

12:20:56 5 briefing memos on -- in preparation for events.

12:21:01 6 There are information memos just conveying senior

12:21:03 7 information that is necessary.

12:21:08 8 We have a system that we call -- still

12:21:11 9 call telegrams that exists. These are -- these are

12:21:14 10 messages from ambassadors overseas. Copies of

12:21:18 11 important such messages as those are provided to the

12:21:22 12 Secretary of State.

12:21:26 13 And the Secretary of State also has access

12:21:28 14 to both secure and nonsecure telephonic

12:21:32 15 communications.

12:21:34 16 And so there is an apparatus and a history

12:21:37 17 of providing information to the Secretary of State.

12:21:43 18 Additionally, the Secretary of State also will tell

12:21:48 19 personal staff or the Executive Secretariat of any

12:21:52 20 requests they might have for information on a

12:21:55 21 subject that -- that has come up to their ken and

12:22:00 22 that they wish more information.

12:22:02 1 So there's a very robust exchange, flow of

12:22:05 2 information, to and from the Secretary of State

12:22:07 3 through the means I've just described.

12:22:09 4 Q And did former Secretary Clinton use all
12:22:12 5 of those means of communicating that you've just
12:22:14 6 described?

12:22:15 7 A Yes, sir.

12:22:15 8 Q And while you worked for her, was it your
12:22:19 9 understanding that she was primarily using those
12:22:22 10 tools or e-mail to conduct her state business?

12:22:25 11 A My understanding was that she was using
12:22:27 12 the classic tools that I had described a moment ago.

12:22:29 13 Q And then I have just one other question.
12:22:33 14 During the period of time when you were
12:22:36 15 Undersecretary of Management, serving under former
12:22:39 16 Secretary Clinton, roughly how many e-mails would
12:22:42 17 you say that you received in a typical day,
12:22:45 18 including both classified and unclassified e-mails?

12:22:48 19 A I would say somewhere between five and
12:22:52 20 seven hundred a day.

12:22:54 21 MR. MYERS: Thank you. I have nothing
12:22:56 22 further.

12:22:57 1 MR. BEKESHA: I have a few more questions.

12:22:58 2 EXAMINATION BY COUNSEL FOR PLAINTIFF

12:22:58 3 BY MR. BEKESHA:

12:22:58 4 Q You just testified that you understood

12:23:01 5 that Mrs. Clinton was primarily using the classic

12:23:05 6 tools to communicate or do her business.

12:23:08 7 A Yes.

12:23:08 8 Q Why was that your understanding?

12:23:11 9 A Because I was in the senior staff meeting

12:23:16 10 in the morning. I was in the one or more of the --

12:23:23 11 of the expanded staff meetings. I participated in

12:23:28 12 briefings that she received prior to events at the

12:23:32 13 White House, events overseas, events on the Hill.

12:23:38 14 I sent her action memos, briefing memos,

12:23:42 15 information memos. And those memos are also -- that

12:23:48 16 go to the Secretary potentially from another senior

12:23:50 17 official are distributed laterally, so to speak, to

12:23:54 18 other undersecretaries for their cognizance and

12:23:59 19 contextual knowledge.

12:24:01 20 And so I saw -- I was in the meetings, I

12:24:05 21 was in the -- some of the briefings. I knew from

12:24:07 22 her schedule about the other briefings. And I was

96

12:24:10 1 either sending her material or I was copied on those

12:24:15 2 action info and briefing memos that she was

12:24:17 3 receiving.

12:24:18 4 Q Okay. Thank you.

12:24:18 5 And also, you know, you described this as

12:24:22 6 a historical practice. I think you also used words
12:24:25 7 "apparatus" and "history." About how the Secretary
12:24:30 8 of State would conduct her business, or conduct the
12:24:32 9 business of the Secretary.

12:24:35 10 Didn't that make it all the more
12:24:37 11 surprising when you received an e-mail from
12:24:40 12 Mrs. Clinton, because it was outside of this
12:24:43 13 historical practice, outside this robust exchange of
12:24:48 14 information, outside this apparatus and history? I
12:24:52 15 mean, didn't this -- didn't you think, Oh, this is
12:24:55 16 different --

12:24:56 17 MR. MYERS: Objection.

12:24:56 18 Q -- from the four previous Secretaries you
12:24:59 19 worked for?

12:25:00 20 MR. MYERS: Objection. Like, compound
12:25:02 21 times eight.

12:25:03 22 Q You may answer the question.

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12:25:06 1 A No, sir, because of the very small volume
12:25:10 2 of e-mails involved.

12:25:11 3 Q And approximately how many e-mails over
12:25:14 4 the four years --

12:25:15 5 MR. MYERS: Objection.

12:25:16 6 Q -- you received from Secretaries, receive
12:25:19 7 or send to Secretary of State?

12:25:21 8 MR. MYERS: Objection. Asked and
12:25:22 9 answered.
12:25:27 10 Q You may answer.
12:25:28 11 A I'm guessing 50, 75, some -- some number
12:25:32 12 in that range.
12:25:33 13 Q And --
12:25:34 14 A Over four years.
12:25:34 15 Q Thank you.
12:25:36 16 And during that period when receiving
12:25:37 17 those e-mails, you never thought this was outside
12:25:41 18 the historical practice, this robust exchange of
12:25:45 19 information, this apparatus and history that you
12:25:48 20 were just talking about?
12:25:49 21 MR. MYERS: Objection. Asked and
12:25:50 22 answered.

98

12:25:51 1 Q You may answer the question.
12:25:53 2 A No, sir; because of the small volume.
12:25:55 3 Q Okay.
12:25:56 4 MR. BEKESHA: I have no other questions.
12:25:58 5 MR. MYERS: We're done.
12:26:00 6 VIDEO SPECIALIST: This ends the
12:26:01 7 deposition of Patrick Kennedy. We are off the
12:26:03 8 record at 12:26.

9 (Off the record at 12:26 p.m.)

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1 ACKNOWLEDGMENT OF DEPONENT

2 I, PATRICK F. KENNEDY, do hereby acknowledge that I

3 have read and examined the foregoing testimony, and

4 the same is a true, correct and complete transcription

5 of the testimony given by me and any corrections

6 appear on the attached Errata sheet signed by me.

7

8 _____

9 (DATE)

(SIGNATURE)

10

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Debra Ann Whitehead, the officer before whom
3 the foregoing deposition was taken, do hereby certify
4 that the foregoing transcript is a true and correct
5 record of the testimony given; that said testimony was
6 taken by me stenographically and thereafter reduced to
7 typewriting under my direction; that reading and
8 signing was requested; and that I am neither counsel
9 for, related to, nor employed by any of the parties to
10 this case and have no interest, financial or
11 otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my hand and
13 affixed my notarial seal this 29th day of June, 2016.

14

15 My commission expires:

16 September 14, 2018

17

18

19

20 -----

21 NOTARY PUBLIC IN AND FOR THE

22 DISTRICT OF COLUMBIA

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLUMBIA

3 ----- x

4 JUDICIAL WATCH, INC., :

5 Plaintiff, :

6 v. : Civil Action No.

7 U.S. DEPARTMENT OF STATE, : 13-cv-1363(EGS)

8 Defendant. :

9 ----- X

10

11 Videotaped Deposition of PATRICK F. KENNEDY

12 Washington, DC

13 Wednesday, June 29, 2016

14 10:05 a.m.

15

16

17

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19

20 Job No.: 112297

21 Pages 1 - 100

22 Reported by: Debra A. Whitehead

1 Videotaped Deposition of PATRICK F. KENNEDY, held

2 at the offices of:

3

4 U.S. DEPARTMENT OF JUSTICE

5 CIVIL DIVISION, FEDERAL PROGRAMS BRANCH

6 20 Massachusetts Avenue, NW

7 Washington DC 20001

8 (202) 514-3374

9

10

11

12 Pursuant to notice, before Debra A. Whitehead, an

13 Approved Reporter of the United States District Court

14 and Notary Public of the District of Columbia.

15

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22

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10 ALSO PRESENT:

11 JEREMY DINEEN, Video Specialist

12 GREGORY LAUDADIO, Judicial Watch

13 DANIEL RICHARDSON, Department of Justice

14 MAX SIEGEL, Department of Justice

15 CHEYENNE TRIMELS, Judicial Watch

16

17

18

19

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1 C O N T E N T S

2 EXAMINATION OF PATRICK F. KENNEDY PAGE

3 By Mr. Bekesha 8

4 By Mr. Myers 91

5 By Mr. Bekesha 95

6

7 EXHIBITS

8 (Attached to the Transcript)

9 KENNEDY DEPOSITION EXHIBIT PAGE

10 Exhibit 1 E-mails 11

11 Exhibit 2 E-mail String 65

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1 PROCEEDINGS

2 VIDEO SPECIALIST: Here begins Tape Number

3 1 in the videotaped deposition of Patrick Kennedy in

4 the matter of Judicial Watch, Inc., v. the U.S.

5 Department of State, in the U.S. District Court for

6 the District of Columbia, Case Number 13-CV-1363.

7 Today's date is June 29, 2016. The time
8 on the video monitor is 10:05. The videographer
9 today is Jeremy Dineen, representing Planet Depos.

10 This video deposition is taking place at the
11 Department of Justice, at 20 Massachusetts Avenue,
12 in Washington, DC.

13 Would counsel please voice-identify
14 themselves and state whom they represent.

15 MR. BEKESHA: Michael Bekesha, on behalf
16 of Judicial Watch.

17 MR. ORFANEDES: Paul Orfanedes, Judicial
18 Watch.

19 MS. COTCA: Ramona Cotca, Judicial Watch.

20 MR. PETERSON: James Peterson, Judicial
21 Watch.

22 MR. MYERS: Steven Myers, for the

7

1 Department of State.

2 MS. BERMAN: Marcia Berman, Department of
3 State.

4 MS. WELCHER: Alison Welcher, Department
5 of State.

6 MS. WOLVERTON: Caroline Wolverton,
7 Department of State.

8 We also have two summer interns from our
9 office.

10 If you all want to introduce yourselves.

11 MR. RICHARDSON: Daniel Richardson.

12 MR. SIEGEL: Max Siegel.

13 MR. LAUDADIO: Gregory Laudadio, Judicial
14 Watch.

15 MS. TRIMELS: Cheyenne Trimels, Judicial
16 Watch.

17 VIDEO SPECIALIST: The court reporter
18 today is Debbie Whitehead, representing Planet
19 Depos.

20 Would the reporter please swear in the
21 witness.

22 PATRICK F. KENNEDY,

8

1 having been duly sworn, testified as follows:

2 MR. MYERS: And Undersecretary Kennedy
3 reserves the right to read and sign his deposition.

4 EXAMINATION BY COUNSEL FOR PLAINTIFF

5 BY MR. BEKESHA:

6 Q All set? Great.

7 Good morning, Mr. Kennedy. My name is
8 Michael Bekesha. I'm an attorney for Judicial

9 Watch. I'm here to ask you some questions about one
10 of Judicial Watch's Freedom of Information Act
11 lawsuits against the State Department. Specifically
12 questions surrounding the creation, purpose and use
13 of the Clintonemail.com system by then Secretary of
14 State Hillary Clinton, and Huma Abedin, to conduct
15 official government business.

16 Before we begin, could you please state
17 and spell your name, for the record.

18 A Patrick, P-A-T-R-I-C-K; F as in Francis,
19 Kennedy. K-E-N-N-E-D-Y.

20 Q Thank you. And before we begin, I would
21 like to go over just a few ground rules. Your
22 counsel may have already talked to you about them.

9

1 But these are ways that hopefully the deposition
2 will go more smoothly.

3 If you don't hear one of my questions,
4 please let me know, I'll repeat it. Similarly, if
5 you don't understand a question, let me know, and I
6 will be happy to rephrase it or try to make myself a
7 little bit clearer.

8 It's also important that you respond out
9 loud as opposed to shaking your head -- shaking your
10 head or even making hand gestures, because the court

11 reporter cannot understand or can't record those
12 sorts of things.
13 It's also important that I'm done asking
14 my questions. If counsel has any objections, make
15 sure that counsel is done objecting so that there is
16 time so that the court reporter can record
17 everything.

18 With that getting out of the way -- do you
19 understand those instructions?

20 A Yes, sir.

21 Q Great. And now that that's out of the
22 way, when did you first become aware that

10

1 Mrs. Clinton was using a non-State.gov e-mail
2 address for State Department business?

3 A I believe it was in probably March of
4 2015.

5 Q And how did you learn that?

6 A From newspaper accounts.

7 Q And prior to the newspaper accounts, did
8 you know if Mrs. Clinton was using e-mail for State
9 Department purposes?

10 A I had received a small number of e-mails
11 from Secretary Clinton asking me questions over the

12 course of my tenure.

13 Q And approximately how many e-mails did you
14 receive from Mrs. Clinton?

15 A I think there were maybe 30-or-so-odd
16 exchanges during the course of four years.

17 Q And how do you know that there were
18 approximately 30 or so exchanges over the years?

19 A During the course of responding to various
20 FOIA requests, these were the ones I reviewed.

21 Q Did you review them in response to a
22 specific FOIA request?

11

1 A I reviewed them in response to several
2 FOIA requests.

3 Q Did you review the records from your own
4 PST files or the records returned by Mrs. Clinton?

5 A I reviewed them both from my files and
6 from Mrs. Clinton's files.

7 Q Were there any e-mails in your files that
8 were not in Mrs. Clinton's files?

9 A I don't recall.

10 Q Do you recall when -- when the first
11 e-mail was that you received from Mrs. Clinton on
12 her non-State.gov e-mail account?

13 A Not specifically, no.

14 MR. BEKESHA: I'm going to go ahead and
15 mark these as Exhibit 1.

16 (Kennedy Deposition Exhibit 1 marked for
17 identification and is attached to the transcript.)

18 MR. MYERS: This entire packet is Exhibit
19 1?

20 MR. BEKESHA: That whole packet is Exhibit
21 1.

22 BY MR. BEKESHA:

12

1 Q Mr. Kennedy, if you just want to review
2 the first one. We'll go through each one
3 individually. But it will save time to mark them
4 all as Exhibit 1. But I'll give you time to review
5 each one before I ask any questions about it.

6 A For clarification, are you asking me to
7 read -- read the entire packet now, or to read them
8 ad seriatim as you ask questions?

9 Q No. That's correct, the latter. So --

10 MR. MYERS: Just the first page.

11 A Just the first page?

12 Q Just the first page, yeah.

13 Have you had an opportunity to look at the
14 first page?

15 A Yes, sir.

16 Q And could you identify what this e-mail --

17 what this record is?

18 MR. MYERS: Objection. Foundation.

19 Q You may answer the question.

20 A No, I -- it -- it is an e-mail from James

21 B. Steinberg, who was then the Deputy Secretary of

22 State.

13

1 Q Okay. Have you seen this e-mail before?

2 A It was addressed to me, but I have no

3 recollection of it.

4 Q Okay. And the date of the -- the first

5 e-mail on the page -- or -- it always gets

6 confusing, the bottom -- the bottom -- the second

7 e-mail on the page, so the first e-mail of the

8 chain, that's an e-mail addressed from

9 HDR22@Clintonemail.com, to several people, including

10 yourself?

11 MR. MYERS: Objection. The document

12 speaks for itself. Lack of personal knowledge, and

13 foundation.

14 Q You may answer the question.

15 A It's a document from the Secretary of

16 State.

17 Q Okay. Do you -- do you recall receiving

18 this e-mail?

19 A No, sir.

20 Q Okay. Do you recall on December 22nd,

21 2009, seeing the HDR22@Clintonemail.com e-mail

22 address?

14

1 A As I previously stated, I don't recall

2 this document at all.

3 Q Okay. Let's move on to the next page.

4 And I'll give you a chance to review this.

5 MR. MYERS: Michael, do you want to note

6 the document number or something on the record, just

7 so the transcript is clear?

8 MR. BEKESHA: Sure. The document number

9 is C05777404.

10 Q Have you had a chance -- opportunity to

11 review the record?

12 A Yes.

13 Q Mr. Kennedy, have you seen -- do you

14 recall receiving this e-mail?

15 MR. MYERS: Objection. Ambiguous. Which

16 e-mail are you referring to?

17 Q Do you recall receiving the e-mail from

18 HDR22@Clintonemail.com dated December 4th at
19 13:53:21?
20 A Not specifically, no, sir.
21 Q Okay. Do you recall -- have you
22 reviewed -- have you seen this e-mail before?

15

1 A I do not recall specifically having seen
2 it.
3 Q Okay. Is this one of the e-mails that you
4 reviewed in response to FOIA requests?
5 A I do not recall specifically.
6 Q Do you recall in December -- on December
7 4th seeing the e-mail address
8 HDR22@Clintonemail.com?
9 MR. MYERS: Objection. Asked and
10 answered.
11 Q You may answer the question.
12 A I -- as I stated previously, I do not
13 recall specifically this document.
14 Q Okay. We can move on to the next page,
15 Document Number C05779749.
16 If you can take a moment and review this
17 document.
18 MR. MYERS: Michael, do you want him to
19 review the two pages that constitute this exchange?

20 MR. BEKESHA: That's correct.

21 Q Great. Thank you.

22 A I -- I have read the document.

16

1 Q Thank you.

2 Turning to the second page, do you recall
3 receiving the e-mail dated February 20th -- 25th,
4 2011, at 8:18 a.m. from HDR22@Clintonemail.com?

5 A I recall this subject particularly because
6 it involved an evacuation of American citizens, and
7 that is a subject for which I am particularly
8 responsible.

9 Q Okay. Do you recall receiving this
10 specific e-mail?

11 A I recall this -- I recall an exchange of
12 this nature.

13 Q Okay. Do you know whose e-mail address is
14 HDR22@Clintonemail.com?

15 A It was Secretary of State Clinton.

16 Q When you received this e-mail or recall,
17 you know, the situation related to these e-mails,
18 did you know that that was Mrs. Clinton's e-mail
19 address at that time?

20 MR. MYERS: Objection. Vague.

21 Q You may answer the question.

22 A I knew I was receiving an e-mail from

17

1 Secretary of State Clinton.

2 Q And how did you know that?

3 A Because of the subject matter.

4 Q Okay. When you received the e-mail, did

5 you look at the "from" line to see what the e-mail

6 address was to confirm that this was what you

7 thought it to be, an e-mail from Mrs. Clinton?

8 MR. MYERS: Objection. Compound, complex,

9 and confusing.

10 Q You may answer the question.

11 A I did not focus on the "from" line. I

12 focused on the subject matter, because this was an

13 ongoing evacuation of American citizens from a place

14 of grave danger.

15 Q Okay. Looking on the first -- going to

16 the first page, do you recall sending or receiving

17 any -- the first page of the document, do you recall

18 sending or receiving any of these specific e-mail

19 exchanges?

20 A I remember the exchange in general terms

21 because it was my responsibility to organize the

22 evacuation and the closure of the American Embassy

1 in Tripoli.

2 Q At any time did you think about the e-mail
3 address to which you were receiving or sending
4 e-mails?

5 A To the best of my recollection, no.

6 Q We can move on to the next document,
7 Document Number C05779851. It's several pages. I
8 believe it's seven pages long. If you could just
9 review the entire document.

10 Great. Have you had an opportunity to
11 review the record?

12 A Yes, sir.

13 Q Do you recall receiving -- looking at the
14 first page, do you recall receiving this e-mail
15 chain from Ms. Mills on February 25th, 2011?

16 A No, sir.

17 Q Do you -- do you recall -- have you seen
18 this document before?

19 A I don't recall having focused on this
20 document.

21 Q In the "to" line, do you know what the H
22 refers to?

1 A Subsequently I learned that H referred to
2 Secretary Clinton.

3 Q How did you learn that?

4 A Because it -- because just from -- just
5 from seeing documents.

6 Q Do you know why you were cc'd on this
7 e-mail?

8 A No, sir.

9 Q Okay. Let's move on --

10 A I could -- no, sir.

11 Q Let's move on to the next page. This is
12 Document C05781046.

13 If you could take a moment to review this
14 record.

15 A I have reviewed it, sir.

16 Q Great. Thank you. Do you recall
17 receiving this e-mail?

18 A No, sir.

19 Q Okay. Who is Harold Koh?

20 A Harold Koh was then the legal advisor for
21 the Department of State.

22 Q Okay. And at that time who was William J.

1 Burns?

2 A William J. Burns was one of the two Deputy
3 Secretaries of State.

4 Q Okay. And what about, who was -- what was
5 Thomas Nides?

6 A Thomas Nides was the other Deputy
7 Secretary of State.

8 Q Okay. And at that time what was Mr. Jacob
9 Sullivan's position?

10 A Jacob Sullivan was a Deputy Chief of Staff
11 to the Secretary.

12 Q Okay. And Patrick Kennedy is yourself?

13 Is that correct?

14 A Yes, sir.

15 Q Okay. And who is Stephen Mull at that --
16 what was Stephen Mull's position at that time?

17 A I believe he was Executive Secretary of
18 the Department of State.

19 Q Okay. And who is Michael Hammer?

20 A I believe that Michael Hammer at this
21 moment was the Assistant Secretary of State for
22 Public Affairs.

1 Q Okay. Victoria Nuland, do you recall what

2 her position was at that time?

3 A 2011? I believe at this time Victoria

4 Nuland -- Victoria Nuland was the -- was the press

5 spokesman of the department. Although at some point

6 in this period she had -- she also transitioned,

7 becoming the Assistant Secretary of State for

8 European Affairs. And I cannot say with specificity

9 when that transition took place from memory.

10 Q Okay. Thank you.

11 What about Alice Wells; do you recall what

12 her position was at that time?

13 A To the best of my recollection, at that

14 moment she was the executive assistant to the

15 Secretary of State.

16 Q Okay. What about Amy Scanlon?

17 A I do not recall who she is.

18 Q Okay. Thank you.

19 What about David Adams?

20 A David Adams was either the Assistant

21 Secretary of State or the Deputy Assistant Secretary

22 of State for Legislative Affairs. At some point in

1 this general period he was nominated and confirmed

2 for the -- for the latter position.

3 Q Okay. What about Bathsheba Crocker; do
4 you know who she -- he or she was at that time?

5 A My recollection was at this period of time
6 she would have been the principal deputy director of
7 the policy planning staff.

8 Q Okay. And H, as we discussed a moment
9 ago, refers to Mrs. Clinton?

10 A I -- I can only assume so from this piece
11 of paper.

12 Q Okay. And who -- Cheryl Mills at the time
13 was the Secretary of State's chief of staff?

14 A And counselor, yes.

15 Q Thank you. And do you know who Mary
16 McLeod was?

17 A Mary McLeod at this point would have been
18 a deputy legal advisor.

19 Q Okay. Is it fair to say that many of
20 these names were of senior State Department
21 officials at that time?

22 MR. MYERS: Objection. Vague.

1 Q You may answer the question.

2 A These -- these were all people who
3 occupied positions, except for Ms. Scanlon, who, as
4 I previously stated, I do not recognize the name,

5 were occupied positions in the front offices of

6 various entities in the State Department.

7 Q Okay. Thank you.

8 We can move on to the next document.

9 C05784424. It's a two-page document. If you could

10 review both pages, please.

11 Have you had an opportunity to review?

12 A Yes, sir.

13 Q Thank you. Do you recall receiving or

14 sending any of the e-mails that's part of this

15 two-page e-mail chain?

16 MR. MYERS: Objection. Compound.

17 Q You may answer the question.

18 A I -- I do not specifically remember this

19 subject, no.

20 Q Okay. Have you seen this record before?

21 A I believe it was likely one of the ones

22 that I reviewed.

24

1 Q Do you know when you reviewed it?

2 A Not specifically, no.

3 Q Okay. We can move on to the next

4 document, which is Document Number C05784434. It's

5 a two-page document. If you could take a moment to

6 review the document, Mr. Kennedy.

7 A I have reviewed the document, sir.

8 Q Great. Thank you.

9 Do you recall sending this e-mail dated
10 December 12th, 2011, to Mrs. Clinton?

11 A Clearly I sent it, but I don't
12 specifically recall sending it.

13 Q Okay. Do you recall how you -- do you
14 know how you would have known Mrs. Clinton's e-mail
15 address to send this e-mail?

16 A My recollection is that this was part of a
17 larger chain of documents, including the one that
18 you showed me last; Document Number C, as in
19 Charlie, 05784424, in which the Secretary of State
20 made a request of me. And this document that you've
21 subsequently showed me, C, as in Charlie, 05784434,
22 is part of a -- of a larger exchange, sir.

25

1 Q Okay. So it's your belief that you simply
2 hit Reply, and so the e-mail address was provided to
3 you?

4 MR. MYERS: Objection. Mischaracterizes
5 prior testimony.

6 Q You may answer the question.

7 A I very often, when I have to do -- provide

8 additional information, I can -- I hit Reply All,
9 but I cannot remember the specific circumstances of
10 how I did that, but since the -- the time change
11 between these documents is one hour and 24 minutes.

12 Q Okay. Thank you. We can move on to the
13 next document, which is Document Number C05784436.
14 If you could -- it is seven pages long. If you
15 could take a moment and review that document,
16 please.

17 A I have reviewed the document, sir.

18 Q Thank you.

19 Do you recall sending this specific e-mail
20 to Mrs. Clinton in December 2011?

21 A I do not recall specifically sending this
22 e-mail, but this is one of a series of documents

26

1 that we have been discussing in the last few minutes
2 of this deposition, sir.

3 Q Okay. Thank you.

4 Let's move ahead. We're going to skip the
5 next document, move ahead to the Document Number
6 C05784471. It's an e-mail from David Adams.

7 A Sir, I'm not skipping a document. I'm
8 going directly from the last document we talked

9 about, I believe, to the --

10 Q There may be a two-page document in

11 between.

12 A Ah. Hold on.

13 Q But --

14 A I -- yes, you're correct. It is stuck --

15 it was stuck to the other one.

16 Q Not a problem. As long as we're on the --

17 both on the same document, it's fine.

18 A If you could repeat the document number

19 again, please, sir.

20 Q Sure. C05784471.

21 A Yes, sir.

22 Q If you could take a moment and review this

27

1 record, please.

2 A Yes, sir. I have reviewed the document.

3 Q Thank you. Do you recall -- looking at

4 the middle of the page, do you recall receiving the

5 e-mail from Mrs. Clinton on December 12th, 2011?

6 A I don't recall this document at all, sir.

7 Q Okay. Have you seen this document before?

8 A I -- I don't recall seeing this document.

9 Q Okay. Thank you. We can move on to the

10 next document. Document C05785885. If you could

11 take a moment and review this record.

12 A I have reviewed -- I have reviewed the
13 document, sir.

14 Q Thank you.

15 Do you recall sending this e-mail on
16 December 18, 2011?

17 A No, sir, not specifically.

18 Q Okay. Was it your normal practice to --
19 when hitting Reply, to review the recipients of the
20 e-mail?

21 MR. MYERS: Objection. Vague.

22 Q You may answer the question.

28

1 A No, sir. I -- I -- if I had received a
2 document and I was providing a general reply, I
3 would just use the Reply All function on Microsoft
4 and not -- and not review the -- the addrees.

5 Q Okay. Thank you. We can skip the next
6 page and move on to Document C05789920. And that's
7 a three-page document. If you could take a moment
8 to review the three pages.

9 A I have reviewed the document, sir.

10 Q Do you recall this e-mail exchange?

11 A I generally recall this e-mail exchange

12 because it involved the death of an American citizen
13 in Syria.

14 Q Okay. Do you recall sending the e-mail on
15 February 22nd, 2012, at 9:37 p.m., the first e-mail,
16 the top e-mail on the first page?

17 A I generally remember closing out the
18 subject matter because I had been contacted about
19 the -- the -- by Secretary Clinton and related to an
20 inquiry that she had received from a United States
21 Senator about the death of an American citizen.

22 Q Okay.

29

1 A And I was asked to assist the American --
2 assist the United States Senator, which I did. And
3 then I simply advised the Secretary of State that I
4 had done so.

5 Q Okay. Thank you.

6 Do you recall sending this e-mail? It
7 says the e-mail went to H. Do you know what the
8 e-mail address associated with H is?

9 MR. MYERS: Can you just clarify which
10 e-mail you're talking about?

11 MR. BEKESHA: The same one we were just --
12 the first -- the top e-mail on the first page.

13 MR. MYERS: Thanks.

14 A I was responding to Secretary Clinton
15 because that -- she was in the chain of this e-mail
16 string.

17 Q Okay. How did -- how did you decide to
18 e-mail what is listed as H, H2?

19 A I was using the string from the Secretary
20 of State's e-mail to me of Wednesday, February 22nd,
21 2012, at 8:38 p.m., which is in the same document.

22 Q Okay. So -- but this wasn't a direct

30

1 reply to that e-mail; was it?

2 A I simply brought forward the -- the one --
3 the original string that I was involved in.

4 Q What do you mean by that?

5 A If you go to the document, if you go to
6 the document at -- in the middle of Document C as in
7 Charlie 05789920, the e-mail from the Secretary of
8 State at 8:38 p.m., I was copying H and H2, and
9 Cheryl Mills.

10 Q Okay. So you went back either on your
11 BlackBerry or your computer to the 8:38 p.m. e-mail
12 and copied the e-mail address and pasted them in?

13 A I have no specific recollection of how I
14 did it. But when you -- this is something that

15 happens very often. There will be an e-mail to me
16 that it poses a question.

17 I must gather information from the experts
18 and specialists in the State Department on that,
19 potentially engage with others, and then respond.

20 And so the entire string is in one document, and it
21 is easy to move things around in that document.

22 Q Okay. And is it fair to say that at that

31

1 time you knew -- you were aware of Mrs. Clinton's
2 HDR22@Clintonemail.com e-mail account?

3 A I knew I was responding to the Secretary
4 of State.

5 Q Okay. Do you know what the H2 e-mail
6 account is?

7 A To the best of my recollection, no.

8 Q Okay. Have you ever -- do you recall
9 seeing the HR15@AT&T.Blackberry.net? Have you seen
10 that e-mail address before?

11 A I have no recollection specifically of
12 that, sir.

13 Q Okay. What about
14 HAbedin@HillaryClinton.com; do you recall that
15 e-mail address?

16 A I do not have any recollection

17 specifically of that e-mail address.

18 Q Okay. When you were sending the e-mail to
19 Mrs. Clinton and Ms. Abedin, did you think about the
20 fact that the e-mails were not State.gov e-mail
21 accounts?

22 A No, sir.

32

1 Q Why not?

2 A I didn't find it relevant. I was
3 responding to the Secretary of State in the -- in
4 the evening, and she was not in the office.

5 Q Did you think this was a personal e-mail?

6 A I don't recall that I analyzed the -- the
7 nature of the e-mail address.

8 Q Is Secretary of State a 9-to-5 job?

9 A No, sir.

10 MR. MYERS: Argumentative.

11 Q You may answer the question.

12 A It's a -- it's a 24-hour-a-day job.

13 Q So why did it matter that it was at night?

14 A Because she was not in the office at that
15 point.

16 Q Do State Department employees have access
17 to their State Department e-mail accounts when they

18 are not in the office?

19 A Some do; some do not.

20 Q Did the Secretary -- would the Secretary
21 of State have access to e-mail when she was not in
22 the office?

33

1 A The Secretary of State had -- we -- I
2 normally would contact the Secretary of State
3 through -- through staff.

4 Q But you did e-mail her on occasions.

5 A To the best of my recollection, only in
6 response to direct inquiries that she sent to me.

7 Q Okay. When you sent this e-mail to
8 Mrs. Clinton's non-State.gov e-mail account and
9 Ms. Abedin's non-State.gov e-mail account, did you
10 think about how these records would be
11 records-managed?

12 A No.

13 Q Why not?

14 A I was thinking about the subject matter
15 involved.

16 Q Okay. We can skip the next document and
17 move on to Document Number C05790452.

18 If you could take a moment to review that
19 record.

20 MR. MYERS: And this is a two-page

21 document?

22 MR. BEKESHA: It is. Thank you.

34

1 MR. MYERS: Yeah.

2 A I have reviewed the document, sir.

3 Q Thank you.

4 Do you recall, looking at the top e-mail
5 on the first page, do you recall sending this e-mail
6 on May 30th, 2012?

7 A No, sir, I do not.

8 Q Okay. And again, the H refers to
9 Mrs. Clinton?

10 A Yes, sir. I am addressing her as Madam
11 Secretary.

12 Q Okay. At the time did you think about the
13 fact that she was send -- that you were sending an
14 e-mail to a non-State.gov e-mail account?

15 A No.

16 MR. MYERS: Objection. Foundation.

17 Q You may answer the question.

18 A No, sir, I do not.

19 Q Okay. And just to be clear, this e-mail
20 is at 11:03 a.m. Is that correct?

21 MR. MYERS: Objection. The document
22 speaks for itself. The witness has testified he

35

1 doesn't remember it.

2 Q You may answer the question.

3 A I am responding to something that --
4 that's -- that is -- that started the night before,
5 sir.

6 Q Okay. But the -- but the e-mail you sent
7 was during normal business hours. Is that correct?

8 A The text reads it was sent at 11:03 a.m.,
9 sir.

10 Q Thank you.

11 We can move -- we can skip a document and
12 move on to Document C05795555. It's a one-page
13 document.

14 A I reviewed the document, sir.

15 Q Thank you.

16 Do you -- looking at the middle of the
17 page, do you recall -- do you remember sending this
18 e-mail to Mrs. Clinton on Friday, July 27, 2012?

19 A No, sir, I don't recall specifically.

20 Q Okay. Do you recall generally sending
21 this e-mail?

22 A No, sir. I don't recall this e-mail at

1 all.

2 Q Okay. Have you seen this e-mail before?

3 A I authored it, but I don't recall seeing
4 this document recently.

5 Q Okay. Thank you.

6 Why don't we skip a few documents and go
7 to Document C05798066. It's a two-page document,
8 and the second-to-last document of the stack.

9 A Could you repeat the number again, please,
10 sir.

11 Q Sure. C05798066.

12 A Thank you, sir.

13 Q If you could take a moment and review the
14 record.

15 A I've reviewed the document, sir.

16 Q Great. Thank you.

17 Do you -- do you recall sending this
18 e-mail?

19 A No, sir.

20 Q Okay. Do you -- do you recall this e-mail
21 at all? Have you seen this e-mail before?

22 MR. MYERS: Objection. Compound. And the

1 first half has been asked and answered.

2 Q You may answer the question.

3 A I was the author of the document, sir, but

4 I do not recall seeing this document recently.

5 Q Do you recall why you sent this e-mail to

6 Mrs. Clinton's non-State.gov e-mail account?

7 A No, sir, I do not.

8 Q Okay. Let's move on to the last page in

9 this stack of documents, Document Number C05798158.

10 If you would take a moment to review this record.

11 A I have reviewed the document, sir.

12 Q Do you recall this e-mail exchange?

13 A No, sir, I do not.

14 Q Okay. Do you recall sending the e-mail in

15 the middle of the page, dated -- I guess they're all

16 dated the same, but the time of 7:14 p.m.?

17 MR. MYERS: Objection. Asked and

18 answered.

19 Q You may answer the question.

20 A No, sir, I do not.

21 Q Okay. And just to confirm, do you

22 remember sending the e-mail, the first e-mail on the

1 page?

2 MR. MYERS: Objection. Asked and
3 answered.

4 Q You can answer the question.

5 A No, sir, I do not.

6 Q Do you know why you sent this e-mail to
7 Mrs. Clinton's non-State.gov e-mail account?

8 A I was simply replying to the incoming
9 e-mail, sir.

10 Q Do you -- do you know if you noticed her
11 e-mail address when you received these e-mails?

12 A This, sir, was three-and-a-half years ago,
13 and I have no specific recollection.

14 Q Do you know when Mrs. Clinton left the
15 State Department?

16 A She left the State Department in January
17 of 2013.

18 Q Okay. On January 27, 2013, did you know
19 that Mrs. Clinton was going to be leaving the State
20 Department shortly thereafter?

21 MR. MYERS: Objection. Beyond the scope
22 of authorized discovery.

1 Q You may answer the question.

2 A Yes. The -- I knew that -- I knew
3 contemporaneously that -- that President -- the
4 President re-elect Obama, President Elect Obama, had
5 nominated John Kerry to be the next Secretary of
6 State.

7 Q Okay. When you received this e-mail or
8 sent these e-mails, do you recall thinking how these
9 records would be records-managed because
10 Mrs. Clinton was leaving office in the near future?

11 MR. MYERS: Objection. Beyond the scope
12 of authorized discovery.

13 Q You may answer the question.

14 MR. MYERS: You may.

15 A I have no -- I have no recollection of
16 thinking that.

17 Q Okay. Thank you.

18 Earlier today you testified that you were
19 not aware of Mrs. Clinton using a non-State.gov
20 e-mail account for State Department business until
21 you saw it in The New York Times.

22 Do these documents help refresh your

1 recollection, or would you like to change your
2 answer now that you've seen these documents?

3 A No, sir. Your question was when I
4 realized that -- that Mrs. Clinton used -- I
5 interpreted your question being when Mrs. Clinton
6 used State Department e-mail for a significant
7 amount of business.

8 Q Okay. So when -- prior to The New York
9 Times article, were you aware that Mrs. Clinton used
10 a non-State Department e-mail account for at least
11 one e-mail?

12 A Yes.

13 Q Okay. Do you recall when you first
14 learned that she was using a State Department -- or
15 a non-State Department e-mail address for at least
16 one e-mail?

17 A When I got an e-mail from her, sir,
18 which -- whichever the first one would have been.

19 Q Do you recall what the first one was?

20 A No, sir, I do not.

21 Q Okay. At that time when you received that
22 first e-mail, did you think about the fact that

1 Mrs. Clinton was using a non-State.gov e-mail
2 account?

3 A It did not -- it did not register as -- it
4 did not strike any bells in my mind, no.

5 Q Why didn't it strike any bells?

6 A Because it did not.

7 Q Okay. Do you use a State Department
8 e-mail address to conduct official government
9 business?

10 MR. MYERS: Objection. Beyond the scope
11 of authorized discovery.

12 Q You may answer the question.

13 MR. MYERS: Go ahead.

14 A I use a State Department.

15 Q Do you use a personal e-mail account or a
16 non-State Department e-mail account to communicate
17 for State Department business?

18 MR. MYERS: Objection. Beyond the scope
19 of authorized discovery.

20 And, Michael, I'm going to instruct the
21 witness not to answer if you can't explain how this
22 relates to the topic that we're here for.

42

1 MR. BEKESHA: Sure.

2 Q When you received e-mails from
3 Mrs. Clinton, did you think it was unusual for the
4 Secretary of State to be not using a State
5 Department e-mail address?

6 A No, I did not. Because previous
7 Secretaries of State had not used e-mail addresses
8 at all.

9 Q Okay. But Mrs. Clinton was using an
10 e-mail address; wasn't she?

11 A To the best of my knowledge and
12 experience, it was a very, very limited nature.

13 Q Did you ever ask Mrs. Clinton if she was
14 using a non-State Department e-mail address to --
15 for State Department reasons?

16 MR. MYERS: Objection. Vague.

17 Q You may answer the question.

18 A No, sir.

19 Q Did you ever ask Mrs. Clinton if she was
20 going -- if she was using e-mail as Secretary of
21 State?

22 A No, sir, I did not.

43

1 Q Did you speak with anyone about whether or
2 not Mrs. Clinton was e-mailing for State Department
3 business?

4 A To the best of my recollection, no.

5 Q Why not?

6 A It's not -- it's not something that I ever
7 focused on.

8 Q Was somebody else in charge or somebody
9 else supposed to focus on that issue?

10 A I think this is a two-part answer.

11 One, we have a -- I knew that the
12 Secretary of State was receiving regular
13 communications through all the State Department
14 channels. And secondly, I am not responsible for
15 the provision of records or telecommunication
16 support to the Secretary of State. That is handled
17 by an office within the Executive Secretariat.

18 So it was not in my purview.

19 Q Okay. And who would have that individual
20 or those individuals have been?

21 A That would -- it would have been -- there
22 is -- there is an office within the Executive

44

1 Secretariat, and I cannot recall all the individuals
2 who might have been working in that office over the
3 period of four years.

4 Q Okay. And so is it your testimony that --
5 strike that.

6 At any point during Mrs. Clinton's four
7 years when you would receive the occasional e-mail
8 from her, did you think about how those e-mails

9 would be records-managed?

10 A No, sir. I -- I was focused on responding
11 to the query that I had received.

12 Q When you received those e-mails -- prior
13 to receiving those e-mails, did you talk to anybody
14 about Mrs. Clinton's e-mail address?

15 MR. MYERS: Objection. Vague.

16 Q You can answer the question.

17 A I don't recall ever having talked to
18 anyone about Secretary Clinton's e-mail address.
19 Because as I responded, sir, to a previous question,
20 it was not my responsibility to provide that level
21 of telecommunications or other electronic messages
22 to the Secretary. That was handled by -- by an

45

1 office that was responsible for that function.

2 Q Okay. How do you know that former
3 Secretaries of State did not use State Department --
4 did not use e-mail?

5 A It has been -- it has been -- I never had
6 received an e-mail from any of the Secretaries of
7 State that I had ever worked for.

8 Q And how many Secretaries -- Secretaries of
9 State had you worked for prior to Mrs. Clinton?

10 A I -- I believe I could -- it is

11 appropriate to say that I had worked directly for
12 six Secretaries of State total.

13 Q Okay. And so when you first received an
14 e-mail from Mrs. Clinton, that was unusual, then?

15 MR. MYERS: Objection. Mischaracterizes
16 prior testimony.

17 A "Unusual" is -- is not the word I just
18 said. It was -- it was something that had not
19 happened before, but I would not characterize it as
20 unusual.

21 Q Okay. Because it had not happened before,
22 did you think about it any -- any differently from

46

1 any other e-mails you would receive?

2 MR. MYERS: Objection. Vague, complex,
3 confusing. I really don't know what the question
4 is.

5 Q You can answer the question.

6 A I'm not sure that I understand your
7 question. Could you please restate.

8 Q Sure. I mean, you've testified that you
9 had never received an e-mail from six prior
10 Secretaries of State. So I'm just wondering, when
11 you received an e-mail from the Secretary of State,

12 did you think about it?

13 A Well, first you had asked how many

14 Secretaries of State I worked for. The answer is

15 six. It would have been four prior Secretaries of

16 State.

17 Q Okay.

18 A Secretary Clinton would have been five.

19 Q Okay.

20 A And Secretary Kerry would have been Number

21 6.

22 Q Okay. I misunderstood you. Thank you.

47

1 So there were four prior Secretaries that
2 you had never received an e-mail from, and then
3 Mrs. Clinton started -- e-mailed you on occasion.

4 Did you think about that at all?

5 A No, sir. Because they were so infrequent.

6 Q When you were communicating with the
7 Office of the Secretary, who would you primarily
8 communicate with?

9 MR. MYERS: Objection. Vague. And it's
10 not time limited, so it's hard for him to answer.

11 Q During -- during the four years
12 Mrs. Clinton was Secretary of State, who was your
13 primary e-mail contact within the Office of the

14 Secretary?

15 MR. MYERS: Objection. Assumes facts not
16 in evidence.

17 Q You can answer the question.

18 A I guess my primary contact would have been
19 the chief of staff.

20 Q And that was Ms. Mills?

21 A Ms. Mills, yes, sir.

22 Q Okay. Did you contact Ms. Mills on a

48

1 State Department e-mail account?

2 A Yes, sir, I did.

3 Q Why did you not contact her on a
4 non-State.gov e-mail account?

5 A Because that's how she addressed me.

6 Q When Mrs. Clinton -- as Mrs. Clinton was
7 transitioning into her role as Secretary of State,
8 so late 2008, early 2009, do you know if she
9 requested an e-mail address?

10 A No, sir, I do not.

11 Q Okay. Do you know if she requested a
12 BlackBerry?

13 A My recollection, there was a discussion
14 with the Secretary about her desiring to be able to

15 communicate with her family.

16 Q Okay. By using a BlackBerry?

17 A By com -- by a -- having a capability to

18 communicate with her family. I'm -- I was unaware

19 of the exact specific nature of the device to be

20 used.

21 Q Okay. Then just talk generally what you

22 recall about what was going on at that time period.

49

1 MR. MYERS: Objection. Calls for a

2 narrative response.

3 Q You can answer the question.

4 A Generally speaking, the Secretary wanted

5 to be able to contact her family. And that was a

6 subject that was being handled by the Executive

7 Secretariat. I was just aware of it generally, but

8 not -- not specifically.

9 Q How were you aware of it?

10 A I -- I think someone mentioned it to me.

11 But, again, this is -- you're asking me a question

12 about something that was almost eight years ago,

13 sir. So I -- I do not recall any specifics.

14 Q Do you recall who you spoke to?

15 A No, sir, I do not.

16 Q Do you know how this issue was resolved,

17 or if it was resolved?

18 A I know that it -- I know that it was
19 resolved that the Secretary of State had a means of
20 communicating with her family.

21 Q How do you know that?

22 A Because I remember, again, someone telling

50

1 me that eight years or six -- seven and a half,
2 eight years ago.

3 Q Do you recall if any discussions took
4 place about her wanting to communicate by e-mail
5 with State Department employees?

6 A No, sir. I recall no conversations of
7 that nature.

8 Q So the only conversation you had were
9 about her desire to e-mail with family and friends?

10 A That is the -- those are the conversations
11 I recall.

12 Q Okay. So when you received that first
13 e-mail from Mrs. Clinton about State Department
14 business, were you surprised?

15 MR. MYERS: Objection. Asked and
16 answered.

17 A No, sir, I was not. As I respond -- as I

18 responded previously.

19 Q Why weren't you surprised?

20 MR. MYERS: Objection. Asked and

21 answered.

22 Q You can answer the question.

51

1 A Because I wasn't. I didn't find it

2 unusual.

3 Q Okay.

4 MR. MYERS: Michael, we've been going a

5 little over an hour. Do you want to take a break

6 pretty soon?

7 MR. BEKESHA: That's fine. We can take a

8 break now.

9 MR. MYERS: Okay.

10 VIDEO SPECIALIST: We are off the record

11 at 11:07.

12 (A recess was taken.)

13 VIDEO SPECIALIST: We are back on the

14 record at 11:21.

15 BY MR. BEKESHA:

16 Q We're back on the record, Mr. Kennedy.

17 It is my understanding --

18 A Yes.

19 Q -- you wanted to clarify a previous

20 statement?

21 A Yes.

22 In -- in response to one of your earlier

52

1 questions about when -- what was -- when did I first
2 learn about e-mails, I think I need -- I understood
3 you to say one thing, but I think there -- thinking
4 about it, there's actually a broader three-part
5 answer.

6 Q Okay. Could you provide that three-part
7 answer?

8 A When did I first learn that -- that she
9 used e-mail, which is when I -- which, as I said,
10 when I received -- when I received an e-mail from
11 her.

12 Q Okay.

13 A When did I learn that there was a large
14 quantity of material that might include e-mails?
15 And that was when we received the 55,000 pages of
16 material from Secretary Clinton's representative in
17 response to my -- to my letter to them.

18 And then when I learned to an -- that
19 there was a large amount of e-mail material, and
20 that was in the -- was in that -- in March of '15,

21 when the -- when the story was in The New York
22 Times.

53

1 Q Okay. And why did you send that letter
2 that led to Mrs. Clinton's return of the 55,000 --
3 roughly 55,000 pages of e-mails?

4 A On the advice of the State Department's
5 legal office.

6 Q Okay.

7 A And the letter went to several recent
8 Secretaries of State.

9 Q Okay. While Mrs. Clinton was Secretary of
10 State, did you ever see her use a BlackBerry?

11 A I believe there were several occasions
12 when I saw her with some kind of a PDA, some kind of
13 BlackBerry-like or equivalent device in her hand.

14 Q Did you know what -- how often, roughly,
15 would that have been?

16 A I saw her occasionally outside of her
17 office with one, and when I say "occasionally," I
18 can't -- you know, a handful of times literally over
19 four years. And then I remember there was in one
20 case a -- a picture on the front page of several
21 major newspapers of her on an aircraft with a --
22 with a PDA in her hand.

1 Q Do you recall the time frame or the time
2 period for when you saw that photo?

3 A No, sir, I do not.

4 Q Okay. When you saw that photo, did -- did
5 you know why she was using the PDA in the picture?

6 MR. MYERS: Objection. Foundation.

7 Q You may answer the question.

8 A My recollection, sir, was that there had
9 been discussions earlier on, as I may have -- as I
10 may have noted earlier, that the Secretary wished to
11 remain in contact with her family, and, therefore,
12 she was looking for a -- a means of being able to do
13 that.

14 Q When you saw Mrs. Clinton in the hallway
15 outside of her office, did you think she was
16 e-mailing family and friends?

17 A Yes.

18 Q Okay. And is that what you thought about
19 when you saw the picture?

20 A I'm not sure that I thought anything when
21 I saw the picture.

22 Q After seeing the picture, did you talk to

1 anybody in the State Department about it?

2 A No, sir.

3 Q When you saw Mrs. Clinton in the hallway,
4 did you ever talk to anybody at the State Department
5 about Mrs. Clinton's use of a PDA outside of her
6 office?

7 A No, sir.

8 Q Okay. When did you become aware -- do you
9 know if Ms. Abedin used a non-State.gov e-mail
10 account to conduct government business?

11 A You showed me a document in the earlier
12 session in which there was a Huma Abedin
13 something-something dot com address.

14 Q Okay.

15 A So that -- that refreshed my memory.

16 I -- I have no recollection of -- of
17 communicating with Huma on a dot com address.

18 Q Okay. Do you know if Mrs. Clinton was
19 authorized to use a non-State.gov e-mail address for
20 government business?

21 A No, sir, I do not.

22 Q If she were to receive authorization, who

1 would know that?

2 MR. MYERS: Objection. Foundation.

3 Q You may answer the question.

4 A It would have come either from the chief
5 information officer or from the Bureau of Diplomatic
6 Security. Most likely a combination of the two of
7 them.

8 Q Okay. Was Mrs. Clinton's use of a
9 non-State Department e-mail address, did it conflict
10 with any State Department policies, practices, or
11 procedures?

12 MR. MYERS: Objection to the extent that
13 it calls for a legal conclusion.

14 Q You may answer the question.

15 A I'm not -- I am not a lawyer, sir. I
16 would have to consult with -- with -- with the
17 appropriate officials and the legal advisor's
18 office, the Bureau of Diplomatic Security, the
19 Bureau of Administration, and the office -- and the
20 chief information officers to give you a -- a formal
21 response --

22 Q Do you --

1 A -- as Undersecretary for Management.

2 Q Thank you.

3 Do all of those offices report to you?

4 A No, sir, they do not.

5 Q Which ones report to you?

6 A The Bureau of Administration, the Bureau
7 of Information Resources Management, the CIO, and
8 the Bureau of Diplomatic Security.

9 Q Okay. I forgot what the other office was
10 that you mentioned.

11 A The Office of the Legal Advisor, sir.

12 Q Thank you. Who does the Office of the
13 Legal Advisor report to?

14 A Reports to the Secretary of State.

15 Q Okay. Do you report to the Secretary of
16 State?

17 A Yes, sir.

18 Q Okay. Were you ever specifically
19 instructed not to inform the national archives about
20 Mrs. Clinton's use of a non-State Department e-mail
21 address?

22 A No, sir.

1 Q Okay. Do you know if Mrs. Clinton at any
2 point was told not to use a non-State.gov e-mail

3 account for government business?

4 A I have no knowledge of that, sir.

5 Q If -- who would be responsible for
6 informing Mrs. Clinton that she should not use a
7 non-State.gov e-mail account for government
8 business?

9 MR. MYERS: Objection. Foundation.

10 Q You may answer the question.

11 A It would have been the -- the records and
12 technology section in the office that supported the
13 Office of the Secretary.

14 Q And do you know who was in charge of that
15 office --

16 MR. MYERS: Objection.

17 Q -- while Mrs. Clinton was Secretary of
18 State?

19 MR. MYERS: Objection. Asked and
20 answered.

21 Q You may answer the question.

22 A There were -- there were several

1 individuals in the Executive Secretariat, which is
2 the office that provides that support to -- to the
3 Secretary's immediate office.

4 Q Okay. Do you know specifically a job

5 title of who would be responsible for informing the
6 Secretary that she should not use a non-State.gov
7 e-mail account to conduct government business?

8 A I'm not sure that -- that I can identify a
9 specific individual person. It would have been the
10 collective responsibility of the Executive
11 Secretariat, which provides that administrative-type
12 support.

13 Q Okay. And approximately how many
14 employees are within the Executive Secretariat?

15 MR. MYERS: Objection. Foundation. And
16 outside the scope.

17 Q You may answer the question.

18 A Well, there are -- in going to that
19 portion, which is the technology portion, I would
20 say there -- plus supervisors, I can only guess
21 several dozen.

22 Q Okay. And so it would have been the

60

1 responsibility of those several dozen employees --

2 A No. No, sir, not -- it would have been
3 responsibility of the supervisors of those -- of the
4 unit that does IT and records support.

5 Q Okay. Do you know who that supervisor was

6 during Mrs. Clinton's tenure?

7 A I'm not sure that I could give you the
8 specific name. Because, again, that is not an
9 office that is within -- within my area of
10 responsibility.

11 Q Do you know if that person was John
12 Bentel?

13 A I know that John Bentel was a -- a -- one
14 of the office directors within the Executive
15 Secretariat, yes. But I do not remember his exact
16 period of tenure.

17 Q Okay. Do you know if anybody informed
18 Ms. Abedin that she should not use a non-State.gov
19 e-mail account to conduct government business?

20 A I can't answer that question because it's
21 not within my -- my knowledge.

22 Q Okay. As Undersecretary for manage -- for

61

1 Management, what is your role when it comes to FOIA?

2 A The Bureau of Information -- the Bureau of
3 Administration, one of its divisions, under a Deputy
4 Assistant Secretary, is responsible for the
5 processing of FOIA requests centrally for the
6 department.

7 Q Okay. And that person reports to you?

8 A No, sir. That person reports to a Deputy
9 Assistant Secretary, who reports to an Assistant
10 Secretary, who reports to me.

11 Q Okay. You're also the -- is it correct
12 that you're the senior agency official for records
13 management?

14 A Yes, sir.

15 Q What does that mean?

16 A The -- there is a requirement that there
17 simply be a senior officer of the department who
18 is -- carries that title. But the actual working
19 responsibilities rest with -- with various staff
20 within the Office of Information Program Services,
21 which is part -- is one of the Deputy Assistant
22 Secretariats within the Bureau of Administration.

62

1 Q Okay. And how often do you speak with
2 that person?

3 A Infrequently.

4 Q Okay. During Mrs. Clinton's tenure, did
5 you speak to anyone about FOIA requests about
6 Mrs. Clinton's e-mail -- FOIA requests for e-mails
7 of Mrs. Clinton?

8 A During her time as -- as Secretary of

9 State, no.

10 Q Okay. What about after her tenure as

11 Secretary of State?

12 A When -- when the -- when the -- there

13 began to be the large discussion, especially about

14 the 55,000 documents, I was -- I was briefed that

15 there were these -- at the point in which the

16 documents had been input -- inputted into the --

17 into our system of -- of records review, yes, I was

18 told about the process and provided that entity with

19 additional resources in order to -- to do the work.

20 Q All right. Did you have any discussions

21 with any individuals after Mrs. Clinton's tenure

22 about FOIA requests that were received during her

63

1 tenure that related to her e-mails?

2 A Can you be a little more specific about

3 the time frame here?

4 Q Sure. Between February of 2013 and today.

5 MR. MYERS: Sorry. Can you just rephrase

6 the entire question with the date of restriction?

7 MR. BEKESHA: Sure.

8 Q Between February of 2013 and the present,

9 have you had any conversations with anyone at the

10 State Department about the processing of FOIA

11 requests for Mrs. Clinton's e-mails or related to
12 Mrs. Clinton's e-mails, I think I said the first
13 time, while she was Secretary of State?

14 MR. MYERS: And, sorry. Does your
15 question exclude the legal advisor?

16 Q Excluding the legal advisor and the
17 attorneys sitting here today.

18 A I do not believe I had any discussions
19 between -- of that between February of 2013 and
20 March, April of 2015.

21 Q Okay. What about since March or April of
22 2015, excluding attorney -- legal advisor or the

64

1 Justice Department attorneys representing you with
2 respect to this case?

3 A I was -- I was briefed in -- and on the
4 process of processing the 55,000 documents, and
5 provided them with additional resources, and was
6 kept apprised of the -- of the ongoing effort to
7 respond to Freedom of Information Act requests.

8 Q All right. Did you have any discussions
9 during that time period about the process -- during
10 that time period post March of 2015, about the
11 processing of FOIA requests while Mrs. Clinton was

12 Secretary of State?

13 A Not to the best of my recollection.

14 Q Okay. During Mrs. Clinton's tenure, how
15 often would you be involved in FOIA-related issues?

16 A Aperiodically.

17 Q And what type of involvement would you
18 have?

19 A We would -- it would be budget reviews
20 to -- you know, we -- we have to build a budget for
21 the -- the back end of the State Department and make
22 sure that it's -- sufficient resources were

65

1 requested in order to provide for all the offices.

2 And I would get briefings periodically on just
3 where -- how we were doing on -- on FOIA response
4 writ large.

5 Q Okay.

6 A Meaning volumetric, not specific cases.

7 Q Okay. How often were you involved with
8 specific FOIA responses during Mrs. Clinton's
9 tenure?

10 A Only when my office was an addressee for
11 one of the taskings that came from the -- the office
12 that did that.

13 MR. BEKESHA: Let's mark this as Exhibit

14 2.

15 (Kennedy Deposition Exhibit 2 marked for
16 identification and is attached to the transcript.)

17 Q If you could take a moment and review
18 what's marked as Exhibit 2.

19 (A discussion was held off the record.)

20 A I've reviewed the document, sir.

21 Q Thank you.

22 Do you recall -- looking at the middle of

66

1 the first page, do you recall sending this e-mail to
2 Ms. Mills on April 2nd, 2012?

3 A No, sir, I do not.

4 Q Okay. Could you -- could you describe
5 what this -- what that e-mail was that you were
6 sending to Ms. Mills?

7 MR. MYERS: Objection. The document
8 speaks for itself. And the witness has testified he
9 has no personal knowledge.

10 Q You can answer the question to the best of
11 your ability.

12 A No, sir, I do not recall -- I do not
13 recall either the document or the subject matter.

14 Q Okay. Do you know how -- how many times

15 over the course of Mrs. Clinton's tenure were you
16 involved in the release -- the processing or the
17 release of FOIA requests that may get press
18 attention?

19 MR. MYERS: Objection. And outside the
20 scope of authorized discovery to the extent it's not
21 limited to FOIA requests for former Secretary
22 Clinton and Ms. Abedin's e-mail.

67

1 Q Okay. You may answer the question.

2 MR. MYERS: You can answer.

3 A As I said, I do not -- I was not involved
4 in the processing of the -- of FOIA requests, except
5 to the extent that my office would have received a
6 tasker asking did I have in my possession documents
7 of relevance to the FOIA request.

8 Q During Mrs. Clinton's tenure, as well as
9 after, have you ever received any taskings to search
10 your e-mails for e-mails of Mrs. Clinton or
11 Ms. Abedin?

12 A Yes.

13 Q How often -- did -- I'll break that down.
14 During -- while -- during Mrs. Clinton's tenure, did
15 you receive any taskings to search your e-mails for
16 Mrs. Clinton or Ms. Abedin's e-mails?

17 A I have no recollection of any taskings

18 during the Secretary of State's tenure.

19 Q Approximately how many taskings have you

20 received since Mrs. Clinton's tenure?

21 A I would be -- I would be very reluctant to

22 hazard a guess.

68

1 Q Why were you tasked to search for those

2 records?

3 MR. MYERS: Objection. Lack of

4 foundation.

5 Q You may answer the question.

6 A Because I received a tasker.

7 Q Do you know why you received the tasker?

8 MR. MYERS: Objection. Asked and

9 answered, and lack of foundation.

10 Q You may answer the question.

11 A Because the -- because the records office

12 thought that my office might have -- have such

13 records and sent my -- there is a -- there is an

14 individual in my office who receives these taskers

15 for the office -- for the Office of the

16 Undersecretary, and then checks with myself and the

17 staff in the office to make sure that we are -- that

18 we -- if we are holding responsive material, we are
19 responsive.

20 Q Do you know if those -- do you recall if
21 those taskers were specific to search for e-mails
22 that you -- correspondence you had with Mrs. Clinton

69

1 or Ms. Abedin, or if it was generally a tasker for
2 records related to a specific issue?

3 MR. MYERS: Objection. Compound.

4 Q You may answer the question.

5 A I think the answer is both and.

6 Q Could you explain that a little bit?

7 MR. MYERS: Objection. Form.

8 Q You may answer the question.

9 MR. MYERS: If you know what it is.

10 A We received requests that were both
11 related to To/From, and Subject.

12 Q Going -- going back to the exhibit
13 marked -- the document marked as Exhibit 2.

14 Do you recall how many FOIA requests you
15 reviewed or you were part of the process during
16 Mrs. Clinton's tenure that related to her e-mails?

17 MR. MYERS: Objection. Assumes facts not
18 in evidence.

19 Q You can answer the question.

20 A I honestly don't remember a number.

21 Q Do you remember any?

22 A I cannot say that they were none, but I --

70

1 I can -- I have no -- I'm trying to remember things
2 that took place over four years, which were anywhere
3 between eight and three-and-a-half years ago.

4 Q Do you know who is responsible for
5 processing FOIA requests -- processing
6 Mrs. Clinton's e-mails during her tenure for FOIA
7 requests?

8 A That was -- that would be a function that
9 resided in the Executive Secretariat.

10 Q Okay. Do you know who Mr. Pagliano is,
11 Bryan Pagliano?

12 A Yes, sir.

13 Q When did you first -- when did you first
14 become -- learn of Bryan Pagliano?

15 A I would say sometime in the first quarter
16 of 2009.

17 Q Okay. And how did you become aware of
18 him?

19 A One of the offices that reports to me
20 coordinates the onboarding of noncareer appointees.

21 Q Okay. Was Mr. Pagliano a noncareer
22 appointee?

71

1 A Yes, sir.

2 Q Okay. And which office was he assigned
3 to?

4 A The Office -- the Bureau of Information
5 Resources Management.

6 Q Do you know how he ended up in that
7 office?

8 MR. MYERS: Objection. Vague.

9 Q You may answer the question.

10 A I generally recall that since he had an IT
11 technical background, that was the office that
12 handled the backbone processing for the Department
13 of State in the IT arena.

14 Q Do you know how his résumé ended up with
15 the IRM department?

16 A I believe it was given to me, and I gave
17 it to the Bureau of Information Resource Management.

18 Q Do you know who gave you his résumé?

19 A I do not remember exactly, but it would
20 have come to me from the White House liaison office.

21 Q And who was in that office at that time?

22 A There were three or four people in the

1 office at that time.

2 Q Okay. Do you know why they provided you
3 with his résumé?

4 MR. MYERS: Objection. Foundation.

5 Q You may answer the question.

6 A That is -- that is the function -- that is
7 the function of that office.

8 Q Do you know if anybody had sought -- asked
9 for him to be employed at the State Department?

10 MR. MYERS: Objection. Foundation.

11 Q You may answer the question.

12 A It is the function of that office to -- to
13 propose noncareer appointees for positions within
14 the State Department. That is the historical
15 responsibility of that office.

16 Q Do you know how that office received
17 Mr. Pagliano's résumé?

18 MR. MYERS: Objection. Foundation.

19 Q You may answer the question.

20 A I do not recall knowing that.

21 Q Okay. Did Mr. Pagliano report to you?

22 A No, sir.

1 Q Do you know who he reported to?

2 A To the best of my recollection, it was one
3 of the deputy chief information officers.

4 Q Okay. Do you know what Mr. Pagliano's job
5 description was while he was employed at the State
6 Department?

7 A I do not recall ever being briefed on
8 that, no, sir.

9 Q Okay. Do you know if Mr. Pagliano worked
10 on Mrs. Clinton's personal e-mail account?

11 A I did not know that contemporaneously.

12 Q Do you know that now?

13 A My understanding -- I believe I have
14 read -- I have read articles in the newspaper so
15 asserting.

16 Q Have you spoken to anybody besides the
17 Office of Legal Advisor or the Department of Justice
18 attorneys representing you here about what you
19 learned in those newspaper articles?

20 MR. MYERS: Can you also exclude any
21 pending law-enforcement investigations.

22 Q Or any pending law-enforcement

1 investigation.

2 MR. BEKESHA: Thank you.

3 MR. MYERS: Yeah.

4 A I believe in -- in a response to a
5 congressional inquiry, I checked with the Bureau of
6 Human Resources on his status.

7 Q Do you recall what the Bureau of Human
8 Resources informed you?

9 A They just informed me that he was -- at
10 one point they informed me he was no longer an
11 employee. And then they also informed me of where
12 he was placed within the Bureau of Information
13 Resource Management.

14 Q Okay. Do you know who Clarence Finney is?

15 A Clarence Finney is an officer within the
16 Executive Secretariat's office that deals with
17 records.

18 Q Have you ever spoken to Mr. Finney about
19 Mrs. Clinton -- generally about Mrs. Clinton's use
20 of e-mail?

21 A To the best of my knowledge, I don't think
22 I ever have spoken to Mr. Finney.

1 Q At all?

2 A On the -- on your question.

3 Q Okay. Thank you. I wasn't sure by -- by
4 your answer.

5 Have you ever spoken to Mr. Finney about
6 FOIA requests related to Mrs. Clinton's e-mail?

7 A No, sir.

8 Q Okay.

9 A To the best of my knowledge.

10 Q Have you ever spoken to Mr. Finney about
11 FOIA requests related to the Office of the Secretary
12 generally?

13 A No, sir. Because that is not something an
14 Undersecretary for Management would normally do.

15 Q Mrs. Clinton has stated -- are you aware
16 that Mrs. Clinton has stated that it was her
17 practice to e-mail government employees on their dot
18 gov e-mail address so that the e-mails would
19 immediately be captured and preserved in
20 record-keeping systems?

21 A I believe I have seen that in the
22 newspaper.

1 Q Okay. Do you know when you first saw that
2 in the newspaper?

3 A I -- I would be unable to pick a date.

4 Q Okay. Thank you.

5 Do you know if you knew that that was her
6 practice prior to reading it in the newspaper?

7 A I have no way of answering what the
8 Secretary of State thought her practice was.

9 Q Did you ever talk to Mrs. Clinton about
10 her practice of preserving e-mails?

11 A No, sir.

12 Q Have you ever talked to anybody else in
13 the State Department about Mrs. Clinton's practice
14 of preserving e-mails?

15 MR. MYERS: And again, if you could
16 exclude the legal advisor.

17 Q Excluding the legal advisor.

18 A I believe my conversations have only been
19 with the legal advisor, to the best of my
20 recollection.

21 Q Okay.

22 A Or potentially with one of my staff, who I

77

1 tasked to go get an answer from the legal advisor.

2 Q Do you recall which individuals in -- of
3 your staff that you spoke with?

4 A No, sir.

5 Q Okay. Do you know if anybody in the State
6 Department approved this practice that Mrs. Clinton
7 stated that she had?

8 MR. MYERS: Objection. Vague.

9 Q You may answer the question.

10 A I am not aware of anyone.

11 Q Do you know if this practice is contrary
12 to State Department policy?

13 MR. MYERS: Objection. Vague, and
14 potentially at least calls for a legal conclusion.

15 Q You may answer the question.

16 A To answer that question I would have to
17 consult with my subject matter experts and with the
18 Office of the Legal Advisor.

19 Q Okay. Based on your understanding of the
20 State Department's records-management policy, do you
21 believe Mrs. Clinton's practice of preserving
22 e-mails was contrary to -- to your beliefs?

78

1 MR. MYERS: Objection. It still calls for
2 a legal conclusion.

3 Q You may answer the question.

4 A In order to render an opinion as the
5 Undersecretary for Management, I am very careful

6 when I render such opinions. And, therefore, I
7 consult with subject matter experts and the Office
8 of the Legal Advisor before rendering opinions which
9 have some standing within the State Department as
10 the Undersecretary.

11 Q Do you know if Mrs. Clinton's use of a
12 non-State.gov e-mail account -- based on your
13 knowledge of the State Department's
14 records-management policy, do you know if
15 Mrs. Clinton's use of a non-State.gov e-mail account
16 to conduct official government business was contrary
17 to that policy?

18 MR. MYERS: Objection to the extent that
19 it calls for a legal conclusion.

20 Q You may answer the question.

21 A As I've said before, I would -- I would
22 consult with -- with the experts. I will add that

79

1 it is -- the State Department employees are
2 encouraged to use State.gov addresses.

3 Q Okay. As senior agency official for
4 records management at the State Department, do you
5 believe that Mrs. Clinton's use of a non-State.gov
6 e-mail account was contrary to State Department
7 policy?

8 MR. MYERS: Objection. Asked and
9 answered, and potentially calls for a legal
10 conclusion.

11 Q You can answer the question.

12 A As I said, the State Department records
13 encourages the use of State.gov. But to go further
14 than that, I would have to consult with subject
15 matter experts and -- and the Office of the Legal
16 Advisor.

17 Q As the senior agency official for records
18 management at the State Department, do you know --
19 do you believe that Mrs. Clinton's use of --
20 Mrs. Clinton's practice to e-mail other individuals
21 so their e-mails could be preserved was contrary --
22 is contrary to State Department records-management

80

1 policy?

2 MR. MYERS: Objection. Asked and
3 answered, and calls for a legal conclusion.

4 Q You may answer that question.

5 A State Department records-management policy
6 encourages the use of dot gov -- State.gov addresses
7 for official business, and to go further I would
8 need to consult with subject matter experts and the

9 Office of the Legal Advisor.

10 Q Okay. My question was a little bit
11 different. My question was focused again on
12 Mrs. Clinton's stated practice to e-mail government
13 employees on their dot gov e-mail address, that way
14 work e-mails would be immediately captured and
15 preserved in government recordkeeping systems.

16 Before you testified that as
17 Undersecretary of Management you couldn't answer
18 that question with -- without consulting. So my
19 question now is, as senior agency official, as the
20 senior agency official for records management for
21 the State Department, do you believe that that
22 practice of preservation, or that her stated

81

1 practice of preservation, was contrary to State
2 Department policy?

3 MR. MYERS: Objection. It's been asked
4 and answered. It calls for a legal conclusion. And
5 to the extent that it's focused on records
6 management rather than FOIA processing, it's beyond
7 the scope of authorized discovery.

8 Q You may answer the question.

9 MR. MYERS: That's fine.

10 A As I said, it -- State Department

11 regulations encourage State Department employees to
12 use State.gov e-mail addresses. To go further and
13 say whether a -- in a specific case something does
14 or does not conform to that recommendation, I would
15 have to consult with subject matter experts and
16 the -- and the Office of the Legal Advisor.

17 Q When did you first become aware that
18 Mrs. Clinton was using a -- what's been described in
19 the media as a personal server, e-mail server?

20 A As I have testified previously, I did not
21 focus on the -- her e-mail address when I recent --
22 re -- received the documents that we had discussed

82

1 earlier. I did not focus on that.

2 So the -- it just did not set off any
3 bells in my head that these were coming from a
4 personal server. And, therefore, my answer to your
5 question is in -- when I read about it in the
6 newspaper in March of 2015.

7 Q Okay. Prior to March 2015, do you recall
8 having any conversations with anyone at the State
9 Department about Mrs. Clinton's e-mail server?

10 A Not to the best of my recollection, no,
11 sir.

12 Q Do you recall having any e-mail
13 correspondence or -- do you recall seeing any e-mail
14 correspondence that talked about Mrs. Clinton's
15 e-mail server?

16 A I do recall in reviewing material there
17 was a -- there was a -- a trailing paragraph to a
18 document -- in a document that -- that talked about
19 it. But I did not focus on the trailing document --
20 trailing paragraph, because the primary paragraph in
21 that e-mail was about an issue that I had been
22 working on, which is why I was on that -- copied on

83

1 that e-mail.

2 Q Do you recall any other e-mails, besides
3 that one, that referred to Mrs. Clinton's e-mail
4 server?

5 A No, sir, not to the best of my
6 recollection.

7 Q Okay. In preparing for your testimony
8 today, besides the Office of Legal Advisor, Justice
9 Department attorneys, or any law-enforcement
10 officers in an ongoing law-enforcement
11 investigation, who did you speak with?

12 Did you speak with anyone about your
13 testimony today?

14 A May I ask you to rephrase the last part?

15 Q Sure.

16 A I mean, I -- I informed people I was

17 testifying today.

18 Q Okay.

19 A I told my wife I was testifying today. I

20 told my staff I was testifying today.

21 But if -- if -- I -- but if I -- I'm not

22 trying to rephrase counsel's question. But if you

84

1 could rephrase counsel's question.

2 MR. MYERS: Is your question about, you

3 know, if he testified -- if he talked to anybody

4 about the substance?

5 MR. BEKESHA: I was just going to follow

6 up with that.

7 MR. MYERS: Thank you.

8 Q So besides law enforcement, Office of

9 Legal Counsel, Justice Department attorneys, did you

10 speak -- excuse me. Did you speak to anybody today

11 about the substance of your testimony?

12 A If -- if I may -- if I can change your

13 question, Office of Legal Counsel, to Office of

14 Legal Advisor at the State Department.

15 Q Yes. Sorry about that.

16 A The answer -- the answer -- the answer is

17 no.

18 Q Okay. Did you review any records in

19 preparation for testimony today?

20 A Except from discussions with the Office of

21 the Legal Advisor or the Department of Justice, no,

22 sir.

85

1 Q Okay. When did you last speak with

2 Mrs. Clinton?

3 MR. MYERS: Objection. Beyond the scope

4 of authorized discovery.

5 You can answer the question.

6 Q You may answer the question.

7 A I think I saw Secretary Clinton at a

8 social function some months ago.

9 Q Since Mrs. Clinton left the State

10 Department, have you spoken to her or any of her

11 representatives about her e-mail usage while she was

12 Secretary of State?

13 MR. MYERS: Objection. Vague.

14 Q You may answer the question.

15 A Spoken -- spoken, no.

16 Q What about e-mailing?

17 A E-mailing, no.
18 Q Okay. Letter writing, correspondence in
19 hard-copy form?
20 A Yes.
21 Q Okay.
22 A Communications that the Office of the

86

1 Legal Advisor had me send to representatives of four
2 former Secretaries of State.
3 Q Okay. Have you spoken with Ms. Abedin or
4 Ms. Mills about the substance of the testimony -- of
5 your testimony today?
6 A No, sir.
7 Q Okay.
8 MR. BEKESHA: Why don't we take a
9 five-minute break.
10 VIDEO SPECIALIST: We are off the record
11 at 11:59.
12 (A recess was taken.)
13 VIDEO SPECIALIST: We are back on the
14 record at 12:13.
15 BY MR. BEKESHA:
16 Q Great. Thank you.
17 Mr. Kennedy, I just have a few more

18 questions.

19 First, when we came back from the previous
20 break, you talked about the three-part answer to
21 your knowledge about Mrs. Clinton's use of personal
22 e-mail.

87

1 A Yes, sir.

2 Q Could you -- I'm not sure, looking back,
3 that I fully understood the difference between Part
4 2 and Part 3. And I was just wondering if you could
5 just elaborate again on your answers on the
6 different parts.

7 A I -- in Part 2, which was the request that
8 we had sent out to four former Secretaries of State
9 asking for any material that they might have that we
10 might not have, when I was informed that -- that
11 Secretary -- former Secretary Clinton had submitted
12 a large quantity of material in December of 2014.
13 It was -- that material was then put into
14 processing, and I was unaware of the contents of
15 that material.

16 And then there was -- then there was a
17 story of -- in the newspaper in about March of 2015
18 about her extensive use of e-mail. I was trying to
19 draw a distinction between the fact that I had -- I

20 was -- I knew that we had received a large quantity
21 of material, but --
22 Q Okay. And --

88

1 MR. MYERS: Could he just finish his
2 answer?

3 MR. BEKESHA: Oh, sure.

4 A And -- but -- but my knowledge of the
5 nature of that did not come to me immediately.

6 Q The nature of it came to you after you
7 read the newspaper article?

8 A That was when -- in response to your
9 specific question, when did I know there were lots
10 of e-mails.

11 Q Okay.

12 A Extensive use of her e-mails, I think
13 that's how you phrased it, or I phrased it.

14 Q Okay. Did you know, prior to sending
15 those letters in the fall of 20 --

16 A '14.

17 Q -- 14, did you know that Mrs. Clinton used
18 her non-State.gov e-mail account to conduct
19 government business -- extensively to conduct
20 government business?

21 A As I testified previously, sir, not
22 extensively.

89

1 Q When you wrote the letter then, what were
2 you expecting Mrs. Clinton to return?

3 A I was advised by the Office of the Legal
4 Advisor to send -- to send these letters about
5 records to four previous Secretaries of State.

6 Q Did you --

7 A I had no anticipation one way or the other
8 as to what the responses would be from any of the
9 four Secretaries of State. But I -- I have a high
10 value in counsel that I received from the Office of
11 the Legal Advisor.

12 Q And did you speak to anybody else, anybody
13 outside of the Office of the Legal Advisor, before
14 sending that letter -- those letters in the fall of
15 2014?

16 A No. I think -- I think the entire work
17 product was coordinated by the Office of the Legal
18 Advisor, with the exclusion of, you know, obviously
19 of some staff who actually formatted the letters,
20 printed them, and handed me -- handed them to me for
21 signature.

22 Q Okay. Do you know who was responsible for

1 inventorying Mrs. Clinton's records as she was
2 transitioning away from being Secretary of State?

3 MR. MYERS: Objection. Outside the scope
4 of authorized discovery.

5 Q You may answer the question.

6 MR. MYERS: Go ahead.

7 A That would have been the responsibility of
8 the records section of the Executive Secretariat.

9 Q Did you have any responsibility at all
10 about the inventorying of Secretary -- of Secretary
11 Clinton's records?

12 MR. MYERS: Same objection.

13 Q You may answer.

14 A I have -- I have no direct responsibility
15 for the actions of a particular office within the
16 State Department in that -- of that nature.

17 Q Do you know if Mrs. Clinton's e-mails were
18 inventoried at the end of her tenure?

19 MR. MYERS: Same objection.

20 Q You may answer the question.

21 A I have -- I have no personal knowledge
22 of -- of the inventorying of any other appointee.

1 Q Have you spoken to anybody at the State
2 Department outside the Office of Legal Advisor about
3 whether Mrs. Clinton's e-mails were inventoried when
4 she was leaving office?

5 MR. MYERS: Same objection.

6 A Not --

7 Q You can answer.

8 A Not contemporaneously with her departure,
9 no.

10 Q Since her departure, have you spoken with
11 State Department employees outside the Office of the
12 Legal Advisor?

13 MR. MYERS: Same objection.

14 A Pausing for recollection. I mean, it --
15 it is possible that I spoke to somebody about it,
16 but I do not have -- I cannot remember a specific
17 conversation about it, no, sir.

18 Q Okay.

19 MR. BEKESHA: I have nothing further.

20 EXAMINATION BY COUNSEL FOR DEFENDANT

21 BY MR. MYERS:

22 Q Undersecretary Kennedy, I have just a few

1 questions for you.

2 You testified earlier that you had never
3 received an e-mail from the previous Secretaries of
4 State that you served under prior to working for
5 former Secretary Clinton.

6 What was your understanding of how those
7 individuals, how those former Secretaries
8 communicated and did their jobs?

9 A There is a historical practice going back
10 at least over the -- the 40 years that I have been
11 at the State Department, including a previous period
12 of time on what's called the seventh floor of the
13 State Department. I was an aid to the
14 Undersecretary for Management back in the 1970s.

15 And so there is a long-standing practice
16 of the Secretary of State having a senior staff
17 meeting in the morning, then one or more staff
18 meetings during the course of the week with a larger
19 number of senior State Department officials.

20 There are regular briefings of the
21 Secretary of State in his/her office before --
22 before major events, where a senior team will

1 assemble to go over the material in preparation for

2 the next -- for the next meeting.

3 There are action memos to the Secretary of
4 State proposing a course of action. There are
5 briefing memos on -- in preparation for events.
6 There are information memos just conveying senior
7 information that is necessary.

8 We have a system that we call -- still
9 call telegrams that exists. These are -- these are
10 messages from ambassadors overseas. Copies of
11 important such messages as those are provided to the
12 Secretary of State.

13 And the Secretary of State also has access
14 to both secure and nonsecure telephonic
15 communications.

16 And so there is an apparatus and a history
17 of providing information to the Secretary of State.
18 Additionally, the Secretary of State also will tell
19 personal staff or the Executive Secretariat of any
20 requests they might have for information on a
21 subject that -- that has come up to their ken and
22 that they wish more information.

1 So there's a very robust exchange, flow of
2 information, to and from the Secretary of State

3 through the means I've just described.

4 Q And did former Secretary Clinton use all
5 of those means of communicating that you've just
6 described?

7 A Yes, sir.

8 Q And while you worked for her, was it your
9 understanding that she was primarily using those
10 tools or e-mail to conduct her state business?

11 A My understanding was that she was using
12 the classic tools that I had described a moment ago.

13 Q And then I have just one other question.

14 During the period of time when you were
15 Undersecretary of Management, serving under former
16 Secretary Clinton, roughly how many e-mails would
17 you say that you received in a typical day,
18 including both classified and unclassified e-mails?

19 A I would say somewhere between five and
20 seven hundred a day.

21 MR. MYERS: Thank you. I have nothing
22 further.

1 MR. BEKESHA: I have a few more questions.

2 EXAMINATION BY COUNSEL FOR PLAINTIFF

3 BY MR. BEKESHA:

4 Q You just testified that you understood

5 that Mrs. Clinton was primarily using the classic

6 tools to communicate or do her business.

7 A Yes.

8 Q Why was that your understanding?

9 A Because I was in the senior staff meeting

10 in the morning. I was in the one or more of the --

11 of the expanded staff meetings. I participated in

12 briefings that she received prior to events at the

13 White House, events overseas, events on the Hill.

14 I sent her action memos, briefing memos,

15 information memos. And those memos are also -- that

16 go to the Secretary potentially from another senior

17 official are distributed laterally, so to speak, to

18 other undersecretaries for their cognizance and

19 contextual knowledge.

20 And so I saw -- I was in the meetings, I

21 was in the -- some of the briefings. I knew from

22 her schedule about the other briefings. And I was

96

1 either sending her material or I was copied on those

2 action info and briefing memos that she was

3 receiving.

4 Q Okay. Thank you.

5 And also, you know, you described this as

6 a historical practice. I think you also used words
7 "apparatus" and "history." About how the Secretary
8 of State would conduct her business, or conduct the
9 business of the Secretary.

10 Didn't that make it all the more
11 surprising when you received an e-mail from
12 Mrs. Clinton, because it was outside of this
13 historical practice, outside this robust exchange of
14 information, outside this apparatus and history? I
15 mean, didn't this -- didn't you think, Oh, this is
16 different --

17 MR. MYERS: Objection.

18 Q -- from the four previous Secretaries you
19 worked for?

20 MR. MYERS: Objection. Like, compound
21 times eight.

22 Q You may answer the question.

97

1 A No, sir, because of the very small volume
2 of e-mails involved.

3 Q And approximately how many e-mails over
4 the four years --

5 MR. MYERS: Objection.

6 Q -- you received from Secretaries, receive
7 or send to Secretary of State?

8 MR. MYERS: Objection. Asked and

9 answered.

10 Q You may answer.

11 A I'm guessing 50, 75, some -- some number

12 in that range.

13 Q And --

14 A Over four years.

15 Q Thank you.

16 And during that period when receiving

17 those e-mails, you never thought this was outside

18 the historical practice, this robust exchange of

19 information, this apparatus and history that you

20 were just talking about?

21 MR. MYERS: Objection. Asked and

22 answered.

98

1 Q You may answer the question.

2 A No, sir; because of the small volume.

3 Q Okay.

4 MR. BEKESHA: I have no other questions.

5 MR. MYERS: We're done.

6 VIDEO SPECIALIST: This ends the

7 deposition of Patrick Kennedy. We are off the

8 record at 12:26.

9 (Off the record at 12:26 p.m.)

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1 ACKNOWLEDGMENT OF DEPONENT

2 I, PATRICK F. KENNEDY, do hereby acknowledge that I

3 have read and examined the foregoing testimony, and

4 the same is a true, correct and complete transcription

5 of the testimony given by me and any corrections

6 appear on the attached Errata sheet signed by me.

7

8 _____

9 (DATE)

(SIGNATURE)

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Debra Ann Whitehead, the officer before whom
3 the foregoing deposition was taken, do hereby certify
4 that the foregoing transcript is a true and correct
5 record of the testimony given; that said testimony was
6 taken by me stenographically and thereafter reduced to
7 typewriting under my direction; that reading and
8 signing was requested; and that I am neither counsel
9 for, related to, nor employed by any of the parties to
10 this case and have no interest, financial or
11 otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my hand and
13 affixed my notarial seal this 29th day of June, 2016.

14

15 My commission expires:

16 September 14, 2018

17

18

19

20 -----

21 NOTARY PUBLIC IN AND FOR THE

22 DISTRICT OF COLUMBIA

RELEASE IN
PART B5, B6

From: Steinberg, James B <SteinbergJB@state.gov>
Sent: Tuesday, December 22, 2009 7:24 AM
To: H; Powell, Nancy J; wburns66 [redacted] Kennedy, Patrick F; jacobjlew [redacted]
cheryl.mills [redacted]
Subject: RE: [redacted]

B6
B5
B6

I have already previewed with [redacted] Nancy Powell is reaching out to [redacted]
[redacted]

-----Original Message-----

From: H [mailto:HDR22@clintonemail.com]
Sent: Tuesday, December 22, 2009 7:23 AM
To: Powell, Nancy J; 'wburns66 [redacted]'; Kennedy, Patrick F; Steinberg, James B; 'jacobjlew [redacted]
'cheryl.mills [redacted]
Subject: [redacted]

B5
B6

[Large redacted area]

How should we proceed?

EXHIBIT
KENNEDY-1
No. 6-28-16
PENID: 800-631-6883

RELEASE IN FULL

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Saturday, December 4, 2010 1:59 PM
To: H
Subject: Re: T/C w Musa Kusa

I've told ops to hold any further dissemination until you have talked with these guys about how to execute the call back.

----- Original Message -----

From: H <HDR22@clintonemail.com>
To: Burns, William J; Feltman, Jeffrey D; Kennedy, Patrick F
Cc: Sullivan, Jacob J
Sent: Sat Dec 04 13:53:21 2010
Subject: T/C w Musa Kusa

You will read in the memcon that Musa Kusa asked me that Bill come to Tripoli to discuss the US-Libya relationship and that Pat come to discuss embassy issues. I also, as per Jeff's suggestion, said I was asking Amb Cretz to come back to DC for consultations. Let's discuss how we follow up Monday.

RELEASE IN
FULL

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Friday, February 25, 2011 11:26 AM
To: H
Subject: RE: Pls let me know as soon as possible when the last American has left Tripoli. Thx

Madame Secretary

19 official Americans and +/- 20 private Amcits

From: H [mailto:HDR22@clintonemail.com]
Sent: Friday, February 25, 2011 11:19 AM
To: Kennedy, Patrick F
Subject: Re: Pls let me know as soon as possible when the last American has left Tripoli. Thx

How many Amcits at airport?

From: Kennedy, Patrick F [mailto:KennedyPF@state.gov]
Sent: Friday, February 25, 2011 09:52 AM
To: H
Subject: RE: Pls let me know as soon as possible when the last American has left Tripoli. Thx

Madame Secretary

We have Bill Burns and Jeff Feltman reaching out

Have provide talking points to Mike Morell to make call and for him to get Steve Kappas to do so as well

Regards

pat

From: H [mailto:HDR22@clintonemail.com]
Sent: Friday, February 25, 2011 8:47 AM
To: Kennedy, Patrick F
Subject: Re: Pls let me know as soon as possible when the last American has left Tripoli. Thx

Will they let our plane land? How can we insure that?

From: Kennedy, Patrick F [mailto:KennedyPF@state.gov]
Sent: Friday, February 25, 2011 08:41 AM
To: H; Mills, Cheryl D <MillsCD@state.gov>
Subject: RE: Pls let me know as soon as possible when the last American has left Tripoli. Thx

Madame Secretary

Will do

Ferry has sailed

Last official staff at Mitiga Military Airport
Our charter flite has departed from Istanbul
There was some small arms fire near Mitiga and now Libyans want us to move everyone to civilian airport miles away
RSO says that is not best solution

We have pushing back at all levels

Will keep you advised

Regards

pat

From: H [mailto:HDR22@clintonemail.com]

Sent: Friday, February 25, 2011 8:18 AM

To: Kennedy, Patrick F; Mills, Cheryl D

Subject: Pls let me know as soon as possible when the last American has left Tripoli. Thx

RELEASE IN PART
B5,B6

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Friday, February 25, 2011 10:13 PM
To: H
Cc: Kennedy, Patrick F
Subject: Fw: Libya HRC Update: Brazil thanks the US

Fyi

From: DeLaurentis, Jeffrey A
To: Mills, Cheryl D; Shannon, Thomas A
Cc: Kubiske, Lisa
Sent: Fri Feb 25 16:03:47 2011
Subject: Libya HRC Update: Brazil thanks the US

Since the issue of evacuations from Libya came up in the S-Patriota meeting, I wanted to make sure you knew that Brazil made a point of publicly thanking the US for its help in evacuating Brazilian citizens from Libya during the HRC meeting today in Geneva.

SBU
This email is UNCLASSIFIED.

From: Mansfield, Anna M
Sent: Friday, February 25, 2011 12:36 PM
To: Tat, Osman N; 'Busby, Scott W.'; Sicade, Lynn M (DRL); Baer, Lauren E; Powell, Catherine; Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Donahoe, Eileen C; Foley, Tara E
Cc: 'Pressman, David J.'; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D; 'Power, Samantha J.'; 'Geffen, Daniel A.'; 'Shapiro, Daniel B.'; 'Aguirre, Sergio L.'; 'Ross, Dennis B.'; 'Fishman, Benjamin I.'; 'Smith, Gayle E.'; 'Weinstein, Jeremy M.'
Subject: RE: Libya HRC Update

An additional note: Brazil (the only country to take the floor during general comments) expressly noted its gratitude to the United States for assisting in the evacuation of its citizens from Libya.

This email is UNCLASSIFIED.

From: Tat, Osman N
Sent: Friday, February 25, 2011 6:16 PM
To: 'Busby, Scott W.'; Sicade, Lynn M (DRL); Baer, Lauren E; Powell, Catherine; Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Donahoe, Eileen C; Mansfield, Anna M; Foley, Tara E
Cc: Pressman, David J.; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL);

Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D; Power, Samantha J.; Geffen, Daniel A.; Shapiro, Daniel B.; Aguirre, Sergio L.; Ross, Dennis B.; Fishman, Benjamin I.; Smith, Gayle E.; Weinstein, Jeremy M.

Subject: RE: Libya HRC Update

Nigeria made a statement underlining the Africa Group's view that the adoption of a resolution that includes a recommendation to suspend a member of the Council should not be seen as setting a precedent for the future work of the Council and the United Nations.

Osman Tat
Deputy Section Chief
Political and Specialized Agencies
U.S. Mission to the United Nations
Geneva, Switzerland
Tel: +41 22 749-4626
Fax: +41.22.749.4717

This email is UNCLASSIFIED.

From: Busby, Scott W. [mailto:]
Sent: Friday, February 25, 2011 5:50 PM
To: Sicade, Lynn M (DRL); Tat, Osman N; Baer, Lauren E; Powell, Catherine; Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Donahoe, Eileen C; Mansfield, Anna M; Foley, Tara E
Cc: Pressman, David J.; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D; Power, Samantha J.; Geffen, Daniel A.; Shapiro, Daniel B.; Aguirre, Sergio L.; Ross, Dennis B.; Fishman, Benjamin I.; Smith, Gayle E.; Weinstein, Jeremy M.
Subject: RE: Libya HRC Update

B6

Thanks to Os and all others there! Interested in details on anyone who dissociated from consensus.

From: Sicade, Lynn M (DRL) [mailto:SicadeLM@state.gov]
Sent: Friday, February 25, 2011 11:48 AM
To: Tat, Osman N; Baer, Lauren E; Busby, Scott W.; Powell, Catherine; Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Donahoe, Eileen C; Mansfield, Anna M; Foley, Tara E
Cc: Pressman, David J.; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D; Power, Samantha J.; Geffen, Daniel A.; Shapiro, Daniel B.; Aguirre, Sergio L.; Ross, Dennis B.; Fishman, Benjamin I.; Smith, Gayle E.; Weinstein, Jeremy M.
Subject: RE: Libya HRC Update

Mission Geneva continues to rock. Congrats!

Lynn M. Sicade
Senior Policy Advisor
U.S. Department of State
DRL/MLGA
202-647-2362

"Every difference of opinion is not a difference of principle." --Thomas Jefferson: 1st Inaugural, 1801.
"With the same honest views, the most honest men often form different conclusions." --Thomas Jefferson to Robert Livingston, 1801.

From: Tat, Osman N
Sent: Friday, February 25, 2011 11:47 AM
To: Baer, Lauren E; 'Scott_W._Busby'; Powell, Catherine; Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Donahoe, Eileen C; Mansfield, Anna M; Foley, Tara E
Cc: 'David_J._Pressman'; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Sicade, Lynn M (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D; 'Samantha_J._Power'; 'Daniel_A._Geffen'; 'Daniel_B._Shapiro'; 'Sergio_L._Aguirre'; 'Dennis_B._Ross'; 'Benjamin_I._Fishman'; 'Gayle_E._Smith'; 'Jeremy_M._Weinstein'
Subject: Re: Libya HRC Update

B6

Resolution was adopted by consensus

From: Baer, Lauren E
Sent: Friday, February 25, 2011 11:12 AM
To: Tat, Osman N; 'Scott_W._Busby'; Powell, Catherine; Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Donahoe, Eileen C; Mansfield, Anna M; Foley, Tara E
Cc: 'David_J._Pressman'; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Sicade, Lynn M (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D; 'Samantha_J._Power'; 'Daniel_A._Geffen'; 'Daniel_B._Shapiro'; 'Sergio_L._Aguirre'; 'Dennis_B._Ross'; 'Benjamin_I._Fishman'; 'Gayle_E._Smith'; 'Jeremy_M._Weinstein'
Subject: RE: Libya HRC Update

Does anyone have a sense of whether/how such sympathetic statements from the Libyan delegation have/will affect the vote on the HRC resolution today and next week's UNGA resolution calling for Libya's suspension?

[Redacted response area]

B5

Lauren E. Baer
Secretary's Policy Planning Staff (S/P)
United States Department of State

Email: BaerLE@state.gov
Phone: 202-647-8656

From: Tat, Osman N

Sent: Friday, February 25, 2011 9:41 AM

To: 'Scott_W._Busby'; Powell, Catherine; Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Donahoe, Eileen C; Mansfield, Anna M; Foley, Tara E

Cc: 'David_J._Pressman'; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Sicade, Lynn M (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D; Baer, Lauren E; 'Samantha_J._Power'; 'Daniel_A._Geffen'; 'Daniel_B._Shapiro'; 'Sergio_L._Aguirre'; 'Dennis_B._Ross'; 'Benjamin_I._Fishman'; 'Gayle_E._Smith'; 'Jeremy_M._Weinstein'

Subject: Re: Libya HRC Update

Libyan delegate spoke, he called for a minutes of silence. In "honor of the revolution of 17 February", he read a prayer with members of the OIC standing. Then he said: "the will of people is invincible, our ancestors fought against the Italian fascist invaders, we are the grand children of these heroes, a new chapter is being written in blood. Victory to the heroic people of Libya! I wish to emphasize that we at the Libyan mission serve at the will Libyan people, we are their representatives." He was roundly applauded.

From: Busby, Scott W. [mailto:];

Sent: Friday, February 25, 2011 07:36 AM

To: Tat, Osman N; Powell, Catherine; Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Donahoe, Eileen C; Mansfield, Anna M; Foley, Tara E

Cc: Pressman, David J. <David_J._Pressman>; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Sicade, Lynn M (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D; Baer, Lauren E; Power, Samantha J.; Geffen, Daniel A.; Shapiro, Daniel B.; Aguirre, Sergio L.; Ross, Dennis B.; Fishman, Benjamin I.; Smith, Gayle E.; Weinstein, Jeremy M.

Subject: Re: Libya HRC Update

Great news! Please forward final results as soon as there any.
Thanks for all of your efforts. Adding relevant others at NSS. Scott

From: Tat, Osman N <TatON@state.gov>

To: Powell, Catherine <PowellC@state.gov>; Busby, Scott W.; Andris, Matthew R <AndrisMR@state.gov>; Aswad, Evelyn M <AswadEM@state.gov>; Cassidy, Joseph P <CassidyJP@state.gov>; Nossel, Suzanne F <NosselSF@state.gov>; Lapenn, Jessica <LapennJ@state.gov>; Ostermeier, Amy A <OstermeierAA@state.gov>; Cook, Akunna E <CookAE@state.gov>; Richardson, Eric N <RichardsonEN@state.gov>; Haldeman, William E (P) <HaldemanWE2@state.gov>; Donahoe, Eileen C <DonahoeEC@state.gov>; Mansfield, Anna M <MansfieldAM@state.gov>; Foley, Tara E <FoleyTE@state.gov>

Cc: Pressman, David J.; Martin, Julie B <MartinJB@state.gov>; Brancato, Gilda M <BRANCATOGM@state.gov>; Harkin, Jennifer M <HarkinJM@state.gov>; Johnston-Gardner, Sarah R (DRL) <JohnstonGardnerSR@state.gov>; Sicade, Lynn M (DRL) <SicadeLM@state.gov>; Galindo, David R <GalindoDR@state.gov>; Pomper, Stephen E <PomperSE2@state.gov>; Perina, Alexandra H <PerinaAH@state.gov>; Trumbull, Charles P <TrumbullCP@state.gov>; McLeod, Mary <McLeodM@state.gov>; Cleveland, Sarah H <ClevelandSH@state.gov>; Buchwald, Todd F <BuchwaldTF@state.gov>; Jacobson, Linda <JacobsonL@state.gov>; Reid, Wendy <ReidME@state.gov>; Kalmbach, Heather E <KalmbachHE@state.gov>; Keene, Matt E <KeeneME@state.gov>; Roebuck, William V

<RoebuckWV@state.gov>; Razzouk, Kelly L <RazzoukKL@state.gov>; Nemroff, Courtney R (USUN)
<NemroffC@state.gov>; Sammis, John F (USUN) <SammisJF@state.gov>; Pelofsky, Eric J <PelofskyEJ@state.gov>;
Brimmer, Esther D <BrimmerE@state.gov>; Baer, Lauren E <BaerLE@state.gov>
Sent: Fri Feb 25 07:28:03 2011
Subject: RE: Libya HRC: Conf Call Tomorrow

As of this moment at the closing of the 1st session(subject to change) we do not expect a vote. Russia just told me that they do not like the text but won't oppose it. Cuba in their statement said they would disassociate from OP14 (the suspension clause). It's possible China will still try to make some changes as they have all morning (in the same fashion as the FOA mandate) but their enthusiasm seems to be waning. There are 21 Co-Sponsors with at least 4 firm yeses. UK is very bullish that any call for a vote, be it on the whole text or but it para by para can be defeated.
Oz

Osman Tat
Deputy Section Chief
Political and Specialized Agencies
U.S. Mission to the United Nations
Geneva, Switzerland
Tel: +41 22 749-4626
Fax: +41.22.749.4717

SBU
This email is UNCLASSIFIED.

From: Powell, Catherine
Sent: Friday, February 25, 2011 1:21 PM
To: 'Scott_W_Busby'; Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Donahoe, Eileen C; Tat, Osman N; Mansfield, Anna M; Foley, Tara E
Cc: 'David_J_Pressmar'; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Sicade, Lynn M (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D; Baer, Lauren E
Subject: Re: Libya HRC: Conf Call Tomorrow

+ Lauren Baer for S/P.

From: Busby, Scott W. [mailto:];
Sent: Friday, February 25, 2011 07:12 AM
To: Andris, Matthew R; Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Powell, Catherine; Donahoe, Eileen C; Tat, Osman N; Mansfield, Anna M; Foley, Tara E
Cc: Pressman, David J. ; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Sicade, Lynn M (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D
Subject: Re: Libya HRC: Conf Call Tomorrow

What does the vote count look like?

From: Andris, Matthew R <AndrisMR@state.gov>

To: Aswad, Evelyn M <AswadEM@state.gov>; Cassidy, Joseph P <CassidyJP@state.gov>; Nossel, Suzanne F <NosselSF@state.gov>; Busby, Scott W.; Lapenn, Jessica <LapennJ@state.gov>; Ostermeier, Amy A <OstermeierAA@state.gov>; Cook, Akunna E <CookAE@state.gov>; Richardson, Eric N <RichardsonEN@state.gov>; Haldeman, William E (P) <HaldemanWE2@state.gov>; Powell, Catherine <PowellC@state.gov>; Donahoe, Eileen C <DonahoeEC@state.gov>; Tat, Osman N <TatON@state.gov>; Mansfield, Anna M <MansfieldAM@state.gov>; Foley, Tara E <FoleyTE@state.gov>

Cc: Pressman, David J.; Martin, Julie B <MartinJB@state.gov>; Brancato, Gilda M <BRANCATO@state.gov>; Harkin, Jennifer M <HarkinJM@state.gov>; Johnston-Gardner, Sarah R (DRL) <JohnstonGardnerSR@state.gov>; Sicade, Lynn M (DRL) <SicadelM@state.gov>; Galindo, David R <GalindoDR@state.gov>; Pomper, Stephen E <PomperSE2@state.gov>; Perina, Alexandra H <PerinaAH@state.gov>; Trumbull, Charles P <TrumbullCP@state.gov>; McLeod, Mary <McleodM@state.gov>; Cleveland, Sarah H <ClevelandSH@state.gov>; Buchwald, Todd F <BuchwaldTF@state.gov>; Jacobson, Linda <JacobsonL@state.gov>; Reid, Wendy <ReidME@state.gov>; Kalmbach, Heather E <KalmbachHE@state.gov>; Keene, Matt E <KeeneME@state.gov>; Roebuck, William V <RoebuckWV@state.gov>; Razzouk, Kelly L <RazzoukKL@state.gov>; Nemroff, Courtney R (USUN) <NemroffC@state.gov>; Sammis, John F (USUN) <SammisJF@state.gov>; Pelofsky, Eric J <PelofskyEJ@state.gov>; Brimmer, Esther D <BrimmerE@state.gov>

Sent: Fri Feb 25 06:59:32 2011

Subject: Re: Libya HRC: Conf Call Tomorrow

There will be no need for a conference call this morning. There were only minor edits to the resolution text during this morning's informals, and nothing that we need to discuss as a group. I will pass the actual changes around later this morning.

Feel free to contact me for further details.

Best,

Matthew

From: Andris, Matthew R

Sent: Thursday, February 24, 2011 08:56 PM

To: Aswad, Evelyn M; Cassidy, Joseph P; Nossel, Suzanne F; 'Scott_W._Busby' [redacted]; Lapenn, Jessica; Ostermeier, Amy A; Cook, Akunna E; Richardson, Eric N; Haldeman, William E (P); Powell, Catherine; Donahoe, Eileen C; Tat, Osman N; Mansfield, Anna M; Foley, Tara E

Cc: 'David_J._Pressman' [redacted]; Martin, Julie B; Brancato, Gilda M; Harkin, Jennifer M; Johnston-Gardner, Sarah R (DRL); Sicade, Lynn M (DRL); Galindo, David R; Pomper, Stephen E; Perina, Alexandra H; Trumbull, Charles P; Martin, Julie B; McLeod, Mary; Cleveland, Sarah H; Buchwald, Todd F; Jacobson, Linda; Reid, Wendy; Kalmbach, Heather E; Keene, Matt E; Roebuck, William V; Razzouk, Kelly L; Nemroff, Courtney R (USUN); Sammis, John F (USUN); Pelofsky, Eric J; Brimmer, Esther D

Subject: Libya HRC: Conf Call Tomorrow

All:

Thank you for your help today in clearing documents for tomorrow's special session. While we hope our cleared text will be adopted tomorrow, there may yet be changes out of Geneva which we will need to discuss. Accordingly, please join us at **7:30 am tomorrow, Friday** (13:30 GVA time) for a conference call to hear a readout of tomorrow's informals and to discuss the USG position on any changes to the text that need to be approved.

Dial in number:
Participant Passcode:

Thanks,

Matthew R. Andris

Bureau of International Organization Affairs
Office of Human Rights
(202) 647-3166 - office

cell
Blackberry
andrismr@state.gov

This email is UNCLASSIFIED.

RELEASE IN PART
B5

From: Koh, Harold Hongju <KohHH@state.gov>
Sent: Wednesday, July 6, 2011 6:58 AM
To: Burns, William J; Nides, Thomas R; Sullivan, Jacob J; Kennedy, Patrick F; Mull, Stephen D; Hammer, Michael A; Nuland, Victoria J; Wells, Alice G; Scanlon, Amy B; Adams, David S; Crocker, Bathsheba N; H; Mills, Cheryl D; McLeod, Mary
Subject: Leal case

As expected, the Texas Board of Pardons and Paroles voted 4:1 against a reprieve for Leal yesterday afternoon and 5:0 against clemency. The Governor could still grant a 30 day stay on his own, but he has never done so, [REDACTED]

[REDACTED]

[REDACTED] The execution is scheduled to take place Thursday (tomw) at 7 pm est, so we may get news from the Court tonite. Stay tuned.

B5

RELEASE IN FULL

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Monday, December 12, 2011 7:14 AM
To: H; Nides, Thomas R; Sullivan, Jacob J
Subject: Re: Iraq travel warning

Madame Secretary

Do not know what he means

Reaching out now to both london and baghdad urgently

Back to you soonest

Regards

Pat

----- Original Message -----

From: H [mailto:HDR22@clintonemail.com]
Sent: Sunday, December 11, 2011 10:07 PM
To: Kennedy, Patrick F; Nides, Thomas R; Sullivan, Jacob J
Subject: Re: Iraq travel warning

I understand, but when he raised it he had been told that it did not "apply" to business. When I explained that it applied to everyone but that businesses were better able to protect themselves, he said the Japanese and British had better standards for their businesses. Jim Jeffrey and I promised to look into that. Do you know what he means?

----- Original Message -----

From: Kennedy, Patrick F [mailto:KennedyPF@state.gov]
Sent: Sunday, December 11, 2011 09:17 PM
To: H; Nides, Thomas R <NidesTR@state.gov>; Sullivan, Jacob J <SullivanJJ@state.gov>
Subject: Re: Iraq travel warning

Madame Secretary

The Travel Warning applies to all American citizens

But we work, thru Diplomatic Security's Overseas Security Advisory Committee, to the security officers of companies.

These security professionals understand how to mitigate risks, which the average American traveller would not be able to do

Regards

Pat

----- Original Message -----

From: H [mailto:HDR22@clintonemail.com]
Sent: Sunday, December 11, 2011 08:36 PM

To: Kennedy, Patrick F; Nides, Thomas R; Sullivan, Jacob J
Subject: Iraq travel warning

PM just asked me if the travel warning applied to companies because if so, they would be hard to recruit tomorrow.

RELEASE IN FULL

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Monday, December 12, 2011 8:38 AM
To: H
Cc: Nides, Thomas R; Sullivan, Jacob J
Subject: RE: Iraq travel warning

Madame Secretary

I have appended the summary of the UK travel warning and a portion of their longer text which discusses business travel.

There is not general exemption for business

Separately, I am also sending you the US travel warning which is very similar to the UK's

DS also reports the same results.

Our Overseas Security Advisory Council staff [both in DC and in Baghdad] works regularly with American business to assist them in their desire to do business.

Of note, is that the American businesses report that their greatest problem in doing business in Iraq is the extreme difficulty in getting visas for their personnel.

I will send you separately both the complete UK travel warning and the complete USG travel warning

Regards

pat

=====
UK TRAVEL WARNING

We advise against all but essential travel to the whole of Iraq, except to the Kurdistan Region, where there are no restrictions. There is a high threat of terrorism in Iraq. This includes violence and kidnapping targeting foreign nationals, including individuals of non-Western appearance.

There are no restrictions in place against travel to the Kurdistan Region (the provinces of Dohuk, Erbil and Sulaimaniyah), as the risk of terrorism in these provinces is markedly lower than elsewhere in Iraq.

However, you should seek local advice before travelling to the remote areas bordering Turkey and Iran, where there have been incidents of shelling, unexploded ordnances and mines. Turkish security forces carried out air strikes and an incursion into the border areas of Kurdistan, targeting the Kurdistan Workers Party (PKK) in August and October 2011. See Safety and Security - Kurdistan Region.

You should employ a professional security company and take all necessary security precautions if you intend to travel to areas of Iraq which are subject to travel restrictions. You should exercise extreme caution at all times in these areas. See Safety and Security - Travel in Iraq.

There are ongoing, regular demonstrations in all regions of Iraq, particularly after Friday prayers. Demonstrations in Sulaimaniyah in February 2011 resulted in the deaths of several protestors. You are advised to avoid large gatherings, crowds and demonstrations.

Curfews can be and are imposed at short notice, often around religious holidays. When in place curfew times must be strictly adhered to and large gatherings should be avoided. See the Safety and Security - Curfews.

27 British nationals required consular assistance in Iraq in the period
1 April 2010 - 31 March 2011. See General - Consular Assistance Statistics.

The British Embassy in Baghdad is able to offer only limited consular assistance. The British Embassy Offices in Basra and Erbil are able to offer limited consular assistance, in the event of an emergency. You should register your presence with LOCATE.

You should seek professional advice and it is strongly advised that you take out comprehensive travel and medical insurance before travelling.
See General - Insurance.

<<In expanded text, this is the only specific reference to Business>>

Safety and Security - Travelling to Iraq

The British Government considers that the threat to British officials serving in Iraq is serious enough that they must live and work under strict security rules. All British officials working in Iraq live in secure, guarded accommodation and must travel with close protection teams at all times. Depending on the threat level, they may also be prevented from travelling to certain areas of Iraq.

Similarly, if you decide to travel to areas of Iraq to which we advise against all but essential travel, you should take appropriate security precautions before travelling. You are strongly advised to employ a private security company, make arrangements for secure accommodation and transport and consider pre-deployment training on travelling under close protection.

Appropriate security arrangements will not fully remove the risks of travelling to areas to which we advise only essential travel. You should exercise extreme caution at all times and remember that the UK can only offer limited consular support in Iraq. See General - Consular Services.

International and British companies do operate in and visit Iraq. If you are working for British or other businesses and intend to travel to any part of Iraq, you should follow the above advice and contact UK Trade & Investment (in Iraq: +964 (0)7901 904987 or baghdad.commercial@fco.gov.uk; in the UK: 020 7215 4949 or carl.bruce@ukti.gsi.gov.uk).

RELEASE IN FULL

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Monday, December 12, 2011 8:39 AM
To: H.
Cc: Nides, Thomas R; Sullivan, Jacob J
Subject: COMPLETE TEXT of UK Travel Warning

We advise against all but essential travel to the whole of Iraq, except to the Kurdistan Region, where there are no restrictions. There is a high threat of terrorism in Iraq. This includes violence and kidnapping targeting foreign nationals, including individuals of non-Western appearance.

There are no restrictions in place against travel to the Kurdistan Region (the provinces of Dohuk, Erbil and Sulaimaniyah), as the risk of terrorism in these provinces is markedly lower than elsewhere in Iraq. However, you should seek local advice before travelling to the remote areas bordering Turkey and Iran, where there have been incidents of shelling, unexploded ordnances and mines. Turkish security forces carried out air strikes and an incursion into the border areas of Kurdistan, targeting the Kurdistan Workers Party (PKK) in August and October 2011. See Safety and Security - Kurdistan Region.

You should employ a professional security company and take all necessary security precautions if you intend to travel to areas of Iraq which are subject to travel restrictions. You should exercise extreme caution at all times in these areas. See Safety and Security - Travel in Iraq.

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The British Embassy in Baghdad is able to offer only limited consular assistance. The British Embassy Offices in Basra and Erbil are able to offer limited consular assistance, in the event of an emergency. You should register your presence with LOCATE.

You should seek professional advice and it is strongly advised that you take out comprehensive travel and medical insurance before travelling. See General - Insurance.

Safety and security (back to top)
Safety and Security - Terrorism

Despite a decrease in the level of violence across Iraq, there is a high threat of terrorism in Iraq. We advise against all-but essential travel to the whole of Iraq, except the Kurdistan Region (the provinces of Dohuk, Erbil and Sulaimaniyah) where the risk from terrorism is markedly lower than elsewhere in Iraq.

Terrorists and insurgents maintain the ability to conduct attacks throughout Iraq, including regular attacks in Baghdad, Basra, Mosul and Kirkuk.

Major attacks include:

On 5 December 2011, bomb attacks against Shi'a pilgrims marking Ashura in al-Hilla and Baghdad killed and injured over 70 people.

On 28 November 2011 in Baghdad international zone, a car exploded near the Council of Representatives VIP entrance which killed one person and injured several others.

On 26 November 2011 in Baghdad, three improvised explosive devices in Rusafa district killed 8 and injured 13, and an attack on the Abu Ghaib-Fallujah road to the west of Baghdad killed 7 and injured 28.

On 24 November 2011, three improvised explosive devices exploded in a Basra marketplace killing 19 people and injuring 65.

On 27 October 2011, a double road-side bombing in the Urr neighbourhood of Baghdad resulted in 36 civilian deaths and more than 75 injuries.

On 28 August 2011, a suicide bomb attack on Umm al-Qura Mosque in Baghdad during Ramadan prayers killed 29 and injured 38 people.

15 August 2011 a coordinated series of suicide and car bomb attacks took place in over a dozen cities across 10 provinces in Iraq resulting in around 300 deaths and injuries.

On 13 June 2011, a double suicide car bombing near Basra Central Police Station killed 10 ISF and wounded 30 civilians and Iraqi Security Forces (ISF). There are also regular attacks in the northern cities of Mosul and Kirkuk.

On 3 June 2011, a suicide car bombing near government buildings in Tikrit, followed by a suicide bombing at the local hospital at which the injured were being treated, killed 23 and injured 70 people.

On 29 March 2011, suicide bombers attacked government buildings in Tikrit (northern Iraq), killing 12 ISF and injuring over 60 civilians and ISF.

In January 2011, two bombs exploded near the cities of Tikrit and Karbala, resulting in the deaths of over 100 people.

See our [Terrorism Abroad](#) page.

Safety and Security - Targets

As a foreigner in Iraq, you are a high value target to terrorists, insurgents and criminals who conduct frequent and widespread lethal attacks in Iraq (except in the Kurdistan Region). On 19 July 2010, a British national was killed in a roadside improvised explosive device attack on a British private security company convoy in Mosul. Commercial, aviation and maritime facilities, government buildings and other related political and security facilities are also at a high risk of attack. There have been attacks on the International Committee of the Red Cross (ICRC), the United Nations (UN), journalists, foreign contractors and other visitors to Iraq. There have also been attacks within Baghdad's International (or Green) Zone. Indiscriminate attacks against Iraqi civilian targets also occur.

Targets have included hotels and restaurants where westerners congregate. In January 2010 there were major bomb attacks against a number of hotels in Baghdad that are popular with British and western organisations. Terrorists and insurgents continue to attack mosques, large gatherings, churches, army recruiting centres, public transport, police

stations, government buildings and party political offices. Ceremonies to mark Islamic and Christian festivals have been targeted, including near churches or holy areas. Rocket and mortar attacks occur sporadically in Baghdad (including the International Zone).

Civilian and military aircraft arriving in and departing from Baghdad International Airport and flying to other major cities in Iraq have been subject to attack by small arms and missiles. The standard of security at Baghdad International Airport's civilian terminal has improved. However, there are still concerns and you should exercise caution if using the civilian terminal. In Basra, there is a continuing threat of rocket attacks against the airport.

Methods of attack include shootings, bombings, suicide bombs, vehicle bombs, rockets and mortars.

Safety and Security - Kidnap

There remains a high threat of kidnapping across Iraq and caution should be exercised throughout the country. Individuals have been kidnapped at their residence, at work and in transit. Kidnappers do not discriminate on the basis of nationality, religion, gender, age or profession. Large numbers of people, including British nationals, have been kidnapped in Iraq. Many kidnappings have ended with the death of hostages.

The provision of close security protection is extremely important for those working in and moving around Iraq. But this in itself does not remove the threat - a number of those who have been kidnapped include individuals who had security arrangements in place.

If you are in Iraq, you are strongly advised to regularly reassess your security arrangements and consider carefully when planning movements throughout Iraq, especially when moving outside the International Zone in Baghdad.

The motives of hostage takers vary from political to profit. British nationals should be aware that the long-standing policy of the British Government is not to make substantive concessions to hostage takers. The British Government considers that paying ransoms and releasing prisoners increases the risk of further hostage taking.

Safety and Security - The Kurdistan Region

There are no travel restrictions in place on travel to the Kurdistan Region (the provinces of Dohuk, Erbil and Sulaimaniyah).

The three provinces of Dohuk, Erbil and Sulaimaniyah form the Kurdistan Region (KR) and are administered by the Kurdistan Regional Government which, under the 2005 constitution, has considerable powers of autonomy within a federal Iraq. The KR is significantly more stable than the rest of Iraq and has been largely successful in its counter-terrorism efforts. The threat of terrorism and kidnap in the KR nevertheless remains, although it is markedly lower than elsewhere in Iraq, Islamist terrorist groups, including al-Qaida in Iraq (AQ-I) and Ansar al-Islam, have infrequently carried out attacks in the KR. A network of Iranian-based Kurdish extremists, affiliated with AQ-I, also mount occasional cross-border attacks. Where they have occurred, attacks have generally targeted the Kurdistan Regional Government.

The last civilian death to terrorism in the KR was in 2007. On 10 March 2008, a suicide vehicle bomb exploded outside Sulaimaniyah Palace Hotel. Throughout 2010 and 2011, sporadic roadside bombs have targeted the Peshmerga (Kurdish security forces). Ten people (8 demonstrators and 2 policemen) were killed during demonstrations in Sulaimaniyah during February and March 2011. These demonstrations have since come to an end and the situation is now calm. You should still consider taking appropriate security precautions.

Shelling in the border areas with Turkey and Iran in the Kurdistan Region still occurs. In August and October 2011, Turkish security forces carried out air strikes and an incursion into the border areas of Kurdistan, targeting the Kurdistan Workers' Party (PKK). You should seek advice locally on the situation in these remote border areas before travelling there.

Safety and Security - Curfews

There are currently no countrywide curfews. However, curfews and vehicle bans can be enforced at short notice, particularly around religious holidays, pilgrimages and key political dates, such as elections.

Ensure you check with the relevant local authorities for curfews before travelling.

Safety and Security - Travelling to Iraq

The British Government considers that the threat to British officials serving in Iraq is serious enough that they must live and work under strict security rules. All British officials working in Iraq live in secure, guarded accommodation and must travel with close protection teams at all times. Depending on the threat level, they may also be prevented from travelling to certain areas of Iraq.

Similarly, if you decide to travel to areas of Iraq to which we advise against all but essential travel, you should take appropriate security precautions before travelling. You are strongly advised to employ a private security company, make arrangements for secure accommodation and transport and consider pre-deployment training on travelling under close protection.

Appropriate security arrangements will not fully remove the risks of travelling to areas to which we advise only essential travel. You should exercise extreme caution at all times and remember that the UK can only offer limited consular support in Iraq. See General - Consular Services.

International and British companies do operate in and visit Iraq. If you are working for British or other businesses and intend to travel to any part of Iraq, you should follow the above advice and contact UK Trade & Investment (in Iraq: +964 (0)7901 904987 or baghdad.commercial@fco.gov.uk; in the UK: 020 7215 4949 or carl.bruce@ukti.gov.uk).

Safety and Security - Transport

International commercial carriers serve Baghdad and Erbil International Airports. These airports are generally considered secure, but you should exercise caution within the terminals and not leave Baghdad International Airport without adequate security precautions (see Safety and Security - Travelling to Iraq).

Maritime and sailing craft should exercise extreme caution if entering the northern Persian Gulf.

The Government of Iraq has closed four border crossings with Iran at Kella, Saranban-Golle, Taiwella and Parweez Khan. The Kuwait/Iraq border is open in both directions at Safwan (Iraq) and al-Abdali (Kuwait) 0800-1600 (local) on most days. These border posts have previously been closed at short notice for indefinite periods.

Road travel within Iraq remains highly dangerous and there continue to be fatal roadside bombings and both random and premeditated attacks on military and civilian vehicles. False vehicle checkpoints have been used to launch attacks. In addition to the threat from terrorism/kidnapping, there is also a risk of carjacking, robbery and road traffic accidents.

Local laws and customs (back to top)

Local laws reflect that Iraq is a predominantly Islamic country. You should respect local traditions, customs, laws and religious customs at all times, especially during the holy month of Ramadan or visits to places of religious significance.

See our [Travelling During Ramadan](#) page.

See our [Your Trip](#) page.

Entry requirements (back to top)

Entry Requirements - Visas and Documentation You must have a visa before travelling to Iraq. You can apply for a visa at Iraqi missions overseas, including the Iraqi Embassy in London. See the Iraqi Ministry of Foreign Affairs website. If you are only travelling to the Kurdistan Region, you may obtain a visa on arrival.

Ensure that you have the appropriate documentation for entering Iraq. This includes, but is not limited to, a valid visa, in-date Weapon Authority Cards (WAC) (if carrying weapons) and registration documentation from the Ministry of the Interior and/or military ID if using military routes. The Department of Border Enforcement (DBE) has made a number of arrests, including of British nationals, for failure to provide the appropriate documentation when requested. For more details on required documentation, you should see the Iraqi Ministry of Foreign Affairs website or contact the Iraqi Embassy in London.

Entry Requirements Passport Validity

You must hold a valid passport to enter Iraq. Your passport must be valid for a minimum period of three months from the date of entry into Iraq.

Entry Requirements - Blood Test

All visitors to Iraq, with the exception of those travelling on a tourist visa, are required under Iraqi health regulations to submit to a blood test within ten days of arrival. The test is for HIV and hepatitis. Guidance on where to go for the blood test is available at your airport of arrival. In the Kurdistan Region, this is only required for those staying for more than ten days.

Health (back to top)

Limited medical facilities are available. In the event of serious accident or illness, an evacuation by air ambulance may be required.

Malaria is common in some rural areas in the north and in Basra province in the south.

In 2008, twelve out of the eighteen provinces across Iraq had outbreaks of cholera. As a precaution you should drink or use only boiled or bottled water and avoid ice in drinks. If you suffer from diarrhoea during a visit to Iraq seek immediate medical attention. If you are travelling to Jordan, you may either be asked to prove you have been vaccinated against cholera or be required to take antibiotics.

The temperature in summer months can exceed 50 °C (122°F), which can result in dehydration and serious health problems. Drink plenty of water. Weather conditions are arduous.

You should exercise precautions to avoid exposure to HIV/AIDS. See our [HIV and AIDS](#) page.

You should seek medical advice before travelling and ensure that all appropriate vaccinations are up-to-date. NHS Direct (0845 46 47) can provide you with advice on the vaccination requirements for Iraq.

For further information on endemic diseases, like malaria, health outbreaks and vaccination requirements for Iraq you should check the websites of NaTHNaC or NHS Scotland's Fit For Travel. See our Travel Health page.

General (back to top)

General - Insurance

You should take out comprehensive travel and medical insurance for your proposed trip prior to travel, however long you plan to stay in Iraq. You should check any exclusions and that your policy covers you for medical assistance and repatriation, and all activities you want to undertake. See our Travel Insurance page.

If things do go wrong while you are overseas see our When Things Go Wrong page.

General - Consular Services

The British Embassy in Baghdad operates a limited consular service by appointment only, due to security constraints at our current location. If you require consular assistance, emergency passports or notarial services, you must book an appointment before coming to the Embassy. You can book an appointment by contacting us directly on +964 (0)7901 911684 between 08.00 and 16.00, Sunday-Thursday. For all other services, including if you have been arrested or hospitalised, please speak to the Consular Section within these hours. If you have a consular emergency outside these hours, please contact the British Embassy's Duty Officer on +44 (0)7901 935149; the Basra Consulate's Duty Officer on +964 (0)7400 248868; or the Erbil Consulate's Duty Officer on +964 (0)781 883 7576.

Due to the security situation in Baghdad, it is highly unlikely that the Consular Section will be able to assist with the following:

- i) Any Iraqi visa-related matters on entry into Iraq. You are responsible for ensuring that your Iraqi visa and immigration arrangements are in good order before you travel to Iraq. It is extremely unlikely that we will be able to intervene should you encounter immigration difficulties at Baghdad International Airport, either on arrival or departure.
- ii) Provide routine consular assistance in unsecure areas of Baghdad outside the International Zone, due to the risk to our consular staff of travelling to these areas.

In line with our policy elsewhere in the world, we cannot provide legal advice. We can, however, provide a list of English-speaking lawyers.

If you need information on how to apply for a UK visa, you should visit www.visa4uk.fco.gov.uk. The Consular section is unable to intervene in UK visa issues.

The British Consulates in Erbil and Basra are unable to accept personal callers without appointments, or telephone calls about visas. If you have a query about visas please visit the website www.visa4uk.fco.gov.uk. Alternatively, for enquiries in Erbil, you can email Erbil.VisaEnquiries@fco.gov.uk and receive an auto-reply with general advice and details of useful websites.

General - Registering Your Presence in Iraq You should register your presence in Iraq. You can do this in the UK before you leave by using our LOCATE service to tell us when and where you are travelling abroad (or if you live abroad) so that our consular and crisis staff can provide better assistance to you in an emergency.

For general enquiries please contact the Iraq Team in writing at Iraq Team, Foreign & Commonwealth Office, London, SW1A 2AH; by telephone on 020 7008 1500; or by email to: iraqtraveladvice@fco.gov.uk.

General - Forced Marriage and Child Abductions Some of our consular assistance is provided to victims of forced marriage or international parental child abduction. See our separate guidance on forced marriage and child abduction.

General - Purchasing Property

We are often asked to give assistance in land or property ownership disputes. You should consider taking legal advice before entering into any agreement over the ownership or use of property or other assets. The British Embassy cannot help in these matters.

General - Consular Assistance Statistics

27 British nationals required consular assistance in Iraq in the period 1 April 2010 - 31 March 2011. This included three deaths, four hospitalisations, and six arrests.

RELEASE IN FULL

From: H <hrod17@clintonemail.com>
Sent: Monday, December 12, 2011 9:13 AM
To: 'kennedypf@state.gov'
Subject: Re: COMPLETE TEXT of USA Travel Warning

Thanks, Pat. I will tell Iraqis our warning is very close to the UK's.

----- Original Message -----

From: Kennedy, Patrick F [mailto:KennedyPF@state.gov]
Sent: Monday, December 12, 2011 08:42 AM
To: H
Cc: Nides, Thomas R <NidesTR@state.gov>; Sullivan, Jacob J <SullivanJJ@state.gov>
Subject: RE: COMPLETE TEXT of USA Travel Warning

Travel Warning
U.S. DEPARTMENT OF STATE
Bureau of Consular Affairs
Print Email Iraq
September 13, 2011

The Department of State warns U.S. citizens against all but essential travel to Iraq given the dangerous security situation. Civilian air and road travel within Iraq remains dangerous. This Travel Warning replaces the Travel Warning dated April 12, 2011, to update information and to remind U.S. citizens of ongoing security concerns for U.S. citizens in Iraq, including kidnapping and terrorist violence.

The United States has reduced the number of U.S. military forces in Iraq and ended the combat mission there on August 31, 2010. Consistent with agreements between the two countries, the United States is scheduled to complete its withdrawal of military forces from Iraq by December 31, 2011.

Some regions within Iraq have experienced fewer violent incidents than others in recent years, in particular the Iraqi Kurdistan Region (IKR). However, violence and threats against U.S. citizens persist and no region should be considered safe from dangerous conditions. Attacks against military and civilian targets throughout Iraq continue, including in the International (or "Green") Zone (IZ). Methods of attack have included magnetic bombs placed on vehicles; roadside improvised explosive devices (IEDs); mortars and rockets; human- and vehicle-borne IEDs, including Explosively Formed Penetrators (EFPs); mines placed on or concealed near roads; suicide attacks; and shootings. Numerous insurgent groups remain active throughout Iraq. Although Iraqi Security Forces (ISF) operations against these groups continue, attacks against the ISF and U.S. forces persist in many areas of the country. U.S. citizens in Iraq remain at a high risk for kidnapping.

While sectarian and terrorist violence occurs at levels lower than in previous years, it occurs often, particularly in the provinces of Baghdad, Ninewa, Salah ad Din, Anbar, and Diyala.

The security situation in the Iraqi Kurdistan Region (IKR), which includes the provinces of Sulymaniya, Erbil, and Dohuk, has been more stable relative to the rest of Iraq in recent years, but threats remain. U.S. government personnel in northern Iraq are required to be accompanied by a protective security detail when traveling outside secure facilities. Although there have been significantly fewer terrorist attacks and lower levels of insurgent violence in the IKR than in other parts of Iraq, the security situation throughout the country remains

dangerous. Increasingly, many U.S. and third country business people travel throughout much of Iraq; however, they do so under restricted movement conditions and almost always with security advisors and teams.

The Turkish military continues to carry out operations against elements of the Kongra-Gel terrorist group (KGK, formerly Kurdistan Workers'

Party or PKK) located along Iraq's northern border. Additionally, extensive unmarked minefields remain along the international border. The Governments of Turkey and Iran continue to carry out military operations against insurgent groups in the mountain regions. These operations have included troop movements and both aerial and artillery bombardments.

U.S. citizens should avoid areas near the Turkish or Iranian borders because of these ongoing military operations. Borders in these areas are not always clearly defined. In 2009, three U.S. citizens were detained by Iranian authorities while hiking in the vicinity of the Iranian border in the Kurdistan region. The U.S. Embassy has limited resources to assist U.S. citizens who venture close to or cross the border with Iran. The Department of State discourages travel in close proximity to the Iranian border.

Travelers should be aware that a potential threat of attack still exists when using commercial carriers to enter or depart Iraq, even though there have been no recent attacks on civilian aircraft. International carriers are routinely flying into Erbil and increasingly, into Baghdad.

Infrequent indirect fire attacks have impacted on or near the Baghdad and Basrah airports. There has been no reported damage or injuries to commercial operations or personnel. In addition, there remains a high risk to road travelers as described above.

The U.S. Embassy is located in the International Zone (IZ) in Baghdad.

The IZ is a restricted access area. As of June 30, 2009, Iraqi authorities assumed responsibility for control of the IZ. Travelers to the IZ should be aware that Iraqi authorities may require special identification to enter the IZ or may issue IZ-specific access badges.

Some terrorist or extremist groups continue to target U.S. citizens for kidnapping. Individuals residing and traveling within the IZ should continue to exercise good personal safety precautions.

The U.S. government considers the potential threat to U.S. government personnel in Iraq to be serious enough to require them to live and work under strict security guidelines. All U.S. government employees under the authority of the U.S. Ambassador must travel in groups of two or more within the IZ and carry a working cell phone or radio when exiting the U.S. Embassy compound. U.S. government personnel require special permission and a protective security detail at all times when traveling outside the IZ and outside secure facilities, and may be prohibited from traveling to certain areas of Iraq based on prevailing security conditions. State Department guidance to U.S. businesses in Iraq advises the use of protective security details. Detailed security information is available at the U.S. Embassy website and at the U.S. Central Command website.

The U.S. Embassy provides services to the general public, including U.S. citizens, in Iraq. The ability of the U.S. Embassy to provide services to U.S. citizens outside Baghdad is particularly limited given the security environment. U.S. citizens who choose to visit or reside in Iraq despite this Travel Warning are urged to take responsibility for their own personal security and belongings (including their U.S. passports) and to avoid crowds, especially rallies or demonstrations.

U.S. citizens who choose to travel in Iraq should be aware that Iraqi authorities have arrested or detained U.S. citizens whose purpose of travel is not readily apparent. Persons also have been detained for taking photographs of buildings or other scenic sites. All U.S. citizens in Iraq, including those working on contract for the U.S. government, are urged to inform the U.S. Embassy of their presence in Iraq by enrolling in the Smart Traveler Enrollment Program (STEP) in order to obtain updated travel information. By enrolling, U.S. citizens make it easier for the Embassy to provide updated security information or to contact them in emergencies.

U.S. citizens may obtain the latest security information or other information about Iraq by contacting the U.S. Embassy, located in the International Zone, via email, landline (from U.S. dial 1-240-553-0581 ext. 4293 or 2413) or by accessing U.S. Embassy Baghdad's website. The after-hours emergency numbers are 011-964-770-443-1286 (from the United States) or 0770-443-1286 (within Iraq). As cell phone service is unreliable in Iraq, emergency calls may also be placed through the Department of State at 1-888-407-4747.

Travelers may obtain up-to-date information on security conditions in Iraq by calling 1-888-407-4747 toll free in the United States and Canada, or from other countries on a regular toll-line at 1-202-501-4444.

Stay up to date by bookmarking our Bureau of Consular Affairs website, which contains current Travel Warnings and Travel Alerts as well as the Worldwide Caution. You can also download our free Smart Traveler App for travel information at your fingertips. Follow us on Twitter and the Bureau of Consular Affairs page on Facebook as well.

RELEASE IN FULL

From: Adams, David S <AdamsDS@state.gov>
Sent: Monday, December 12, 2011 6:48 PM
To: H; Mills, Cheryl D; Kennedy, Patrick F; Gordon, Philip H; Jacobson, Roberta S; Sullivan, Jacob J
Cc: Macmanus, Joseph E
Subject: RE: Aponte/Eisen Votes

I don't specifically, but he may have felt this was an easy vote to give DeMint.

This email is UNCLASSIFIED.

From: H [mailto:HDR22@clintonemail.com]
Sent: Monday, December 12, 2011 6:43 PM
To: Adams, David S; Mills, Cheryl D; Kennedy, Patrick F; Gordon, Philip H; Jacobson, Roberta S; Sullivan, Jacob J
Cc: Macmanus, Joseph E
Subject: Re: Aponte/Eisen Votes

Not surprised after my convo w KBH. Do we know why McConnell was so hard against her?

From: Adams, David S [mailto:AdamsDS@state.gov]
Sent: Monday, December 12, 2011 06:34 PM
To: Mills, Cheryl D <MillsCD@state.gov>; Kennedy, Patrick F <KennedyPF@state.gov>; Gordon, Philip H <GordonPH@state.gov>; Jacobson, Roberta S <JacobsonRS@state.gov>; Sullivan, Jacob J <SullivanJJ@state.gov>
Cc: Macmanus, Joseph E <MacmanusJE@state.gov>
Subject: Aponte/Eisen Votes

All – The Senate voted for cloture on Norm Eisen 70-16 and voice voted his nomination. The Senate failed to invoke cloture on Mari Carmen Aponte 49-39. The only Republican's we picked up were Brown (MA) and Collins. Dave

This email is UNCLASSIFIED.

RELEASE IN PART B5

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Sunday, December 18, 2011 12:20 PM
To: Adams, David S; H; Burns, William J; Nides, Thomas R; Sherman, Wendy R; Mills, Cheryl D; Sullivan, Jacob J; Abedin, Huma
Subject: RE: Senate Wrap Up

Dave

Very much appreciate all your efforts

We would not be where we are if weren't for your work

Regards

pat

From: Adams, David S
Sent: Saturday, December 17, 2011 2:42 PM
To: 'H'; Burns, William J; Nides, Thomas R; Sherman, Wendy R; Kennedy, Patrick F; Mills, Cheryl D; Sullivan, Jacob J; Abedin, Huma
Subject: Senate Wrap Up

All – The Senate concluded legislative business for the year today. They passed a 2 month extension of the payroll tax cut which also contains the expedited determination procedures for Keystone XL. In addition, the Senate cleared the Omnibus appropriations bill as well as a 6 day CR to allow time to get the paperwork to the WH for the President's signature. The Senate also approved an \$8.1 billion disaster aid bill but importantly rejected the 1.8% across the board rescission (except for Defense and Military Construction) that the House had approved to pay for it.

On nominations, thanks to the Secretary's intervention this morning we ultimately got 2 of the 4 nominations the Senate approved today aside from some military promotion lists. Mike McFaul as Ambassador to Russia and Amb. Joyce Barr as A/S for Administration were both confirmed by the Senate today. [REDACTED]

[REDACTED] the Republicans objected to a longer list which included all of our pending nominees. In addition,

[REDACTED]
[REDACTED] Dave

This email is UNCLASSIFIED.

B5

RELEASE IN
PART B5,B6

From: Adams, David S <AdamsDS@state.gov>
Sent: Wednesday, January 4, 2012 11:26 AM
To: H
Cc: Kennedy, Patrick F; Mills, Cheryl D; Sullivan, Jacob J; Wells, Alice G
Subject: [redacted] Annoucnement

B6

Madam Secretary – [redacted]

[redacted]

This email is UNCLASSIFIED.

B5
B6

RELEASE IN
PART B6

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Wednesday, February 22, 2012 9:37 PM
To: H
Cc: H2; habedin@hillaryclinton.com; Mills, Cheryl D
Subject: FW: Marie Colvin

Madame Secretary,

FYI - Senator Whitehouse has responded to my note

Regards

pat

-----Original Message-----

From: Kennedy, Patrick F
Sent: Wednesday, February 22, 2012 9:35 PM
To: 'Whitehouse, Sheldon (Whitehouse)'
Cc: Bernier-Toth, Michelle
Subject: RE: Marie Colvin

Senator Whitehouse:

You would not be interfering in any way.

Michelle will be in touch with you directly via your e-mail.

And if there is any way you can assist, please be assured that we will let you know immediately,

Regards,

pat

-----Original Message-----

From: Whitehouse, Sheldon (Whitehouse)
[mailto:Sheldon_Whitehouse2@whitehouse.senate.gov]
Sent: Wednesday, February 22, 2012 9:33 PM
To: Kennedy, Patrick F
Cc: Bernier-Toth, Michelle
Subject: Re: Marie Colvin

Thanks. I don't want to interfere. Keep in touch with me directly if you would. This email is good. Of course if I can help in any way . .

.. S.

----- Original Message -----

From: Kennedy, Patrick F [mailto:KennedyPF@state.gov]
Sent: Wednesday, February 22, 2012 09:13 PM
To: Whitehouse, Sheldon (Whitehouse)

Cc: Mills, Cheryl D <MillsCD@state.gov>; H <HDR22@clintonemail.com>; H2 <hr15@att.blackberry.net>;
HAbedin@hillaryclinton.com <HAbedin@hillaryclinton.com>
Subject: RE: Marie Colvin

Dear Senator Whitehouse:

Please also let me express my condolences.

Our Consular Affairs staff has been in touch with Ms. Colvin's family, [REDACTED]

[REDACTED]
We have been working with the Polish Embassy in Damascus, which is representing the U.S. as our Protecting Power to recover the remains.

Michelle Bernier-Toth, who is one of our top senior officers and Managing Director of the Department's Office of Citizen Services, would be glad to speak with whomsoever you designate to keep you abreast of our efforts. She can call that individual or she can be reached at 202-647-9018 or at Bernier-TothM2@state.gov

I have spoken to Michelle and she and I will assist in any way we can.

Sincerely,

Pat

Patrick F. Kennedy
Under Secretary for Management

-----Original Message-----

From: H [mailto:HDR22@clintonemail.com]
Sent: Wednesday, February 22, 2012 8:38 PM
To: 'Sheldon_Whitehouse2@whitehouse.senate.gov'; H2; 'HAbedin@hillaryclinton.com'
Cc: Mills, Cheryl D; Kennedy, Patrick F
Subject: Re: Marie Colvin

Dear Sheldon--

I am so sorry about the murder of your friend, the journalist, Marie Colvin, and the State Department will do everything we can to help bring her home. Since I am in London, I am copying Cheryl Mills and Pat Kennedy asking them to follow up w you and your Senate office to coordinate our efforts.

Please extend my condolences to her family and friends, H

----- Original Message -----

From: Whitehouse, Sheldon (Whitehouse)
[mailto:Sheldon_Whitehouse2@whitehouse.senate.gov]
Sent: Wednesday, February 22, 2012 08:06 PM
To: H2; 'HAbedin@hillaryclinton.com' <HAbedin@hillaryclinton.com>; H
Subject: Marie Colvin

Marie Colvin, the American reporter who was killed in Syria today, was a close college friend. [REDACTED]

[Redacted]

Can you let

me know?

B6

RELEASE IN
PART B6

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Thursday, February 23, 2012 8:00 AM
To: H2; H
Cc: Mills, Cheryl D; habedin@hillaryclinton.com
Subject: FW: Marie Colvin

Madame Secretary

Update sent to Sen. Whitehouse

Regards

pat

-----Original Message-----

From: Bernier-Toth, Michelle
Sent: Thursday, February 23, 2012 7:59 AM
To: 'Whitehouse, Sheldon (Whitehouse)'; Kennedy, Patrick F
Subject: RE: Marie Colvin

Dear Senator Whitehouse,

First, let me add my personal condolences. Ms. Colvin was a remarkable person, whose courageous and compassionate reporting touched the hearts and minds of many. Her death is a great loss.

We are actively working with our Polish Protecting Power in Damascus, as well as with the French and British Embassies, the Syrian Red Crescent Society, and the Lebanese Red Cross, to arrange for the recovery and repatriation of Ms. Colvin's remains. Our Embassies in Beirut, Amman, London, and Paris are all engaged in this effort, and we are in contact with Ms. Colvin's family. We expect more information today and I will certainly keep you informed.

All the best,
Michelle

SBU
This email is UNCLASSIFIED

-----Original Message-----

From: Whitehouse, Sheldon (Whitehouse)
[mailto:Sheldon_Whitehouse2@whitehouse.senate.gov]
Sent: Wednesday, February 22, 2012 9:33 PM
To: Kennedy, Patrick F
Cc: Bernier-Toth, Michelle
Subject: Re: Marie Colvin

Thanks. I don't want to interfere. Keep in touch with me directly if you would. This email is good. Of course if I can help in any way . .

. . S.

----- Original Message -----

From: Kennedy, Patrick F [mailto:KennedyPF@state.gov]
Sent: Wednesday, February 22, 2012 09:13 PM
To: Whitehouse, Sheldon (Whitehouse)
Cc: Mills, Cheryl D <MillsCD@state.gov>; H <HDR22@clintonemail.com>; H2 <hr15@att.blackberry.net>;
HAbedin@hillaryclinton.com <HAbedin@hillaryclinton.com>
Subject: RE: Marie Colvin

Dear Senator Whitehouse:

Please also let me express my condolences.

Our Consular Affairs staff has been in touch with Ms. Colvin's family,

B6

We have been working with the Polish Embassy in Damascus, which is representing the U.S. as our Protecting Power to recover the remains.

Michelle Bernier-Toth, who is one of our top senior officers and Managing Director of the Department's Office of Citizen Services, would be glad to speak with whomsoever you designate to keep you abreast of our efforts. She can call that individual or she can be reached at 202-647-9018 or at Bernier-TothM2@state.gov

I have spoken to Michelle and she and I will assist in any way we can.

Sincerely,

Pat

Patrick F. Kennedy
Under Secretary for Management

-----Original Message-----

From: H [mailto:HDR22@clintonemail.com]
Sent: Wednesday, February 22, 2012 8:38 PM
To: 'Sheldon_Whitehouse2@whitehouse.senate.gov'; H2; 'HAbedin@hillaryclinton.com'
Cc: Mills, Cheryl D; Kennedy, Patrick F
Subject: Re: Marie Colvin

Dear Sheldon--

I am so sorry about the murder of your friend, the journalist, Marie Colvin, and the State Department will do everything we can to help bring her home. Since I am in London, I am copying Cheryl Mills and Pat Kennedy asking them to follow up w you and your Senate office to coordinate our efforts.

Please extend my condolences to her family and friends, H

----- Original Message -----

From: Whitehouse, Sheldon (Whitehouse)
[mailto:Sheldon_Whitehouse2@whitehouse.senate.gov]
Sent: Wednesday, February 22, 2012 08:06 PM
To: H2; 'HAbedin@hillaryclinton.com' <HAbedin@hillaryclinton.com>; H
Subject: Marie Colvin

Marie Colvin, the American reporter who was killed in Syria today, was a close college friend.

[Redacted]

[Redacted]

[Redacted]

Can you let

me know?

B6

RELEASE IN PART
B5

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Wednesday, May 30, 2012 11:03 AM
To: H
Cc: Mills, Cheryl D; Jacobs, Janice L; Stock, Ann
Subject: RE: Sen Corker Call sheet

Madame Secretary

This is [was yesterday] a question of call sequence

The Action Memo to me to grandfather this category for this year is enroute and I will sign shortly

And will make sure that the Sen. Corker is notified

Regards

pat

-----Original Message-----

From: H [mailto:HDR22@clintonemail.com]
Sent: Wednesday, May 30, 2012 7:49 AM
To: Kennedy, Patrick F; Jacobs, Janice L; Stock, Ann
Cc: Mills, Cheryl D
Subject: Fw: Sen Corker Call sheet

Dear Pat, Janice, and Ann,

Sen. Corker explained that he and other concerned Senators thought they had reached an understanding w ECA about this year, and, therefore, were surprised there were problems w CA. I believe we have decided to issue visas to this year's students and then make a decision going forward that gives ample notice to everyone.

If that is correct, please be sure Corker hears from us today.

And please keep me informed. Thanks so much.

----- Original Message -----

From: Hanley, Monica R [mailto:HanleyMR@state.gov]
Sent: Tuesday, May 29, 2012 08:24 PM
To: H
Cc: Huma Abedin
Subject: Sen Corker Call sheet

As Claire mentioned, the Senator requested to speak with you tonight.

The Secretary's Call Sheet for U.S. Senator Bob Corker

(SBU) Purpose of Call: Sen. Corker requested a call to ask that you direct CA and ECA to issue an instruction cable to posts clarifying that Summer Work Travel (SWT) employment in door-to-door sales with Tennessee company Southwestern Advantage is permissible under the 2012 Interim Final Rule.



B5

(SBU) Background: ECA's May 11 Interim Final Rule for the Summer Work Travel (SWT) Program prohibits jobs that are substantially commission-based and thus do not guarantee that participants will be paid minimum wage in accordance with federal and state standards. Sen. Corker (as well as Sen. Alexander, Rep. Blackburn, and Tennessee Governor Haslam) have contacted the Department on several occasions with concerns that the Interim Final Rule would prohibit SWT participants from working in door-to-door sales for Southwestern Advantage, a Tennessee-based seller of family-oriented educational reference books and software. Sen. Corker is concerned that consular officers are denying visas to prospective SWT participants based on a misinterpretation of this new regulation. He conveyed these concerns directly to A/S Jacobs on May 29, primarily asking that the guidance be sent to Posts without further delay.

ECA and Consular Affairs have determined that Southwestern's model satisfies the new regulations and will send to U/S Kennedy on May 30 an Action Memo to approve the issuance of visas, consistent with the SWT regulations, for SWT participants who will work for Southwestern this summer. All sides agreed, however, that this decision is for this summer only. In the coming months, we will issue a rulemaking with a public comment period that will seek to remove this type of work from SWT. The Southwestern model does not fit well in the reforming SWT, and ECA intends to include a prohibition on independent contractors and potentially door-to-door sales in the next Notice of Proposed Rulemaking. However, we have not/not discussed these specific planned changes outside of the Department.

RELEASE IN
FULL

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Thursday, June 7, 2012 11:11 PM
To: H; Kennedy, Patrick F; Adams, David S
Subject: RE: follow-up to yesterday's email, re Nairobi terrorist attack

Harold Koh has agreed to meet with her (Wendy has met with her several times).

cdm

From: H [mailto:HDR22@clintonemail.com]
Sent: Thursday, June 07, 2012 10:55 PM
To: Mills, Cheryl D; Kennedy, Patrick F; Adams, David S
Subject: Fw: follow-up to yesterday's email, re Nairobi terrorist attack

Can I get a response to this before Monday night when I see her?

From: Mikulski, BAM (Mikulski) [mailto:BAM@Mikulski.senate.gov]
Sent: Thursday, June 07, 2012 12:35 PM
To: H
Subject: follow-up to yesterday's email, re Nairobi terrorist attack

I also wanted to follow-up on an issue that is very important to me – compensation for the families of State Department personnel who were killed in the Nairobi terrorist attack in 1998. I have tried to solve this with 3 Presidents and 3 Secretaries of State, yet I have been met by same old answers and zero willingness to help these families. Hillary, if I can't resolve this with you, I will never be able to resolve it. Like you, I believe in the fierce urgency of now.

I have gotten to know some of these families. Julian Bartley was the highest ranking African American as Consul General serving in Nairobi His son, Julian Jr. was interning at the Embassy that summer. Jay's body was cut in half in the explosion. He would have been 35 years old this October. Other victims left young children. One of the injured was blinded and contracted HIV while being treated in a Kenyan Hospital. I know you want to help these families as much as I do.

I got strong language in the Foreign Aid Appropriations bill that requires State to report on US victims of terrorism, and to draft a plan for providing compensation. I want to use this report and info to draft comprehensive legislation to provide compensation to American victims of terrorist attacks.

I need you to give me a high level, fresh person to work with at the State Department to resolve this issue. Someone who will come in the room with the willingness to offer solutions. We just need some fresh ideas and the will to put these ideas into action. I know we can do it.

Forward together!
Barb

RELEASE IN PART
B1,1.4(B),1.4(D),B5

From: H <hrod17@clintonemail.com>
Sent: Friday, July 27, 2012 11:30 AM
To: 'kennedypf@state.gov'
Cc: 'millsd@state.gov'; 'Burnswj@state.gov'
Subject: Re: Agreement for Egypt

Thanks.

Classified by DAS, A/GIS, DoS on 11/30/2015 ~ Class:
CONFIDENTIAL ~ Reason: 1.4(B), 1.4(D) ~ Declassify on:
07/26/2022

----- Original Message -----

From: Kennedy, Patrick F [mailto:KennedyPF@state.gov]
Sent: Friday, July 27, 2012 10:59 AM
To: H
Cc: Mills, Cheryl D <MillsCD@state.gov>; Burns, William J <BurnsWJ@state.gov>
Subject: RE: Agreement for Egypt

Madame Secretary

Have spoken to both NEA [Beth Jones] and Protocol

Will have confirmation later today

Once that is confirmed,

Regards

pat

-----Original Message-----

From: H [mailto:HDR22@clintonemail.com]
Sent: Friday, July 27, 2012 8:06 AM
To: Burns, William J; Kennedy, Patrick F
Cc: Mills, Cheryl D
Subject: Agreement for Egypt

1.4(B)
1.4(D)
B1

What's the status?

B5
B5

RELEASE IN FULL

From: Marshall, Capricia P <MarshallCP@state.gov>
Sent: Friday, September 14, 2012 5:53 PM
To: Mills, Cheryl D; Kennedy, Patrick F
Cc: H
Subject: Re: You do great work - thanks for making our heros have the homecoming they deserved.

By leadership - let me be clear - meant the 3 of you -- especially our Secretary- lovely speech!

From: Marshall, Capricia P
Sent: Friday, September 14, 2012 05:18 PM
To: Mills, Cheryl D; Kennedy, Patrick F
Cc: 'hdr22@clintonemail.com' <hdr22@clintonemail.com>
Subject: Re: You do great work - thanks for making our heros have the homecoming they deserved.

Great teamwork -- great leadership!

From: Mills, Cheryl D
Sent: Friday, September 14, 2012 04:58 PM
To: Marshall, Capricia P; Kennedy, Patrick F
Cc: H <HDR22@clintonemail.com>
Subject: You do great work - thanks for making our heros have the homecoming they deserved.

RELEASE IN FULL

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Wednesday, October 10, 2012 7:22 PM
To: Mills, Cheryl D; Reines, Philippe I; H; Kennedy, Patrick F
Subject: RE: Pat

Amen.

From: Mills, Cheryl D
Sent: Wednesday, October 10, 2012 7:18 PM
To: Reines, Philippe I; 'hdr22@clintonemail.com'; Kennedy, Patrick F
Cc: Sullivan, Jacob J
Subject: Re: Pat

Yay!!

From: Reines, Philippe I
Sent: Wednesday, October 10, 2012 07:16 PM
To: 'H' <HDR22@clintonemail.com>; Kennedy, Patrick F
Cc: Mills, Cheryl D; Sullivan, Jacob J
Subject: Pat

Ma'am, you would have been so proud of Pat. He ended a really difficult day - not just for him - but for the whole Department he represents, exhibiting and restoring the dignity of 60,000+ people that Darrel Issa and his henchmen unsuccessfully tried to take away.

This email is UNCLASSIFIED.

RELEASE IN FULL

From: Sherman, Wendy R <ShermanWR@state.gov>
Sent: Wednesday, December 26, 2012 7:09 PM
To: H
Cc: Mills, Cheryl D; Burns, William J; Nides, Thomas R; Kennedy, Patrick F; Carson, Johnnie; Sullivan, Jacob J; Bass, John R; Davis, Jennifer L (S)
Subject: URGENT UPDATE /CAR

Madam Secretary,

Events have been fast moving in the Central African Republic today after protestors, probably encouraged by the government, breached a wall of the French embassy and also protested outside of ours. Interagency conference calls, led by Johnnie, resulted in General Ham developing a conops to move as soon as tomorrow 1500 through an ordered departure. We anticipate having to move about 70 people including our 8 Embassy personnel and some minors. We just completed a conference call with Denls McDonough, General Ham, John Brennan, Johnnie, Robert Cardillo, Kathleen Hicks, Chris Wood, Avril Haines and others to review planning and decisions. Kathleen Austin-Ferguson from Pat's office joined as well. The following is agreed:

- Johnnie is speaking with Ambassador Wohlers now to work details to be ready for departure as early as 1500 tomorrow.
- Johnnie is also confirming that Amb. Wohlers has accepted French protection for two houses on residence compound and protection is in place.
- Kathleen has expedited paper work for ExecSec to go to DoD tonight and for Pat to sign ordered departure first thing in the morning.
- Diplomatic Security has reviewed plans with RSO for moving Amcits to airport (20 minutes from post) through multiple runs protected by French.
- General Ham has identified assets, is finalizing conops, and knows that if we can move people tomorrow vice original Friday early hours, tomorrow is strongly preferred.
- We have not yet told Amcits explicitly of ordered departure to protect their and embassy security though they have a heads up. Amb. Wohlers has a meeting tomorrow morning with Amcit leaders to talk through process. He has just told Johnnie that he thinks he can get everything done by 1500 but there is a great deal to do to manage all Amcits and all personnel including the FSNs who will maintain the embassy after we leave (only need 20 minutes to finish classified destruction).
- We are all committed to moving as expeditiously as possible while keeping everyone safe. We are hopeful that will be tomorrow at 1500 but no later than early morning Friday. The airport is 24 hour capable but General Ham says barely, making a landing and take-off at night less than optimal.

The rebels remain outside of Bangui. Press reports that they are somewhere between 45-60 miles out. The rebels have said that they are not yet moving on Bangui but it remains to be seen what will really happen. Johnnie has also been in close touch with his French counterpart and Fabius and Hollande are being briefed. The French do not intend to suspend their operations because there are too many French in CAR to be able to evacuate all. There will be an update in the morning book by the IC on the entire situation. Both Johnnie and I are ready to brief you or anyone else on this email. We will send around the NSS summary of the call but wanted to bring you up to date quickly.

Wendy

RELEASE IN FULL

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Friday, January 25, 2013 7:34 AM
To: H; Mills, Cheryl D; Sullivan, Jacob J; Reines, Philippe I
Subject: FW: Tripoli, Libya, 1/24/2013 Emergency Message

Madam Secretary

Not sure where NPR getting its info

H/W next of Emergency Message issued by Embassy Tripoli and posted to its website [yesterday, Thursday, the 24th] as well as sent individually to all AmCits who have registered with the Embassy

As the message notes, we already have a published Travel Warning against travel to Benghazi.
The Emergency Message below has a hyperlink to our earlier warning. The relevant text of that warning is:

Libya

January 02, 2013

The Department of State warns U.S. citizens of the risks of traveling to Libya and strongly advises against all but essential travel to Tripoli and all travel to Benghazi, Bani Walid, and southern Libya, including border areas and the regions of Sabha and Kufra.

Will make sure that CA provides Press Guidance to PA

Regards

pat

**Embassy of the United States of America
Tripoli, Libya
Emergency Message for U.S. Citizens
January 24, 2013**

The United States continues to advise against all travel to Benghazi. At least two other diplomatic missions have advised their citizens to leave Benghazi immediately. Although there is no specific information pointing to specific, imminent threats against U.S. citizens, the potential for violence and kidnappings targeting Westerners in Benghazi is significant. We refer all U.S. citizens to the travel warning for Libya issued January 2, 2013, advising against all travel to Benghazi. Because of ongoing instability and violence, the Department's ability to provide consular services to U.S. citizens in Benghazi and other regions referenced in the travel warning is extremely limited. We strongly encourage all U.S. citizens to take appropriate precautions as the security situation in Libya is volatile. Review your personal safety plans,

remain aware of your surroundings, including local events, and monitor local news stations for updates. Maintain a high level of vigilance and take appropriate steps to enhance your personal security.

We also recommend that U.S. citizens traveling to or living in Libya enroll in the Department's Smart Traveler Enrollment Program (STEP) website. STEP enrollment ensures you receive updated information on travel and security within Libya, and makes it easier for the U.S. embassy or nearest U.S. consulate to contact you in an emergency.

For further information, U.S. citizens should consult the Department of State's Country Specific Information for Libya. Stay up to date by bookmarking our Bureau of Consular Affairs website, which contains the current Travel Warnings and Travel Alerts as well as the Worldwide Caution.

You can also follow the Bureau of Consular Affairs on Twitter and on Facebook, and download our free Smart Traveler App available through iTunes and the Android market to have travel information at your fingertips. You may also follow U.S. Embassy Tripoli on Twitter and on Facebook for information for U.S. citizens.

Up-to-date information on security can also be obtained by calling 1-888-407-4747 toll-free in the United States and Canada, or, for callers outside of the United States and Canada, on a regular toll-line at 1-202-501-4444. These numbers are available from 8:00 a.m. to 8:00 p.m. Eastern Time, Monday through Friday (except U.S. federal holidays).

U.S. citizens in need of emergency assistance should call 091-379-4560 between 0900 and 1500 Sunday to Thursday. The number for after-hours emergencies is 091-220-5203. The Embassy's e-mail address is Tripoliconsular@state.gov.

This email is UNCLASSIFIED.

RELEASE IN FULL

From: Kennedy, Patrick F <KennedyPF@state.gov>
Sent: Sunday, January 27, 2013 8:05 PM
To: H; Mills, Cheryl D
Subject: Re: Washington Post

Roger

----- Original Message -----

From: H [mailto:HDR22@clintonemail.com]
Sent: Sunday, January 27, 2013 07:21 PM
To: Kennedy, Patrick F; Mills, Cheryl D
Subject: Re: Washington Post

Thx, Pat. Let's discuss tomorrow morning.

----- Original Message -----

From: Kennedy, Patrick F [mailto:KennedyPF@state.gov]
Sent: Sunday, January 27, 2013 07:14 PM Eastern Standard Time
To: H; Mills, Cheryl D <MillsCD@state.gov>
Subject: Re: Washington Post

Madam Secretary

We have a long time published travel warning against all travel to Somalia

It was last update on 12/26/12

Regards

Pat

----- Original Message -----

From: H [mailto:HDR22@clintonemail.com]
Sent: Sunday, January 27, 2013 06:54 PM
To: Mills, Cheryl D; Kennedy, Patrick F
Subject: Washington Post

The Brits have just called

for their citizens to leave Somalia. What's our position?

http://m.washingtonpost.com/world/europe/uk-specific-threat-to-westerners-in-somaliland-region-of-somalia-urges-immediate-evacuation/2013/01/27/cc34a0d0-688c-11e2-9a0b-db931670f35d_story.html

RELEASE IN PART
B5, B6

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Monday, April 2, 2012 8:12 PM
To: H
Subject: Fw: Advance notice re a pending FOIA release likely to get press attention
Attachments: zelikowmemo.release.042012.pdf

From: Kennedy, Patrick F
Sent: Monday, April 02, 2012 07:39 PM
To: Mills, Cheryl D
Subject: FW: Advance notice re a pending FOIA release likely to get press attention

Cheryl

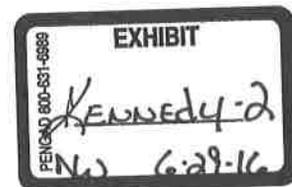
Does this comport with what you have agreed to?

Regards

pat

From: Walter, Sheryl L
Sent: Monday, April 02, 2012 7:03 PM
To: Kennedy, Patrick F; Barr, Joyce A; Grafeld, Margaret P
Cc: Dorosin, Joshua L; Petrovich, Peggy L; Mehta, Jason P; Maier, Christina A; Bemish, Renee C
Subject: Advance notice re a pending FOIA release likely to get press attention

Pat, Joyce and Peggy – I wanted to make sure everyone in my chain of command is aware of a declassified document we are planning to release under FOIA, perhaps as early as tomorrow (Tuesday, 4/3) that is likely to get press attention and about which Cheryl Mills is aware and has cleared on.



B5

Public Affairs already is aware of this pending release and will have a copy of the document and background information as needed.

I wanted to be sure you all were in the loop on this now so that you won't be taken by surprise and were assured this has been fully vetted, cleared, and planned for. I will let you know if for some reason this does not go out as planned.

Please let me know if you have any questions or need anything re this or anything else. Thanks, Sheryl

Sheryl L Walter
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A/GIS/IPS; Room 5073, SA-2
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Washington, DC 20520
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B6

SBU
This email is UNCLASSIFIED.