



**Planet Depos®**

*We Make It Happen™*

---

# Transcript of Jacob Sullivan

**Date:** April 16, 2019

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

**Planet Depos**

**Phone:** 888.433.3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

**www.planetdepos.com**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

-----x  
JUDICIAL WATCH, INC.,  
Plaintiff,  
v. C.A. 14-01242 (RCL)  
U.S. DEPARTMENT OF STATE,  
Defendant.  
-----x

DEPOSITION OF JACOB SULLIVAN

THIS DEPOSITION TAKEN PURSUANT TO NOTICE AT OHIVE,  
155 FLEET STREET, PORTSMOUTH, NEW HAMPSHIRE, ON TUESDAY,  
APRIL 16, 2019, COMMENCING AT 8:57 A.M.

APPEARANCES

For the Plaintiff:

By: Michael Bekesha, Esq.

James Peterson, Esq.

425 Third Street, Suite 800

Washington, DC 20024

For the Defendant:

US DEPARTMENT OF JUSTICE

By: Elizabeth J. Shapiro, Esq.

Stephen M. Pezzi, Esq.

Cassandra Kildow, Esq.

1100 L Street NW

Washington, DC 20005

APPEARANCES (Cont'd):

For the Deponent:

WILKINSON, WALSH & ESKOVITZ

By: Cali Cope-Kasten, Esq.

Hal Brewster, Esq.

2001 M Street, NW, 10th Floor

Washington, DC 20036

Videographer:

Paul Pazolt, Legal Video Specialist

Court reporter:

Sharon G. Saalfeld, LCR No. 147, MA CSR, RPR, CRR



STIPULATIONS

It is agreed that the deposition shall be taken in the first instance in stenotype and when transcribed may be used for all purposes for which depositions are competent under Federal law.

Notice, filing, caption and all other formalities are waived. All objections except as to form are reserved and may be taken in court at time of trial.

It is further agreed that if the deposition is not signed within thirty (30) days after submission to counsel, the signature of the deponent is waived.

Transcript of Jacob Sullivan  
Conducted on April 16, 2019

5

1	INDEX		
2	WITNESS		PAGE
3	Jacob Sullivan		
3	By Mr. Bekesha		7
4	By Ms. Cope-Kasten		83
5	EXHIBITS		
6	NUMBER	DESCRIPTION	PAGE
7	1	9/15/12 email from J. Sullivan to R. Ryu	6
8	2	9/15/12 email from J. Sullivan to R. Ryu	6
9	3	7/29/12 email from C. Mills to J. Sullivan	25
10	4	8/11/15 Unclassified Memo	41
11	5	1/26/10 email from J. Sullivan to	
12		H. Abedin	55
13	6	9/25/10 email from H. Clinton to	
14		J. Sullivan	57
15	7	1/10/11 email from H. Abedin to	
16		J. Sullivan and C. Mills	59
17	8	6/17/11 email from H. Clinton to	
18		J. Sullivan	59
19	9	7/22/11 email from H. Abedin to	
20		J. Sullivan	61
21	Errata Sheet:		
22	(Original exhibits were retained by Mr. Bekesha.)		

1 P R O C E E D I N G S

2 (Exhibits 1 and 2 marked for  
3 identification.)

4 VIDEOGRAPHER: Here begins DVD number one  
5 in the videotaped deposition of Jacob Sullivan  
6 in the matter of Judicial Watch, Incorporated,  
7 versus the US Department of State, in the US  
8 District Court, District of Columbia. Case  
9 number 14-01242 RCL.

10 Today's date is April 16th, 2019. The  
11 time on the video monitor is approximately 8:57  
12 a.m. The videographer today is Paul Pazolt  
13 representing Planet Depos.

14 This video deposition is taking place at  
15 155 Fleet Street, Portsmouth, New Hampshire.

16 Would counsel please voice identify  
17 themselves and state whom they represent?

18 MR. BEKESHA: Michael Bekesha on behalf of  
19 Judicial Watch.

20 MR. PETERSON: James Peterson on behalf of  
21 Judicial Watch.

22 MS. COPE-KASTEN: Cali Cope-Kasten on

1    behalf of Jake Sullivan.

2           MR. BREWSTER:  Hal Brewster, also on  
3    behalf of Jake Sullivan.

4           MS. SHAPIRO:  Elizabeth Shapiro on behalf  
5    of the Department of State and on behalf of the  
6    witness in his capacity as a former State  
7    Department official.

8           MR. PEZZI:  Stephen Pezzi from the  
9    Department of Justice also on behalf of the  
10   Department of State.

11          MS. KILDOW:  Cassandra Kildow on behalf of  
12   the Department of State.

13          VIDEOGRAPHER:  The court reporter today is  
14   Sharon Saalfield representing Planet Depos.  
15   Would the court reporter please swear in the  
16   witness?

17                   JACOB SULLIVAN,  
18   having been duly sworn by Ms. Saalfield,  
19   was deposed and testified as follows:

20                           EXAMINATION

21   BY MR. BEKESHA:

22   Q.   Good morning, Mr. Sullivan.  My name is Michael

1       Bekesha. I'm an attorney for Judicial Watch. I'm  
2       here to ask you some questions about one of Judicial  
3       Watch's Freedom of Information Act's lawsuits  
4       against the State Department, specifically questions  
5       about whether Secretary Clinton's use of a private  
6       email server was intended to stymie FOIA and whether  
7       the State Department has adequately searched for  
8       records responsive to Judicial Watch's FOIA requests  
9       concerning the talking points provided to Ambassador  
10      Susan Rice concerning the September 11th, 2012  
11      attacks on Benghazi prior to her September 16th,  
12      2012 television appearances.

13               Before we begin, could you please state and  
14      spell your name for the record?

15    A.   My name is Jake Sullivan. J-A-K-E,  
16       S-U-L-L-I-V-A-N.

17    Q.   Thank you. Also I'd like to go over a few ground  
18       rules. Your counsel may have already talked to  
19       about them, but it will be helpful to make this  
20       deposition go more smoothly.

21               If you don't hear one of my questions, let me  
22      know and I'll be happy to repeat it. If you don't

1 understand one of my questions, let me know that as  
2 well and I'll try to make myself clearer.

3 It's also important that you respond out loud  
4 as opposed to shaking your head or even gestures  
5 because the court reporter can't record those  
6 things.

7 Finally, it's important that you wait until I'm  
8 done asking my questions, or if your counsel or  
9 Ms. Shapiro is making objections, wait until they're  
10 done speaking. The court reporter can only record  
11 one of us at a time.

12 Also, if you need a break at any point, please  
13 let me know. We're going to move through it quickly  
14 but I'm happy to take breaks whenever your counsel  
15 or you need. Just let me know.

16 With that, let's jump right in and let's mark  
17 this as Exhibit 1. I guess it was already  
18 pre-marked as Exhibit 1.

19 If you could just take a minute and look over  
20 the email?

21 A. Okay.

22 Q. Excellent. Thank you.

1           For the record, Exhibit 1 has been marked.  
2           It's a email chain. At the top of the chain it's an  
3           email from you dated September 15th, 2012 at 2:44  
4           p.m. with the subject of "forward"; is that  
5           correct?

6   A.   Yes.

7   Q.   Who is this email sent to?

8   A.   It was sent to Rexon Ryu.

9   Q.   And who is Rexon Ryu?

10   A.   He was the deputy at USUN, the US mission to the  
11       United Nations.

12   Q.   Thank you. In the subject it refers to -- it says  
13       you and Erin. Who is Erin?

14   A.   I believe Erin is Erin Pelton who was Susan Rice's  
15       senior advisor or some sort of advisor to Susan  
16       Rice.

17   Q.   Do you have any idea what her title was?

18   A.   I don't recall her title.

19   Q.   Okay. And that was an advisor at Ambassador Rice's  
20       position at the USUN?

21   A.   Right. I think Erin was attached to USUN as well  
22       but I'm not a hundred percent sure of that.

1 Q. Okay. Great. Thank you. Moving down to the -- I  
2 guess the previous email right below it. I just  
3 want to go through and identify all those  
4 individuals that the email went to.

5 Let's start with Benjamin Rhodes. Who is  
6 Mr. Rhodes?

7 A. Mr. Rhodes was a senior advisor to President  
8 Obama.

9 Q. Do you know what his title and in what office he was  
10 located in?

11 A. I believe his title was Deputy National Security  
12 Advisor.

13 Q. Okay.

14 A. I'm not sure what you mean by what office he was  
15 located in.

16 Q. He was located in the White House or national -- he  
17 wasn't located in the State Department?

18 A. No. He was an official associated with the White  
19 House.

20 Q. Okay. Thank you. The next person that the email  
21 was sent to, it looks like just the name or part of  
22 the email address is there. Do you know who that



1 individual is?

2 A. I believe that that's the email address for Michael  
3 Morell.

4 Q. Okay. And who is Mr. Morell?

5 A. He was the Deputy Director of the Central  
6 Intelligence Agency at the time.

7 Q. Okay. Going on to the next person. Robert  
8 Cardillo?

9 A. Robert Cardillo was the Deputy Director of National  
10 Intelligence, the Deputy DNI.

11 Q. What about the next person? Looks like Alan R?

12 MS. SHAPIRO: I'm going to just object for  
13 a moment. I may have to pause to confer with  
14 the witness because I don't want him to  
15 disclose any name that is redacted pursuant to  
16 the NSA Act that would be inappropriate on the  
17 public record.

18 MR. BEKESHA: Okay.

19 MS. SHAPIRO: If you don't mind if I just  
20 confer --

21 MR. BEKESHA: Not at all.

22 MS. SHAPIRO: -- for a moment? Thank you.

1 BY MR. BEKESHA:

2 Q. Is that individual not a State Department employee?

3 MS. SHAPIRO: You can answer that.

4 THE WITNESS: I don't believe that's a  
5 State Department employee.

6 MR. BEKESHA: Okay. Let's move on then.

7 MS. SHAPIRO: All right.

8 MR. BEKESHA: We'll try to resolve those  
9 as they come up.

10 MS. SHAPIRO: Thank you.

11 MR. BEKESHA: Not trying to go beyond what  
12 we need.

13 BY MR. BEKESHA:

14 Q. The next individual, it looks like Matt Olsen?

15 A. Matt Olsen I believe at the time was the director of  
16 the National Counterterrorism Center.

17 Q. What about the next person?

18 A. Mark Giuliano?

19 Q. Yes.

20 A. I think Mark Giuliano -- and again, I'm sorry, this  
21 was seven years ago. So I think he was attached to  
22 the FBI, was a senior official at the FBI.

1 Q. Okay. It looks like the next email address, J.  
2 Cingli potentially? Do you know who that is?

3 A. I don't.

4 Q. Okay. The next one, Lisa Monaco?

5 A. Lisa Monaco, I think in 2012 she was at DOJ but I  
6 don't know that for certain.

7 Q. Was she somewhere else before or after DOJ?

8 A. After she became the national -- the Homeland  
9 Security and Counterterrorism advisor to President  
10 Obama but I believe in 2012 she was at DOJ.

11 Q. The next one is G-E-O-R-G-J-W-2?

12 MS. SHAPIRO: I'm going to just ask that  
13 maybe you follow up with the same question  
14 about whether or not he worked for State before  
15 the witness answers.

16 BY MR. BEKESHA:

17 Q. Did he work at the State Department?

18 A. I don't think so but I'm not actually sure who that  
19 is.

20 MR. BEKESHA: Okay. Is that going to be  
21 applying to the rest of that row, Betsy?

22 MS. SHAPIRO: I -- I believe so.

1 BY MR. BEKESHA:

2 Q. C-Y-N-T-H-L-R. Do you know who that is?

3 A. No.

4 Q. C-H-R-I-S-T-R-M? Do you know who that is?

5 A. No.

6 Q. And then Rodney, R-O-D-N-E-Y-A-S? Do you know who  
7 that is?

8 A. I do.

9 Q. Was that a State Department employee?

10 A. No.

11 Q. Okay. All right. Thank you. Going a little bit  
12 more broadly now with this email. Could you talk  
13 about what this email chain is?

14 A. This email chain originated with Michael Morell  
15 sending around his suggested points that were  
16 prepared for the CIA to be shared with the House  
17 Permanent Select Committee on Intelligence that  
18 reflected the best understanding of the intelligence  
19 community at this time as to what happened on the  
20 evening of September 11th in Benghazi.

21 Q. Okay. And lower down on the page I guess it's the  
22 one, two, the 4th email. It says, "Per the

1 discussion at Deputies." Do you see that?

2 A. I do.

3 Q. What does "at Deputies" mean?

4 MS. COPE-KASTEN: Objection. Calls for  
5 speculation. You may answer.

6 THE WITNESS: That refers to the Deputies  
7 Committee which is the sub-cabinet officials  
8 below cabinet level, to the Deputy Director of  
9 the Central Intelligence Agency, the Deputy  
10 DNI, the Deputy Secretary of State and so  
11 forth. They gather in the Deputies Committee  
12 to address issues of foreign policy and  
13 national security.

14 BY MR. BEKESHA:

15 Q. Okay. Was there a particular meeting that took  
16 place around that time that this is referring to?

17 A. There was a meeting probably two to three times a  
18 day through this period.

19 Q. Okay. Do you know who attended -- do you recall who  
20 attended those meetings?

21 A. I think it was a fluid group of people. The core  
22 folks were those deputies that I just described, the

1       deputies in the various cabinet agencies relative to  
2       national security, but then there was a series of  
3       other participants from the main national security  
4       and foreign policy agencies as well.

5     Q.   How about from the State Department?

6     A.   The State Department would have had a rotating cast  
7       of several different participants.

8     Q.   Do you recall who those individuals would have  
9       been?

10    A.   I couldn't tell you everybody who was there, no.

11    Q.   Could you tell me some of who you remember, or who  
12       you remember?

13    A.   I attended some of them, not all of them.  Pat  
14       Kennedy attended some of them.  You're testing my  
15       memory from a long time ago.  I'd be -- I'm sorry,  
16       I'd be guessing a little bit to say who was in the  
17       room for these meetings.  I mean, we had a lot of  
18       meetings.  We were meeting around the clock, not  
19       just with respect to Benghazi, but with respect to  
20       the threats and attacks on our embassies across the  
21       region.  So this was a time that was all hands on  
22       deck.  There were a lot of people coming in and out

1 of various rooms.

2 Q. Approximately how many meetings did you attend  
3 during this time period?

4 MS. COPE-KASTEN: Objection. Relevance,  
5 beyond the scope.

6 MS. SHAPIRO: Same objection.

7 THE WITNESS: I think I was -- I was in  
8 meetings virtually all day, every day.

9 BY MR. BEKESHA:

10 Q. Okay. Besides this chain of emails, do you recall  
11 any other emails that were being circulated  
12 regarding these talking points or these points, as  
13 you called them?

14 A. I -- when you say, "other emails being circulated  
15 with respect to these points," can you -- can you  
16 clarify?

17 Q. Sure. I'll strike that question and may come back  
18 to it later.

19 Do you know if these points that are being  
20 discussed in this email chain, if this email chain  
21 made its way to Ambassador Rice?

22 MS. COPE-KASTEN: Objection. Calls for

1 speculation. Lack of foundation.

2 MR. BEKESHA: You may answer the question.

3 THE WITNESS: I don't know what happened  
4 with the points after I sent this email to  
5 Rexon.

6 BY MR. BEKESHA:

7 Q. Okay. At the top it says, "You and Erin should  
8 confirm with Ben that Susan can deploy tomorrow."  
9 Who is Ben?

10 A. Ben is Ben Rhodes.

11 Q. Okay. And who is Susan?

12 A. Susan is Susan Rice.

13 Q. And what do you mean by, "Can deploy tomorrow"?

14 A. Rexon had emailed me to say, "Hey, I hear that there  
15 are points that the CIA has prepared that reflect  
16 the intelligence community's assessment of what  
17 happened in Benghazi. Can you send them to me?  
18 Because I'd like Susan to have them."

19 And that's what I'm doing here. I sent him an  
20 email that basically said, "Here they are, but you  
21 have to check with Ben on whether or not she could  
22 use them."



1 Q. And do you know if she used the talking points?

2 A. Like I said, I wasn't part of her prep for the  
3 Sunday show so I'm not sure what she relied on in  
4 her points. I just don't know exactly how these  
5 played into her preparation.

6 Q. Did you ever speak to Ambassador Rice or email --  
7 strike.

8 Did you ever speak to Ambassador Rice before  
9 she -- before her appearances?

10 MS. COPE-KASTEN: Objection. Beyond the  
11 scope.

12 THE WITNESS: I mean, I spoke with her  
13 many times over the years, but you mean in  
14 this --

15 BY MR. BEKESHA:

16 Q. In this context following these --

17 A. No. I was not part of her preparation for these  
18 points, no.

19 Q. Did you ever email with her about these points?

20 A. I don't remember emailing with her about these  
21 points.

22 Q. Let's have you take a look at what's been pre-marked

1 as Exhibit 2.

2 Have you had a chance to look at the email?

3 A. Yeah.

4 Q. Okay. Great. Thank you. Exhibit 2, just for the  
5 record, appears to be an email from you dated  
6 September 15, 2012, at 2:44 p.m. to Rexion Ryu; is  
7 that correct?

8 A. Yes.

9 Q. Great. Just one quick question on this. Who is  
10 Eric -- I'm going to not pronounce his last name  
11 correctly -- Pelofsky?

12 A. Yeah, that's his -- that's his last name.

13 Q. Do you know who he is?

14 A. Yeah. Eric Pelofsky worked for Rexion at the USUN  
15 office in Washington.

16 Q. Okay. I know this is several years ago but do you  
17 recall if you ever used a non-State Department email  
18 account during the time period between the Benghazi  
19 attack and September 16th of -- I guess we're in  
20 2012?

21 MS. SHAPIRO: Objection to form.

22 THE WITNESS: I -- a non-State Department

1 email account between September 11th and  
2 September 16th?

3 BY MR. BEKESHA:

4 Q. Yeah, for State Department. Sorry about that.

5 A. I don't remember.

6 Q. Okay. Do you know if any of those individuals that  
7 you identified on the previous email chain used  
8 non-government email accounts during that time  
9 period to conduct government business?

10 MS. COPE-KASTEN: Object to the form.  
11 Lack of foundation.

12 THE WITNESS: No, I don't know if any of  
13 them did.

14 BY MR. BEKESHA:

15 Q. Okay. Besides email communications, do you recall  
16 during that same time period if there were other  
17 ring types of communications, if you sent or  
18 received text messages between that time period  
19 about these talking points?

20 MS. SHAPIRO: Object to form.

21 MS. COPE-KASTEN: Same objection.

22 THE WITNESS: No, I don't remember sending

1                   any text messages.

2           BY MR. BEKESHA:

3       Q.   How about Blackberry messages?

4       A.   Or Blackberry messages.

5       Q.   Chat messages or --

6       A.   Oh, Blackberry messages meaning emails?

7       Q.   I guess Blackberry pins.  You know, the short BBM  
8           messages?

9       A.   No, I don't remember sending any of those in that  
10          time period.

11      Q.   Chat messages or anything else of instantaneous  
12          written communication?

13      A.   No, I don't think I used chat during my time in the  
14          State Department.

15      Q.   Okay.  Thank you.  I believe you told the Benghazi  
16          select committee that a lot of people from the State  
17          Department were involved making sure these talking  
18          points said what they wanted them to say.  Do you  
19          recall who some of those individuals were?

20                   MS. SHAPIRO:  Object to form.

21                   THE WITNESS:  Well, you sent this -- you  
22          showed me this document earlier which contains

1           the relevant three bullets which I think are  
2           what you're referring to by the talking points.

3           MR. BEKESHA: Yes.

4           THE WITNESS: And so this email chain were  
5           the people who were asked to review and sign  
6           off on those talking points, and they represent  
7           individuals from across various agencies of the  
8           US government.

9           BY MR. BEKESHA:

10          Q. Okay. Were there other individuals besides yourself  
11           at the State Department that was specifically  
12           involved in either creating or signing off on the  
13           talking points?

14          A. Nobody at the State Department was part of creating  
15           the talking points. The talking points were created  
16           at the CIA.

17          Q. Okay. What about revising them or making comments  
18           on them?

19          A. I don't remember if other people weighed in on the  
20           talking points. It's very possible that they did.  
21           My revisions to these, you can see in this document,  
22           were to change US mission -- change "consulate" to

1 "mission" or "diplomatic post," because it wasn't  
2 technically a consulate, and to add "of" which was  
3 missing in the third tick.

4 Q. I didn't want to -- I didn't want to suggest that  
5 there was any substantive changes. We're not here  
6 for that, and I know you've answered a lot of  
7 questions from a lot of different people around  
8 that. I'm just trying to figure out who you may  
9 have talked to. So when I said revisions I didn't  
10 mean anything substantive, just what is on the paper  
11 there.

12 So I'm just wondering if you talked to anybody  
13 else, if you emailed anybody else about the talking  
14 points, not -- I don't care about the substance of  
15 what was changing and what wasn't.

16 MS. COPE-KASTEN: Object to the form.

17 MR. BEKESHA: You may answer the question.

18 THE WITNESS: As far as I remember, when  
19 these points came in I said they looked fine  
20 except for these changes. I don't recall  
21 consulting with anybody else on them.

22 MR. BEKESHA: Mark this as Exhibit 3.

1 (Exhibit 3 marked for identification.)

2 BY MR. BEKESHA:

3 Q. Have you had a chance to review the exhibit?

4 A. Yes.

5 Q. For the record, this appears to be a email chain,  
6 the top email from Cheryl Mills dated September 29,  
7 2012, at 1:18 p.m.; is that correct?

8 A. Yes.

9 Q. Do you recall this email chain?

10 A. I do. I do recall this email chain, yeah.

11 Q. Do you recall what it's about?

12 A. In general. I mean, I couldn't tell you what the  
13 specific words are, all of which are blocked, so I  
14 couldn't tell you.

15 Q. Yeah, I don't care about --

16 A. But in general, yes, I could tell you.

17 Q. In -- generally, what was it about?

18 A. It was my effort to provide Secretary Clinton with  
19 some points she could use for a conversation with  
20 Senator McCain in the aftermath of the attack in  
21 Benghazi and the US government's response to it.

22 Q. Okay. And the top email here appears to be an email

1 of Cheryl Mills providing some thoughts on those  
2 points?

3 A. That's right.

4 Q. Who is Cheryl Mills?

5 A. Cheryl Mills was the chief of staff at the State  
6 Department.

7 Q. Okay. And you're on this email as well?

8 A. Yes, I am.

9 Q. And the last person is Phillip (sic) Reines?

10 A. Philippe Reines, yes.

11 Q. I completely got that wrong.

12 A. That's okay.

13 Q. Who is he?

14 A. Philippe Reines was the Deputy Assistant Secretary  
15 for Public Affairs at State.

16 Q. Okay. Looking at the "to" line of this email, it  
17 says jake.sullivan, and there's a part redacted. Do  
18 you know if that is your personal email address?

19 A. I believe it is.

20 Q. Okay. Do you know why Ms. Mills was sending this to  
21 your personal email address?

22 MS. COPE-KASTEN: Objection. Calls for



1 speculation. Lack of foundation.

2 MR. BEKESHA: You may answer the question.

3 THE WITNESS: I don't know. I sent the  
4 points, as you can see from the subsequent  
5 email, from my State Department account to  
6 Secretary Clinton and to Cheryl. I'd have to  
7 speculate as to why she may have used her  
8 personal email.

9 I would note this all transpired on a  
10 Saturday but I couldn't tell you why she was  
11 writing from her personal account.

12 BY MR. BEKESHA:

13 Q. Did she write from her personal account to your  
14 personal account often?

15 MS. COPE-KASTEN: Objection. Vague.

16 MR. BEKESHA: You may answer the question.

17 THE WITNESS: She did from time to time.

18 I wouldn't say it was often.

19 BY MR. BEKESHA:

20 Q. Did you ever have any discussions with her about use  
21 of non-State Department email accounts?

22 A. I don't remember talking to her about it, no.

1 Q. Okay. Do you know who Dave Adams is?

2 A. Yes.

3 Q. Who is he?

4 A. He was the Assistant Secretary for Legislative  
5 Affairs or -- yes, I believe he was the assistant  
6 secretary. He was a senior official involved with  
7 Legislative Affairs in the State Department.

8 Q. Okay. Was he involved in discussions about the  
9 talking points between Benghazi and this time  
10 Ambassador Rice went on the Sunday shows?

11 A. I don't remember. It's possible that he was on an  
12 email chain but I -- I don't remember if he was or  
13 not.

14 Q. Okay. How about who is Victoria Nuland?

15 A. Victoria Nuland was the spokesperson at the State  
16 Department.

17 Q. Okay. Was she involved with the -- either reviewing  
18 or looking at or just discussing the talking points  
19 between Benghazi and the time Ambassador Rice went  
20 on the Sunday shows?

21 MS. COPE-KASTEN: Objection. Beyond the  
22 scope. Lack of foundation.

1                   THE WITNESS: She raised questions, as I  
2                   recall, about the original draft of the talking  
3                   points basically saying, you know, "What is  
4                   going on here? What are you trying to do with  
5                   these things? This doesn't sound right to me."  
6                   But beyond that, I don't remember her being  
7                   involved.

8                   BY MR. BEKESHA:

9                   Q. Do you remember if that was done over email or in  
10                  person or over the phone?

11                 A. I believe it was done over email since there were  
12                  multiple hours of testimony by many people about  
13                  that particular email. She testified to it. I  
14                  testified to it. So I don't recall any other  
15                  discussions from -- from her beyond that set of  
16                  exchanges.

17                 Q. Okay. I'm going to switch gears a little bit now.

18                  Do you recall that an accountability review  
19                  board was set up after the Benghazi terrorist  
20                  attack?

21                 A. Yes.

22                 Q. Were you part of that process at all?

1 A. I was -- I think the accountability review board  
2 spoke to me as part of that process. I don't  
3 recall, but I believe that I had to speak with them,  
4 as did all the other senior officials.

5 Q. Do you recall if you provided them with any  
6 documents?

7 A. I don't remember.

8 Q. Do you recall if you reviewed or assembled any  
9 documents of anybody's during that time period to be  
10 provided to the board?

11 A. I don't remember doing that, no.

12 Q. Do you recall if you destroyed any documents prior  
13 to the accountability review board?

14 A. I would remember if I destroyed any documents. I  
15 did not.

16 Q. Okay. Similarly, Secretary Clinton testified before  
17 Congress in part about Benghazi for quite some time,  
18 a long period of time. Were you involved in the  
19 preparation for her testimony?

20 A. I was.

21 Q. Did you provide any documents to Secretary Clinton  
22 or anyone else in preparation for that testimony?

1 MS. COPE-KASTEN: Objection. Beyond the  
2 scope.

3 MR. BEKESHA: You may answer the question.

4 THE WITNESS: I don't think I provided  
5 documents to her, no. I remember being in  
6 preparation sessions where I asked her very  
7 difficult questions playing a member of  
8 Congress, but I don't remember providing any  
9 documents to her.

10 BY MR. BEKESHA:

11 Q. Do you remember reviewing any documents?

12 MS. COPE-KASTEN: Objection. Beyond the  
13 scope.

14 THE WITNESS: I remember reviewing a lot  
15 of documents but, you know, I couldn't tell you  
16 what they were. I mean, I'm sure I read the  
17 accountability review board report and previous  
18 Benghazi material from the hill, but you know,  
19 I don't know exactly what it is that I  
20 reviewed.

21 BY MR. BEKESHA:

22 Q. Okay. More generally, when Congressional -- did you

1           ever respond -- did you ever search for records,  
2           your own records, in response to any Congressional  
3           inquiries or subpoenas while you were at the State  
4           Department?

5                       MS. SHAPIRO: Object to form.

6                       THE WITNESS: Yes. I provided documents  
7                       in response to Congressional requests.

8           BY MR. BEKESHA:

9           Q. Okay. Were those your own records or did you review  
10           records for someone else?

11          A. No, just my own records.

12          Q. Okay. What about in response to FOIA requests? Did  
13           you ever search your records to respond to FOIA  
14           requests?

15                       MS. SHAPIRO: Object to form.

16                       MS. COPE-KASTEN: Same objection.

17                       THE WITNESS: I don't remember ever being  
18                       asked to look for records in relation to FOIA  
19                       requests.

20          BY MR. BEKESHA:

21          Q. Did you ever review or search Secretary Clinton's  
22           records in response to a FOIA request, a

1 Congressional inquiry during her -- during your time  
2 period at the State Department?

3 MS. SHAPIRO: Object to form.

4 MS. COPE-KASTEN: Object to relevance.

5 THE WITNESS: No.

6 BY MR. BEKESHA:

7 Q. Do you know who would have searched Secretary  
8 Clinton's records?

9 A. I don't.

10 Q. When you started at the State Department, did you  
11 receive FOIA training?

12 A. I don't remember receiving FOIA training, no.

13 Q. Do you recall receiving any FOIA training during any  
14 of your time at the State Department?

15 A. I don't remember receiving FOIA training.

16 Q. Okay. Did you ever receive records management  
17 training?

18 A. I don't remember any records management training. I  
19 had a general sense of, you know, the idea of  
20 maintaining records, but I don't remember any  
21 training.

22 Q. What do you mean by that?

1 A. Just that I was conscious of not deleting the emails  
2 from my, you know, sent and received, but -- or  
3 destroying documents or removing documents or  
4 anything like that.

5 Q. Okay. Besides training, did you ever receive any  
6 memos or guidance or any type of paper regarding --  
7 regarding records management issues?

8 A. I don't remember.

9 Q. Okay. What about when you left the State  
10 Department? Did you receive any guidance or  
11 training about what you could or could not take with  
12 you?

13 A. I moved from the State Department directly to the  
14 White House so I just went from one to the other, so  
15 I wasn't actually leaving government service, and I  
16 don't remember guidance or training in the course of  
17 making that transition.

18 Q. Okay. Did you ever receive guidance or instruction  
19 about using non-State Department email accounts to  
20 conduct official government business?

21 A. I don't remember any specific training about it,  
22 no.



1 Q. Okay.

2 A. Or guidance.

3 Q. Did you use -- during your tenure at the State  
4 Department, did you use non-State Department email  
5 accounts to conduct official government business?

6 A. I did. I used my State Department account  
7 predominantly but I did use my Gmail.

8 Q. Did you have a clintonemail.com email account?

9 A. No.

10 Q. Do you know how much email you sent using your Gmail  
11 account for a state -- when I ask these questions  
12 it's always about to conduct official State  
13 Department business. I can keep saying it but it  
14 can get long and winded. So whenever I refer to  
15 your Gmail account I'm only asking about the use of  
16 State Department business.

17 MS. COPE-KASTEN: Object to the form of  
18 the question.

19 THE WITNESS: I don't know. I just -- I  
20 know it was a small fraction of the overall  
21 email that I sent and received but I couldn't  
22 give you a number. I've seen the catalogue of

1           what we gave to the State Department but that,  
2           of course, also included -- was interspersed  
3           with a lot of personal messages as well, so I  
4           don't -- I don't have a fixed number for you.

5           BY MR. BEKESHA:

6       Q.   Do you know how often you would have used it, the  
7           Gmail account?

8       A.   Like I said, I predominantly relied on State  
9           Department emails, so in terms of my overall email  
10          use it would have been a small percentage of the  
11          time.

12      Q.   Did you email specific people when using the Gmail  
13          account or would you just email whoever you needed  
14          to for State Department business?

15               MS. SHAPIRO:  Objection to form.

16               THE WITNESS:  In the course of my job I  
17          traveled a considerable amount, traveled with  
18          Secretary Clinton to 112 countries, was on the  
19          road quite a bit, and it was typically when  
20          traveling or nights and weekends when I would  
21          use my Gmail and there wasn't a set group of  
22          people that I emailed.  It would be whenever

1           important immediate business needed to get done  
2           so I emailed a wide range of officials at the  
3           State Department.

4           BY MR. BEKESHA:

5       Q.   Did you -- at any point during your tenure at the  
6           State Department did you talk to anybody about your  
7           use of Gmail at that time?

8       A.   I don't remember talking to people specifically  
9           about my use of Gmail, no.

10      Q.   Okay. Did you ever ask for permission or approval  
11           to do so?

12      A.   I don't remember doing that.

13      Q.   When you left the State Department, went to work for  
14           the White House, did you provide the State  
15           Department with emails from your Gmail account?

16      A.   I did not do that until later.

17      Q.   And when did you do that?

18      A.   That was the first half or the summer of 2015, I  
19           believe.

20      Q.   Okay. And how did you return them?

21      A.   Can you be more specific? I'm sorry.

22      Q.   Sure. How did you decide which emails to return?

1     A.    I gave my attorneys access to my Gmail in-box and I  
2           asked them to review -- so that they could take a  
3           look at every email I sent and received over the  
4           entire period of my time at the State Department and  
5           make sure that anything that even remotely resembled  
6           a federal record could be turned over to State.

7     Q.    Did they review your records one by one?

8                   MS. COPE-KASTEN:  I'm going to object here  
9                   and remind Mr. Sullivan that anything he is  
10                  aware of between what you did, what your  
11                  attorneys did, conversations is attorney/client  
12                  privilege, so to the extent that you can answer  
13                  without touching on that, you may do so.  
14                  Otherwise, I'm going to object on the basis of  
15                  privilege.

16                 MR. BEKESHA:  You can answer the question.

17                 THE WITNESS:  Just so I have a sense of  
18                  this privilege thing, do you mind if I just  
19                  have a word with my --

20                 MR. BEKESHA:  No.  Do you want to take a  
21                  minute?

22                 MS. COPE-KASTEN:  Sure.

1 MR. BEKESHA: Off the record.

2 VIDEOGRAPHER: Please stand by. Going off  
3 the record at 9:32 a.m.

4 (Recess taken.)

5 VIDEOGRAPHER: Going back on the record at  
6 9:36 a.m.

7 MS. COPE-KASTEN: Mr. Bekesha, I think  
8 we're okay here but if you could go ahead and  
9 reask your same question to Mr. Sullivan?

10 MR. BEKESHA: Sure.

11 BY MR. BEKESHA:

12 Q. Did they review your records one by one?

13 A. I don't know.

14 Q. Do you know besides what your attorneys may have  
15 told you about the process that they went through?

16 A. No. All I know is that I -- as I said earlier, I  
17 gave them access to my Gmail in-box, and the idea  
18 was that they could go through the entirety of my  
19 in-box, identify anything that even remotely  
20 resembled a federal record, take an expansive view  
21 of that and turn it over to the State Department.  
22 And then I have no further visibility into the

1       process of what they did. I took myself out of it.

2               The next thing I saw was the document that was  
3       produced in advance of today from State saying we've  
4       got this many records. Included among these records  
5       were things that went beyond federal records and  
6       included personal records, so that's all I know.

7   Q.   Okay. Do you know if all federal records from your  
8       Gmail account were produced to the State  
9       Department?

10  A.   I believe they were.

11  Q.   Okay. Do you know that for certainty or you just  
12       believe so?

13  A.   I have strong confidence that given the instructions  
14       and the process, that for that four-year period from  
15       start to finish, every document that I have that was  
16       a federal record was turned over to the State  
17       Department.

18               MR. BEKESHA: Okay. Thank you. Let me  
19       introduce this as Exhibit 4.

20               (Exhibit 4 marked for identification.)

21               THE WITNESS: Would you like me to read  
22       the whole document?

1 MR. BEKESHA: Sure. I'm going to point to  
2 a few but if you feel more comfortable reading  
3 the whole thing now, go ahead. Otherwise, I'll  
4 just point you to a couple paragraphs and you  
5 can take time to read those paragraphs then if  
6 you want. Whatever -- whatever makes the most  
7 sense to you.

8 THE WITNESS: Why don't we do that?  
9 Because, I mean, it's five pages, so if you  
10 want to point to specific things and then if I  
11 need to take a little time to look at it --

12 MR. BEKESHA: Sure.

13 THE WITNESS: -- in the context of that, I  
14 can do that.

15 BY MR. BEKESHA:

16 Q. Not a problem. Just for the record, Exhibit 4 is a  
17 State Department memo dated August 11, 2015 with the  
18 subject Jake Sullivan's July 30th, 2015 response to  
19 Under Secretary Kennedy's March 11, 2015 letter; is  
20 that correct? Is that what this appears to be?

21 A. It does, yeah.

22 Q. Okay. Have you seen this before?

1 A. Yes. This is the document that I was referring to.  
2 I just saw it when it was produced in the last  
3 couple of days.

4 Q. And who was it produced by?

5 A. I believe it was produced by the US government.

6 Q. Okay. I'll have you turn -- this one is -- isn't  
7 page numbers, but page three. There's a chart on  
8 there with the breakdown of documents by year and  
9 type as described in the table below. Do you see  
10 that?

11 A. Yes, I do.

12 Q. Okay. In that chart it says a total from January  
13 22nd, 2009 to February 24th, 2013. Do you see  
14 that?

15 A. I do.

16 Q. Is that what your date of -- range of your  
17 employment at the State Department?

18 A. That -- yes.

19 Q. Okay. Were there any additional days that you were  
20 at the State Department besides that time period?

21 MS. SHAPIRO: Objection to form.

22 THE WITNESS: Not that I recall. I think



1                   those are the dates of my service.

2           BY MR. BEKESHA:

3       Q.    Okay.  In the chart it says that there were 9,585  
4           email documents that were produced.  Do you see  
5           that?

6       A.   I do.

7       Q.    Do you know if that is an accurate number?

8       A.    I have no idea.  All I know is that I think that's  
9           an over-inclusive number based on what the document  
10          goes on to say, which is that there are instances of  
11          personal communications that relate solely to my  
12          private affairs.  So I think that -- you know, so I  
13          couldn't tell you if that's an accurate number or  
14          not of federal records.

15      Q.    Okay.  Moving on to the next page, the last  
16          paragraph on that page.  If you want to take a  
17          moment to read it, then I have a question about it.

18      A.    Yeah.  Okay.

19      Q.    Towards the end of the paragraph it says, "This  
20          collection includes email correspondence between  
21          Mr. Sullivan, Ms. Cheryl Mills --" I'm going to  
22          mispronounce.  Reines, you said?

1 A. Reines.

2 Q. "-- Reines and others conducted solely on personal  
3 accounts."

4 I just had a question about when you sent email  
5 from your Gmail account, did you try to send it --  
6 would you often send it to other non-government  
7 email accounts?

8 MS. COPE-KASTEN: Object to the form of  
9 the question.

10 MS. SHAPIRO: Same objection.

11 THE WITNESS: As I understand your  
12 question, there would be times when I would  
13 send from my Gmail to someone else's non-State  
14 email. Those were not frequent. I typically  
15 sent it to State Department accounts, but there  
16 are instances of that that I'm aware of, yes.

17 BY MR. BEKESHA:

18 Q. When you did that, did you do anything to ensure  
19 that those records would make their way into State  
20 Department record systems?

21 MS. COPE-KASTEN: Object to the form of  
22 the question.

1 THE WITNESS: At the time in some, but not  
2 all cases. In the end, I captured all of those  
3 emails through my lawyer search to turn over to  
4 the State Department which is, you know, how  
5 they're reflected and included in this document  
6 here.

7 BY MR. BEKESHA:

8 Q. Sure. If you did while you were in employment at  
9 the State Department try to get them into the State  
10 Department system, how would you do so?

11 MS. SHAPIRO: Object to form.

12 MS. COPE-KASTEN: Same objection.

13 THE WITNESS: Well, frequently I'd either  
14 be emailing another State Department account or  
15 myself on the State Department system as well,  
16 or I would forward emails to the State  
17 Department account, my State Department  
18 account.

19 BY MR. BEKESHA:

20 Q. Do you recall who else at the State Department used  
21 non-State Department email accounts to conduct  
22 official government business?

1 A. I -- I couldn't give you a list of names. I'm  
2 sorry.

3 Q. Is there anybody in particular that you recall that  
4 you would receive emails from that were from  
5 non-State Department email accounts?

6 MS. COPE-KASTEN: Objection. Vague.

7 THE WITNESS: I mean, you know, obviously  
8 just having read this paragraph, Cheryl and  
9 Philippe would sometimes send emails from their  
10 personal accounts. I think others would as  
11 well. You know, my recollection is that from  
12 time to time, you know, people use personal  
13 email accounts but I couldn't tell you who.

14 BY MR. BEKESHA:

15 Q. Would you say using personal email accounts was the  
16 norm, something that people just frequently -- that  
17 people just did?

18 MS. COPE-KASTEN: Object to the form of  
19 the question.

20 MS. SHAPIRO: Objection to form.

21 THE WITNESS: I wouldn't say it was the  
22 norm.

1 BY MR. BEKESHA:

2 Q. You said that for a majority of your emails you  
3 would use a State Department email account?

4 A. Yes.

5 Q. Why was that?

6 A. Because I thought that the kind of standard  
7 operating procedure in the ordinary course of  
8 business, if there weren't reasons related to  
9 expeditiously being able to carry out my functions  
10 as the Deputy Chief of Staff, that using the State  
11 Department system was the natural normal thing for  
12 me to do, and so I did it.

13 Q. Did you ever think about the Freedom of Information  
14 Act while you were using State -- during your time  
15 at the State Department?

16 A. I did not.

17 Q. Okay. Was your personal email account ever  
18 hacked?

19 MS. COPE-KASTEN: Objection. Beyond the  
20 scope.

21 MR. BEKESHA: You may answer the question.

22 THE WITNESS: I don't -- I don't know. I

1                   don't -- I'm not aware of it being hacked.

2           BY MR. BEKESHA:

3   Q.   Okay. Do you know that Ambassador Stephen Mull said  
4       that he thought your email was compromised in  
5       2011?

6                   MS. SHAPIRO: Objection to form.

7                   MS. COPE-KASTEN: Objection. Beyond the  
8       scope. Can you help me understand which of the  
9       prongs of Judge Sullivan's discovery order you  
10      think this goes to, Mr. Bekesha?

11                  MR. BEKESHA: To prong one. And I can  
12      move the questions along and see if --

13                  MS. COPE-KASTEN: To the prong as to  
14      Secretary Clinton's email? You're asking about  
15      his understanding as to what happened to his  
16      own email account?

17                  MR. BEKESHA: I'm just wondering if it  
18      happened, not his understanding of it.

19                  MS. COPE-KASTEN: I'm going to continue to  
20      assert that this is beyond the scope. You may  
21      answer to the extent that you know.

22                  THE WITNESS: I'm not exactly familiar

1 with what you're talking about.

2 BY MR. BEKESHA:

3 Q. Okay. Did you ever have any conversations with  
4 Secretary Clinton about your personal email account  
5 being compromised or hacked?

6 MS. SHAPIRO: Objection to form.

7 MS. COPE-KASTEN: Objection. Beyond the  
8 scope.

9 THE WITNESS: No.

10 BY MR. BEKESHA:

11 Q. What about in conversations with Cheryl Mills about  
12 that topic?

13 MS. COPE-KASTEN: Same objection.

14 MS. SHAPIRO: Objection to form.

15 THE WITNESS: No.

16 MR. BEKESHA: Okay. Why don't we take a  
17 five-minute break? We're switching gears a  
18 little bit.

19 VIDEOGRAPHER: Please stand by. Going off  
20 the record at 9:47 a.m.

21 (Recess taken.)

22 VIDEOGRAPHER: Going back on the record at

1                   9:55 a.m.

2           BY MR. BEKESHA:

3       Q.    When did you start at the State Department,

4           Mr. Sullivan?

5       A.    In January of 2009.

6       Q.    Okay. And what was your title?

7       A.    Deputy Chief of Staff.

8       Q.    Okay. And what was your general responsibilities?

9       A.    I was responsible for the kind of organization and

10           management of the policy-making process at the State

11           Department which meant advising the Secretary

12           directly as policy issues were surfaced up to her

13           level, and working with the bureaus and embassies as

14           they were developing policy recommendations for

15           her.

16       Q.    And when did you leave the State Department to go, I

17           guess, to the White House?

18       A.    I left in February of 2013.

19       Q.    Okay. And did your job title stay the same during

20           that time period?

21       A.    About halfway through I became the Director of

22           Policy Planning.



1 Q. Okay. And just very briefly, what were your  
2 responsibilities there?

3 A. The policy planning staff at the State Department is  
4 responsible for medium and long-range planning at  
5 State, looking beyond the immediate day to day to  
6 broader trends, themes and strategies and US foreign  
7 policy.

8 Q. And in these positions did you travel with Secretary  
9 Clinton?

10 A. I did. As I mentioned before, I traveled with her  
11 to 112 countries.

12 Q. So you spent a lot of time with her?

13 A. I did.

14 Q. Would you consider yourself a gate-keeper to her?

15 MS. COPE-KASTEN: Object to the form of  
16 the question.

17 THE WITNESS: I wouldn't consider myself a  
18 gate-keeper to anybody.

19 BY MR. BEKESHA:

20 Q. Okay. Did you ever see Secretary Clinton use a  
21 Blackberry?

22 A. I did.

1 Q. During your time at the State Department did you  
2 know what email account was on that State -- was on  
3 that Blackberry?

4 A. Yes.

5 Q. And what was that email account?

6 A. It was a clintonemail.com email account.

7 Q. When did you first become aware of that email  
8 account?

9 A. Right around the time that I came to the State  
10 Department.

11 Q. And how did you learn what the email account was?

12 A. I don't remember.

13 Q. Did Secretary Clinton have a State Department email  
14 account?

15 A. Not that I'm aware of.

16 Q. Okay. Did you think that was unusual?

17 MS. COPE-KASTEN: Objection. Relevance.

18 THE WITNESS: I didn't think much about  
19 it. The -- her email practices weren't a part  
20 of my job responsibility, and I had come to  
21 State having worked for Secretary Clinton  
22 before she was at the State Department and when

1 she was in the Senate, and she had a personal  
2 email account at the Senate as well as other  
3 members of Congress did. So when she switched  
4 over and kept using a personal email account,  
5 it didn't really occur to me that there was  
6 anything unusual about it.

7 BY MR. BEKESHA:

8 Q. Did you ever talk to her about her email account?

9 A. No.

10 Q. Did you talk to anybody while you were at the State  
11 Department about Secretary Clinton's email  
12 account?

13 MS. COPE-KASTEN: Objection. Relevance.

14 THE WITNESS: About her email account?

15 BY MR. BEKESHA:

16 Q. About the email account?

17 A. Not that I remember, no.

18 Q. Okay. At any point during your tenure at the State  
19 Department were you concerned about FOIA records  
20 management when it came to Secretary Clinton's email  
21 account?

22 MS. SHAPIRO: Objection to form.

1 MS. COPE-KASTEN: Same objection.

2 THE WITNESS: I wasn't. And I don't mean  
3 to say that to mean I don't think it's a matter  
4 of concern. I mean it to say that I was  
5 focused on my job responsibilities which were  
6 centrally about the to and fro policies  
7 including the crises that we were dealing with  
8 on a daily basis.

9 BY MR. BEKESHA:

10 Q. Did you ever send classified information to  
11 Secretary Clinton's email account?

12 A. I don't believe I did, no.

13 MR. BEKESHA: Okay. Let's go ahead and  
14 mark this as Exhibit 5.

15 (Exhibit 5 marked for identification.)

16 MS. COPE-KASTEN: Mr. Bekesha, do you know  
17 if there were additional pages of this email or  
18 if this is the end of the document?

19 MR. BEKESHA: I think it's the end of the  
20 document based on how I pulled it off the State  
21 Department's website.

22 THE WITNESS: Okay.

1 BY MR. BEKESHA:

2 Q. Have you had a chance to review the document?

3 A. Yes.

4 Q. It appears to be what's marked as Exhibit 5 is a  
5 email from you to Huma Abedin and Hillary Clinton  
6 dated January 26th, 2010, with the subject, "Call  
7 sheet;" is that correct?

8 A. Right. Yes.

9 Q. Do you know if you sent this from your personal  
10 email account or your State Department email  
11 account?

12 A. I'm not a hundred percent sure but it looks like  
13 it's from my personal account.

14 Q. Okay. Do you recall sending this email?

15 A. I don't specifically remember it, no.

16 Q. Okay. Do you know -- do you recall why you sent it  
17 from your Gmail account to what appears to be --  
18 well, Hillary Clinton's email account but also Huma  
19 Abedin's clintonemail.com email account?

20 MS. SHAPIRO: Object to form.

21 MS. COPE-KASTEN: Same objection.

22 THE WITNESS: I couldn't tell you why

1 specifically I sent this email from my personal  
2 account, no, but I would note that it appears  
3 that there's an attachment to this so it is  
4 very possible that in order for me to not just  
5 send an email on a Blackberry but send it from  
6 a desktop or a laptop, that I may have had  
7 difficulty getting onto the State Department's  
8 system.

9 MR. BEKESHA: Okay. Let's mark the next  
10 exhibit as Exhibit 6.

11 (Exhibit 6 marked for identification.)

12 THE WITNESS: Okay.

13 BY MR. BEKESHA:

14 Q. Perfect. Exhibit 6 appears to be an email from  
15 Hillary Clinton to you dated September 25th, 2010;  
16 is that correct?

17 A. Yes.

18 Q. Or an email chain with that being the top email?

19 A. Right.

20 Q. Okay. Do you recall this email?

21 A. I don't.

22 Q. Okay. As you can see in the first email, it looks

1           like you sent an email to Secretary Clinton using  
2           your State Department email account; is that  
3           correct?

4    A.    Yes.

5    Q.    And then Secretary Clinton responded to your email  
6           but sent it to your personal email account?

7    A.    Right.

8    Q.    In the body of the email she says she's doing so  
9           because of email glitches? Do you see that?

10   A.    I do.

11   Q.    Do you know what she's referring to there?

12   A.    I don't.

13                   MS. COPE-KASTEN: Objection. Lack of  
14                   foundation. Calls for speculation.

15   BY MR. BEKESHA:

16   Q.    Do you recall if there were email glitches in  
17           Secretary Clinton's email during her time at the  
18           State Department?

19                   MS. COPE-KASTEN: Objection. Lack of  
20                   foundation.

21                   THE WITNESS: I don't really have a memory  
22                   of email glitches.

1 MR. BEKESHA: Okay.

2 (Exhibit 7 marked for identification.)

3 THE WITNESS: Okay.

4 BY MR. BEKESHA:

5 Q. Exhibit 7 appears to be an email from Huma Abedin to

6 you and Cheryl Mills dated January 10th, 2011; is

7 that correct?

8 A. Yes.

9 Q. In the subject of the email it says, "Don't email

10 HRC anything sensitive. I can explain more in

11 person;" is that correct?

12 A. That's what it says in the subject line, yes.

13 Q. Okay. Do you recall this email?

14 A. I don't.

15 Q. Okay. Do you know what it's referring to?

16 MS. COPE-KASTEN: Objection. Lack of

17 foundation. Calls for speculation.

18 THE WITNESS: I actually don't.

19 MR. BEKESHA: Okay. We can move on to

20 Exhibit 8.

21 (Exhibit 8 marked for identification.)

22 THE WITNESS: Does this go on?



1                   MR. BEKESHA: I don't believe so. It  
2                   looks like the top of the document is cut off  
3                   from the printers, but not -- not that I am  
4                   aware of.

5                   THE WITNESS: Okay. Okay.

6                   BY MR. BEKESHA:

7                   Q. Have you had a chance to review the record?

8                   A. Yes.

9                   Q. It appears -- Exhibit 8 appears to be an email from  
10                  Hillary Clinton to you dated June 17th, 2011, or an  
11                  email chain with that being the top email; is that  
12                  correct?

13                  A. That's correct.

14                  Q. Okay. The top of the email says, "If they can't  
15                  turn it into non-paper with no identifying heading  
16                  and send non-secure." Do you see that?

17                  A. I do.

18                  Q. What does that mean?

19                  A. A non-paper is a phrase I did not know until I went  
20                  to the State Department. A non-paper is a document  
21                  you typically share with a foreign government, so  
22                  it's a document that doesn't contain classified

1 information that's an unclass doc that doesn't have  
2 anything on it that denotes something official. So  
3 it's a kind of unofficial presentation that can be  
4 shared with others.

5 So what Secretary Clinton was asking me to do  
6 was to take the material that I had and turn it into  
7 this kind of non-paper with no identifying heading.

8 Q. What does she mean by "send non-secure"?

9 A. Well, what she's referring to is that she couldn't  
10 get the secure fax to work, as you can see in the  
11 next email down, so she wanted to get as much of the  
12 material as she could non-secure consistent with it  
13 not containing classified information.

14 MR. BEKESHA: Okay.

15 (Exhibit 9 marked for identification.)

16 BY MR. BEKESHA:

17 Q. Have you had a chance to review the exhibit?

18 A. Yes.

19 Q. And Exhibit 9 is an email chain. At the top is an  
20 email from Huma Abedin to you dated July 22nd, 2011;  
21 is that correct?

22 A. Yes.

1 Q. Okay. Do you recall this email chain?

2 A. I do not.

3 Q. Okay. Do you know what it's about?

4 A. I don't. I see the subject line says, "Draft high  
5 level narrative and work plan," but I don't know  
6 what that refers to.

7 Q. Okay. After the subject it also says in brackets,  
8 "Note use of personal/Gmail." Do you see that?

9 A. I do.

10 Q. Do you know why it says that?

11 A. I don't. That was written by -- in the initial  
12 email. I don't know what that refers to.

13 Q. Okay. Did you receive emails often from Ms. Mills  
14 that had that connotation?

15 A. Not that I remember.

16 Q. Do you recall any email -- any emails in which she  
17 made a point of noting use of personal/Gmail?

18 A. Well, I'm looking at one but that's not a notation  
19 that's familiar to me.

20 Q. Do you know if this was non-State Department work?

21 A. I don't. I don't.

22 Q. We're all set with that email.

1 Do you know who at the State Department knew  
2 Secretary Clinton's email address?

3 MS. COPE-KASTEN: Objection. Lack of  
4 foundation.

5 THE WITNESS: I couldn't tell you exactly  
6 who, but a significant number of officials at  
7 the State Department were sent emails to her  
8 personal email address and received emails from  
9 her personal email address.

10 BY MR. BEKESHA:

11 Q. Do you know if it was a secret or well-guarded --

12 MS. COPE-KASTEN: Objection to the form.

13 MS. SHAPIRO: Objection to form.

14 BY MR. BEKESHA:

15 Q. -- her email account?

16 A. It was not a secret or well-guarded. It was widely  
17 known among relevant senior officials at the  
18 department and even beyond the department because  
19 Secretary Clinton was emailing with a number of  
20 different individuals to and from her  
21 clintonemail.com email account.

22 Q. You mentioned earlier that you saw Secretary Clinton

1           with a Blackberry. Did you see her with any other  
2           devices at any time?

3                       MS. COPE-KASTEN: Objection. Vague.

4                       THE WITNESS: I remember her occasionally  
5           having an iPad with her on trips that we took.

6           BY MR. BEKESHA:

7   Q.    Would she also have her Blackberry at the same  
8           time?

9   A.    I -- I'm not actually sure.

10   Q.   Okay. Did you ever see her use a flip phone or  
11           another cell phone?

12   A.    A flip phone?

13   Q.    Yes.

14   A.    No.

15   Q.    Okay.

16   A.    No.

17   Q.    Do you know who Justin Cooper is?

18   A.    I do.

19   Q.    Who is he?

20   A.    He worked for, maybe still works for President  
21           Clinton.

22   Q.    Did you have any contact with him regarding

1 Secretary Clinton's email accounts?

2 A. I did not.

3 Q. Okay. Do you know who Bryan Pagliano is?

4 A. I do.

5 Q. Who is he?

6 A. He worked for Secretary Clinton on her campaign and  
7 then worked at the State Department on information  
8 technology-related issues.

9 Q. Okay. Did you ever speak with Mr. Pagliano about  
10 Secretary Clinton's email account?

11 A. Not that I recall, no.

12 Q. Okay. Did you ever speak with -- while you were at  
13 the State Department, did you ever speak with Huma  
14 Abedin about Secretary Clinton's email account?

15 A. Not about her email account, no.

16 Q. I imagine you talked to her about a lot of different  
17 things, though?

18 A. Yeah, I talked to her pretty much every day about a  
19 lot of different things largely related to the  
20 intersection between our two jobs which were sort of  
21 operations and policy.

22 Q. Did you ever talk to her about records management or

1 emails more generally?

2 A. I don't -- I don't remember having any conversations  
3 with her about that.

4 Q. Did you ever speak to Ms. Abedin about FOIA?

5 A. No, not that I can remember.

6 Q. Okay. Did you ever speak to Ms. Mills while you  
7 were at the State Department about Secretary  
8 Clinton's email account?

9 A. Not about her email account, no.

10 Q. What about records management or the Freedom of  
11 Information Act?

12 A. I don't remember talking to Cheryl about FOIA  
13 either.

14 Q. Okay. Do you know who Heather Samuelson is?

15 A. I do.

16 Q. Who is she?

17 A. She is a lawyer.

18 Q. Well, did she work at the State Department when you  
19 were at the State Department?

20 A. She did.

21 Q. Do you know what her job title was?

22 A. Actually, I don't know what her job title was.

1 Q. Do you know what her responsibilities or role was  
2 generally?

3 A. She came into the State Department working on issues  
4 related to the White House liaison which meant that  
5 she worked to get individuals onboarded for both  
6 appointments and Senate-confirmed positions.

7 Q. Okay. While you were at the State Department did  
8 you ever talk to Ms. Samuelson about Hillary --  
9 Secretary Clinton's email account?

10 A. No.

11 Q. Did you ever speak with her about records management  
12 or FOIA?

13 A. At the State Department?

14 Q. While you were at the State Department.

15 A. No.

16 Q. Do you know if Secretary Clinton had a SCIF in one  
17 or both of her houses?

18 A. I believe she did, yes.

19 Q. Do you know if her email server was in the SCIF?

20 MS. COPE-KASTEN: Objection. Lack of  
21 foundation.

22 THE WITNESS: I didn't know she had an



1 email server until it became public in 2015, so  
2 I have no idea where it was.

3 BY MR. BEKESHA:

4 Q. Okay. We're going to move to a couple discussions  
5 after you left the State Department. I don't know  
6 if you need to take a break before we change gears a  
7 little bit?

8 A. I'm okay.

9 Q. Okay. Great.

10 After you left the State Department did you  
11 speak with Cheryl Mills about Secretary Clinton's  
12 email account?

13 MS. COPE-KASTEN: And again here, I'm just  
14 going to caution Mr. Sullivan that to the  
15 extent that you had conversations with  
16 Ms. Mills that were in her capacity as an  
17 attorney, that would be privileged information  
18 and I'm going to instruct you not to answer on  
19 that basis, but if you can answer without  
20 getting into that, go ahead.

21 THE WITNESS: I remember a conversation in  
22 the summer of 2014 where the subject of turning

1 over all of Secretary Clinton's emails came up  
2 but I don't remember the specific details of  
3 that conversation.

4 BY MR. BEKESHA:

5 Q. Is Ms. Mills one of your attorneys?

6 A. One of my attorneys?

7 Q. Yes.

8 A. She's not.

9 Q. Has she ever represented you?

10 A. Represented me?

11 Q. Yes, as your attorney.

12 A. No.

13 Q. Do you recall when in the summer of 2014 that  
14 conversation took place?

15 A. I'm afraid I don't.

16 Q. Do you recall if it was over the phone or in person  
17 or by email?

18 A. It was either over the phone or in person. It  
19 wasn't by email because I remember speaking with her  
20 about it. I think it was in person but it might  
21 have been over the phone.

22 Q. Do you know if anybody else was at that -- part of

1           that conversation?

2       A.    I don't remember. I think it was just the two of  
3           us. There might have been someone else there but  
4           I'm not sure.

5       Q.    Okay. And you don't really recall the specifics,  
6           what you discussed?

7       A.    No. Just what stuck out to me, the reason I  
8           remember it is because I remember having a  
9           discussion which I left and thinking, okay, you  
10          know, Secretary Clinton's going to produce all of  
11          her emails to the State Department. That's -- that  
12          was pretty much what I took away from that  
13          conversation.

14      Q.    Okay. Was there any discussion at that time about  
15          your own personal email account?

16      A.    Not at that time, no.

17      Q.    Okay. Were you part of that -- did Ms. Mills ask  
18          you to participate in reviewing any records of --  
19          sorry, any emails of Secretary Clinton at that  
20          time?

21      A.    Heather Samuelson, who you mentioned earlier,  
22          reached out to me at some point to say, "Yeah, we

1           may need you to look at some records to see if  
2           they're federal records or not," but then never  
3           followed up so I didn't participate in records  
4           review.

5       Q.   And when did that conversation take place?

6       A.   I think it was in the fall of 2014, but honestly, I  
7           couldn't even pinpoint a month.

8       Q.   Any idea how much -- what time period lapsed between  
9           your conversation with Ms. Mills and  
10          Ms. Samuelson?

11      A.   I don't know. I didn't think of them as directly  
12          related.

13      Q.   Okay. How did you have that conversation with  
14          Ms. Samuelson? Was it by phone? By email? In  
15          person?

16                       MS. COPE-KASTEN: Objection. Relevance.

17                       THE WITNESS: I don't -- I don't  
18                       remember.

19                       BY MR. BEKESHA:

20      Q.   Do you know if anybody else was part of that  
21          conversation?

22      A.   I don't think so, no. I think -- I think she was

1 asking me to stand by, if needed, to look at it.

2 Q. And did you ever look at any records?

3 A. No, I didn't participate in the process of turning  
4 records over to the State Department.

5 Q. Besides these -- besides the summer of 2014, have  
6 you spoken with Ms. Mills at any other point about  
7 Secretary Clinton's emails?

8 A. As you might imagine, the subject of Secretary  
9 Clinton's emails has come up many times in  
10 conversation with Ms. Mills, but mostly in regard to  
11 the fact that it was a topic of conversation among  
12 the entire country, not anything special about  
13 Cheryl and me talking about it.

14 Q. When was the last time you spoke with Ms. Mills  
15 about this topic?

16 MS. COPE-KASTEN: Objection to relevance.

17 THE WITNESS: You know, sitting here today  
18 I'm sad to say I haven't talked to Cheryl in  
19 too long, and about this topic in a  
20 considerable amount of time. I couldn't tell  
21 you how long.

22 BY MR. BEKESHA:

1 Q. Okay. What about Ms. Samuelson? Besides the fall  
2 of 2014, did you speak to her at any other point  
3 about Secretary Clinton's emails?

4 A. Same thing as with -- as with Cheryl.  
5 Unfortunately, the subject of Hillary Clinton's  
6 emails has been a topic of conversation with me and  
7 just about every waking person that I've encountered  
8 in the past several years, but nothing particularly  
9 distinctive about my conversations with Heather  
10 Samuelson.

11 Q. Okay. When was the last time you spoke with her  
12 about Secretary Clinton's emails?

13 A. About Secretary Clinton's emails?

14 Q. Yeah.

15 A. You know, I commiserated with her about having to do  
16 depositions in this particular litigation recently  
17 but I haven't had a substantive conversation with  
18 her about Secretary Clinton's emails in -- I don't  
19 know.

20 Q. Did you talk about your testimony today with her?

21 A. Only insofar as I said that I was having my  
22 deposition today and she wished me good luck and I

1           wished her good luck in hers but we didn't -- we  
2           didn't talk about the substance of it.

3   Q.    Okay. Hopefully today hasn't been too painful.

4   A.    No, it hasn't. Thank you.

5           MR. BEKESHA: Why don't we take a  
6   five-minute break and then we'll come back, and  
7   I have a couple more questions and some  
8   clean-up and then we'll be good to go.

9           VIDEOGRAPHER: Please stand by. Going off  
10  the record at 10:20 a.m.

11          (Recess taken.)

12          MR. BREWSTER: Did you want to do the  
13  transcript order?

14          MS. SHAPIRO: I think that's at the end.

15          COURT REPORTER: Yes, sure. Go ahead.  
16  What would you like?

17          MR. BREWSTER: We'll take one  
18  non-expedited.

19          COURT REPORTER: And how would you like  
20  your transcript?

21          MR. BEKESHA: Expedited, please.

22          COURT REPORTER: And print or electronic?

1 MR. BEKESHA: Electronic is fine.

2 COURT REPORTER: And electronic for you?

3 MR. BREWSTER: Yes, please.

4 MR. PEZZI: We'll take it expedited  
5 although the last time through you guys I think  
6 you had to send me a draft invoice. So  
7 that's -- if that's, in your view, what is  
8 required, feel free to send it to the email  
9 address that I have there. Otherwise, we'll  
10 take it expedited whenever these guys get it.

11 COURT REPORTER: Thank you. And is  
12 electronic for you okay?

13 MR. PEZZI: Perfect, yeah.

14 COURT REPORTER: Okay. Thank you.

15 VIDEOGRAPHER: Going back on the record at  
16 10:29 a.m.

17 BY MR. BEKESHA:

18 Q. Mr. Sullivan, besides your attorneys, have you  
19 spoken to anyone else about your testimony today?

20 A. My wife.

21 Q. Did you talk substance with her or just that you  
22 were -- had the deposition today?



1 A. Mostly just that I had the deposition.

2 Q. Okay. And you didn't speak to anybody else about  
3 substance of today's --

4 A. No.

5 Q. Okay. In preparing for today's testimony, did you  
6 review any documents or records?

7 MS. COPE-KASTEN: Objection. I'll remind  
8 Mr. Sullivan that anything that he reviewed in  
9 connection with your lawyers is privileged  
10 information, and I'll instruct you not to  
11 answer with respect to that.

12 BY MR. BEKESHA:

13 Q. Did you review any records that weren't provided by  
14 your attorneys?

15 A. I did not.

16 Q. Okay. You mentioned earlier that you received at  
17 least one record from the State Department; is that  
18 correct?

19 A. Yes.

20 Q. Did you receive others?

21 A. Yes. I received a binder of information that I  
22 believe was produced to you.

1 MS. SHAPIRO: I'm just going to object on  
2 the same grounds of attorney/client privilege,  
3 that anything that his attorneys from the State  
4 Department would have provided him would also  
5 be privileged.

6 MR. BEKESHA: Okay.

7 BY MR. BEKESHA:

8 Q. Have you spoken to Secretary Clinton after she left  
9 office about her use of email?

10 MS. COPE-KASTEN: Objection to relevance.

11 THE WITNESS: Yes.

12 BY MR. BEKESHA:

13 Q. When was the last time you spoke to her about her  
14 use of email, about the issue?

15 MS. COPE-KASTEN: Objection to relevance.  
16 Beyond the scope.

17 THE WITNESS: Long time ago.

18 BY MR. BEKESHA:

19 Q. Okay. Did you speak to -- have you spoken to -- you  
20 mentioned that before today's testimony you haven't  
21 spoken to Ms. Abedin or Ms. Mills about your  
22 testimony today. Did you speak to their attorneys

1 in the capacity of being their attorneys? I know  
2 there's some overlap there.

3 MS. COPE-KASTEN: Objection. Vague. Can  
4 you maybe restate that question?

5 MR. BEKESHA: Sure.

6 BY MR. BEKESHA:

7 Q. Have you -- have you spoken to Ms. Abedin's  
8 attorneys about the email issue recently?

9 A. No.

10 Q. Have you spoken to Cheryl Mills' attorneys, as her  
11 attorneys, about the email issue?

12 MS. COPE-KASTEN: Objection to relevance.  
13 And again, I think we're getting into an  
14 attorney/client privilege issue here to the  
15 extent that there's overlap here, so I'm just  
16 going to instruct him not to answer if he can't  
17 do that without getting into privileged  
18 communications.

19 THE WITNESS: I guess, suffice it to say,  
20 I haven't talked to Cheryl or any of her  
21 representatives about Cheryl's or my and  
22 Cheryl's -- anything about this case. Trying

1 to avoid the attorney/client issue.

2 MR. BEKESHA: Sure, that's fine. I know  
3 it's complicated.

4 THE WITNESS: The spirit of the answer to  
5 your question at least is no.

6 MR. BEKESHA: Okay. That's all I was  
7 asking.

8 BY MR. BEKESHA:

9 Q. Have you spoken to anybody at the State Department  
10 since you left the State Department about Secretary  
11 Clinton's email use?

12 A. Other than speaking to the attorneys present here  
13 today briefly yesterday and on the phone briefly a  
14 few days before that, no.

15 Q. Okay.

16 A. Oh, wait. Let me -- let me back up. Since I've  
17 left the State Department?

18 Q. Since you left the State Department.

19 A. Well, okay, again, same answer as before. I mean, I  
20 have former colleagues from the State Department,  
21 and the subject of Hillary Clinton's email use  
22 obviously came up over the course of 2015 and 2016.

1 Q. Preparing for the deposition today, besides counsel  
2 for the State Department, have you talked to anybody  
3 at the State Department about your testimony or  
4 about the issue?

5 A. No.

6 Q. Okay. Are you currently employed?

7 A. Yes.

8 Q. By whom?

9 A. By a number of different people. I'm employed by  
10 Dartmouth College, University of New Hampshire, a  
11 private consulting firm, Carnegie Endowment for  
12 International Peace.

13 Q. Are you employed by Secretary Clinton in any  
14 capacity?

15 A. I am not.

16 MS. COPE-KASTEN: Objection to relevance.

17 BY MR. BEKESHA:

18 Q. Are you employed by President Clinton in any  
19 capacity?

20 MS. COPE-KASTEN: Objection to relevance  
21 and beyond the scope.

22 THE WITNESS: I am not.

1 BY MR. BEKESHA:

2 Q. What about Clinton Executive Services?

3 MS. COPE-KASTEN: Same objection.

4 THE WITNESS: I don't know what that is.

5 BY MR. BEKESHA:

6 Q. Okay. Has Secretary Clinton or anyone associated  
7 with her offered you any future employment?

8 MS. COPE-KASTEN: Objection. Relevance.  
9 Beyond the scope. What prong are we talking  
10 about here in terms of what's discoverable?

11 MR. BEKESHA: Are you instructing him not  
12 to answer?

13 MS. COPE-KASTEN: Not so far. I just --  
14 I'm struggling to understand.

15 MR. BEKESHA: The first prong.

16 THE WITNESS: No. I mean, I have not been  
17 offered any future employment by Hillary  
18 Clinton.

19 BY MR. BEKESHA:

20 Q. Is Secretary Clinton or anyone associated with her  
21 paying your legal matters related to -- or your  
22 legal bills related to today's testimony?

1 A. No.

2 Q. Has Secretary Clinton or anyone associated with her  
3 paid any of your legal bills related to her -- the  
4 matter of her email use?

5 MS. COPE-KASTEN: Objection to relevance.

6 THE WITNESS: No.

7 BY MR. BEKESHA:

8 Q. Has Secretary Clinton or anyone else associated with  
9 her provided you with any financial incentives  
10 related to your testimony today or this matter  
11 generally?

12 A. No. That's, I think, absurd on its face.

13 Q. You talked about that you've had -- it seems like  
14 everybody wants to talk to you at some point about  
15 Secretary Clinton's emails. At this point do you  
16 regret not saying anything to her during your tenure  
17 at the State Department about her use of a non-State  
18 Department email account?

19 MS. COPE-KASTEN: Objection to the form of  
20 the question.

21 MS. SHAPIRO: Objection.

22 MS. COPE-KASTEN: Objection to relevance.

1                   Objection. Beyond the scope.

2                   MS. SHAPIRO: Same objections.

3                   MR. BEKESHA: You may answer the question.

4                   THE WITNESS: Sure. I regret a lot of  
5 things about the 2016 election. I regret that  
6 this email issue blew up. Like Secretary  
7 Clinton has said herself, I wish she had used a  
8 State Department account. It wasn't really  
9 part of my job to be thinking about Secretary  
10 Clinton's emails so I don't think I sort of  
11 fell down directly in my job, but do I wish I  
12 had thought of it during the time we were at  
13 State? Of course. I mean, what human being at  
14 this point wouldn't have thought of that?

15 BY MR. BEKESHA:

16 Q. Okay. To the best of your knowledge have all your  
17 answers been truthful today?

18 A. Yes.

19                   MR. BEKESHA: I have nothing else at this  
20 time.

21 EXAMINATION

22 BY MS. COPE-KASTEN:



1 Q. Mr. Sullivan, do you recall a series of questions  
2 about your use of personal email during your time at  
3 the State Department?

4 A. I do.

5 Q. Do you recall Mr. Bekesha asking you a question  
6 about whether you ever sent classified information  
7 from your personal email account?

8 A. Yes.

9 Q. I'm going to direct you to what Mr. Bekesha marked  
10 as Exhibit 5. This is an email with the subject  
11 line "call sheet" dated January 26th, 2010. Do you  
12 recall questions about this email?

13 A. I do.

14 Q. Do you understand that portions of this email have  
15 at some point in time been identified as  
16 classified?

17 A. Yes.

18 Q. At the time that you sent this email, did you have  
19 an understanding that that information was  
20 classified?

21 A. Thank you for giving me the opportunity to clarify  
22 this. When I sent this email, my best judgment was

1           that none of the material in it was classified, and  
2           I felt comfortable sending the email on an  
3           unclassified system. The material has subsequently  
4           been upclassified but at the time that I sent it, I  
5           did not believe that it was classified.

6       Q.   Are you aware of any information that suggests to  
7           you that Hillary Clinton used a personal email  
8           account during her time at the State Department to  
9           stymie FOIA?

10      A.   No.

11                       MS. COPE-KASTEN: I have no further  
12                       questions.

13           MS. SHAPIRO: No questions from State.

14           MR. BEKESHA: All set.

15           VIDEOGRAPHER: All set? Please stand by.

16       This marks the end of the deposition of Jacob  
17       Sullivan. We are going off the record at 10:38  
18       a.m.

19  
20  
21  
22