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Transcript of Eric James Boswell

Date: May 2, 2019

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

Planet Depos

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLUMBIA

3 -----x
4 JUDICIAL WATCH, INC., :
5 Plaintiff, : Civil Action No.
6 v. : 14-01242 (RCL)
7 U.S. DEPARTMENT OF STATE, :
8 Defendant. :

9 -----x

10
11 Videotaped Deposition of ERIC JAMES BOSWELL

12 Washington, D.C.

13 Thursday, May 2, 2019

14 9:59 a.m.

15
16
17
18
19 Job No.: 235647

20 Pages 1 - 86

21 Reported by: Alda Mandell, RPR, CRR

22

1 Videotaped Deposition of ERIC JAMES BOSWELL,
2 held at the offices of:

3
4 PLANET DEPOS
5 1100 Connecticut Avenue, Northwest
6 Suite 950
7 Washington, D.C. 20036
8 (888)433-3767

9
10 Pursuant to Notice, before Alda Mandell,
11 Registered Professional Reporter and Notary Public
12 of the District of Columbia.

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22

1 A P P E A R A N C E S

2

3 ON BEHALF OF PLAINTIFF:

4 MICHAEL BEKESHA, ESQUIRE

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1 A P P E A R A N C E S (Continued)

2

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11 ALSO PRESENT:

12 MICHAEL LIEBERMAN, ESQUIRE

13 Department of State

14 LEYHBERT SHARP - Videographer

15

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C O N T E N T S

EXAMINATION OF ERIC JAMES BOSWELL	PAGE
By Mr. Bekesha	7

E X H I B I T S

(Attached to the Transcript)

BOSWELL DEPOSITION EXHIBITS	PAGE
Exhibit 1 Email chain - DS012	19
Exhibit 2 Email chain - DS014	22
Exhibit 3 Email chain - DS015	26
Exhibit 4 Email chain - DS016	28
Exhibit 5 Email chain - DS017	32
Exhibit 6 Information Memo for Cheryl D. Mills - S - C05891070	35
Exhibit 7 Email chain - C05891105	40
Exhibit 8 Email chain - DS024	60
Exhibit 9 Email chain - DS025	62
Exhibit 10 Information Memo For The Secretary - C05857904	67
Exhibit 11 HRC-2512-2513	72

Transcript of Eric James Boswell

Conducted on May 2, 2019

6

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

2 THE VIDEO OPERATOR: This is the beginning 09:59:51
3 of Media Number 1 in the videotaped deposition of 09:59:54
4 Eric Boswell in the matter of Judicial Watch, Inc. 09:59:57
5 versus U.S. Department of State in the United States 10:00:03
6 District Court for the District Court of Columbia. 10:00:06
7 The case number is 14-01242(RCL). 10:00:09

8 Today's date is Thursday, May 2nd, 2019. 10:00:16
9 The time on the video monitor is 10:00 o'clock. The 10:00:21
10 videographer today is Leyhbert Sharp representing 10:00:24
11 Planet Depos. 10:00:31

12 The videotaped deposition is taking place 10:00:32
13 at the Planet Depos D.C. location, 1100 Connecticut 10:00:33
14 Avenue, Northwest, Washington, D.C., 20036. 10:00:38

15 Will counsel please voice identify 10:00:43
16 yourself and state who you represent. 10:00:45

17 MR. LEVY: Joshua Levy for the witness, 10:00:49
18 Ambassador Eric Boswell. 10:00:49

19 MR. BEKESHA: Joshua Gardner with the 10:00:52
20 United States Department of Justice. 10:00:53

21 MR. PEZZI: Stephen Pezzi from the 10:00:57
22 Department of Justice. 10:00:57

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Transcript of Eric James Boswell
Conducted on May 2, 2019

7

1	MR. LIEBERMAN: Michael Lieberman with the	10:00:58
2	Office of Legal Adviser, Department of State.	10:00:59
3	MR. BEKESHA: Michael Bekesha on behalf of	10:01:02
4	Judicial Watch.	10:01:02
5	MS. COTCA: Ramona Cotca on behalf of	10:01:04
6	Judicial Watch.	10:01:06
7	MS. BURKE: Lauren Burke on behalf of	10:01:08
8	Judicial Watch.	10:01:09
9	THE VIDEO OPERATOR: The court reporter	10:01:11
10	today is Alda Mandell representing Planet Depos.	10:01:11
11	Will the court reporter please swear in	10:01:14
12	the witness.	10:01:16
13	ERIC JAMES BOSWELL	10:01:17
14	being first duly sworn or affirmed to testify	10:01:17
15	to the truth, the whole truth, and nothing but	10:01:17
16	the truth, was examined and testified as	10:01:17
17	follows:	10:01:17
18	EXAMINATION BY COUNSEL FOR PLAINTIFF,	10:01:17
19	BY MR. BEKESHA:	10:01:27
20	Q Good morning, Ambassador Boswell. My name	10:01:29
21	is Michael Bekesha. I'm an attorney for Judicial	10:01:31
22	Watch. I'm here to ask you some questions about one	10:01:34

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Transcript of Eric James Boswell

Conducted on May 2, 2019

8

1 of Judicial Watch's Freedom of Information Act 10:01:35
2 lawsuits against the State Department; specifically, 10:01:39
3 questions about whether Secretary Clinton's use of 10:01:40
4 her personal email server was intended to stymie 10:01:44
5 FOIA. 10:01:47

6 Before we begin, could you please state 10:01:49
7 and spell your full name for the record. 10:01:49

8 A My name is Eric James Boswell. E-R-I-C, 10:01:50
9 J-A-M-E-S, B-O-S-W-E-L-L. 10:01:55

10 Q Thank you. Also, before we begin, I'd 10:01:58
11 like to go over a few ground rules. Your counsel 10:02:00
12 may have already talked to you about them, but it 10:02:03
13 will help to make the deposition go more smoothly. 10:02:05

14 If you don't hear one of my questions, let 10:02:09
15 me know. I'll be happy to repeat it. If you don't 10:02:11
16 understand one of them, also please let me know. I 10:02:13
17 will try to rephrase it and make it a little bit 10:02:16
18 easier. 10:02:18

19 It's also important that you respond out 10:02:19
20 loud as opposed to shaking your head or making any 10:02:21
21 other gestures. The court reporter can only record 10:02:25
22 verbal responses. 10:02:28

1 Finally, it's important that you wait 10:02:29
2 until I'm done asking the questions. If your 10:02:31
3 counsel's making any objections or the Justice 10:02:34
4 Department is making any objections, the court 10:02:36
5 reporter can only get down the information if one 10:02:40
6 person's speaking at a time. 10:02:45

7 Finally, I want to emphasize I'm not going 10:02:47
8 to be asking you to divulge any classified 10:02:50
9 information. If you think an answer to any question 10:02:52
10 may divulge such information, please let me know. 10:02:55
11 We can go off the record and you can have the 10:02:58
12 opportunity to talk to counsel and the Government 10:03:00
13 about it. We want to make sure we don't divulge any 10:03:03
14 information and so I just want to make that clear. 10:03:07

15 Finally, this shouldn't be too long, but 10:03:10
16 if you need any breaks at any point, just let me 10:03:13
17 know. We're happy to take five-minute breaks 10:03:16
18 whenever necessary. 10:03:18

19 With that out of the way, I want to start 10:03:19
20 off by just talking briefly and generally about your 10:03:23
21 role as Assistant Secretary for Diplomatic Security. 10:03:26
22 When did you hold that position? 10:03:30

Transcript of Eric James Boswell
Conducted on May 2, 2019

10

1 A I've held that position twice under 10:03:32
2 various administrations, both from 1996 to 1998 and 10:03:33
3 from 2007 to 2012. 10:03:41
4 Q Okay. And we'll just focus on the period 10:03:46
5 from 2007 to 2012 today. 10:03:49
6 Just so that we're all on the same page, 10:03:52
7 is it sometimes abbreviated DSS? 10:03:55
8 A No, it's DS. 10:03:58
9 Q DS. Okay. Thank you. 10:04:00
10 And generally, what did that role entail? 10:04:02
11 A Overall policy supervision of the law 10:04:06
12 enforcement and security arm of the Department of 10:04:08
13 State, which is responsible for keeping people -- 10:04:11
14 keeping our people, U.S. Government people, safe 10:04:14
15 overseas and securing classified information, 10:04:17
16 national security information. 10:04:20
17 Q Okay. Did it include protecting the 10:04:21
18 Secretary of State? 10:04:24
19 A Yes, it did. 10:04:24
20 Q And what does that mean? 10:04:25
21 A It protected detail and the bodyguards 10:04:27
22 around the Secretary of State. 10:04:31

1 Q Okay. Did it also include protecting her 10:04:32

2 communications or her records or information? 10:04:35

3 A That was a combination of the Bureau of 10:04:37

4 Diplomatic Security and the Bureau of Administration 10:04:39

5 that had the IT responsibility for the State 10:04:42

6 Department. 10:04:44

7 Q Okay. And was there a individual in that 10:04:45

8 other component that was your liaison? 10:04:49

9 A I think my staffs would liaison with 10:04:52

10 people in the other. 10:04:56

11 Q And how many -- how much staff did you 10:04:57

12 have? How large was your department? 10:05:01

13 A Overall I supervised about -- directly or 10:05:06

14 indirectly, about 40,000 people. 10:05:09

15 Q Okay. And those were all in different 10:05:11

16 offices? 10:05:15

17 A Different offices in the State Department, 10:05:15

18 indirect supervision overseas. And it included 10:05:17

19 local guards, which is the bulk of the number. 10:05:23

20 Q Some of the offices that were included was 10:05:28

21 Office of Security Technology. Fall within your 10:05:29

22 purview? 10:05:34

1	A	Yes.	10:05:34
2	Q	What did that office do, very briefly?	10:05:35
3	A	Very briefly, it was simply responsible	10:05:37
4		for the safety of information systems, State	10:05:40
5		Department.	10:05:43
6	Q	Of all State Department --	10:05:45
7	A	Yes.	10:05:47
8	Q	-- employees?	10:05:47
9	A	Yes.	10:05:48
10	Q	We'll get the hang of it.	10:05:50
11	A	Sorry. I'm too fast. Okay.	10:05:52
12	Q	The Chief Technology Office, does that	10:05:55
13		fall under your purview as well?	10:05:58
14	A	I don't recall that title.	10:06:01
15	Q	Okay. The Office of Computer Security,	10:06:02
16		did that fall under your purview?	10:06:05
17	A	I don't recall that title.	10:06:07
18	Q	How about the Office of Information	10:06:09
19		Security Programs?	10:06:11
20	A	I don't recall that title either.	10:06:13
21	Q	Okay. Do you recall any other offices or	10:06:15
22		bureaus and components that fell under you that	10:06:18

Transcript of Eric James Boswell
Conducted on May 2, 2019

13

1 would have related to State Department email? 10:06:21

2 A Question's not really clear to me. 10:06:27

3 Q Okay. What if we say protecting State 10:06:29

4 Department email. 10:06:33

5 A Not physically protecting the State 10:06:39

6 Department email. 10:06:41

7 Q But in some other way? 10:06:44

8 A Responsible for ensuring that -- training 10:06:47

9 to ensure that classified information and 10:06:53

10 appropriate information was on the email. 10:06:55

11 MS. COTCA: Sorry. Can you just speak up? 10:07:00

12 Towards the end -- 10:07:02

13 THE WITNESS: Sure. 10:07:02

14 MS. COTCA: -- your voice drops off. 10:07:02

15 Q And who did you report to? 10:07:03

16 A The Undersecretary for Management. 10:07:04

17 Q And who was that during your tenure? 10:07:07

18 A Patrick Kennedy. 10:07:10

19 Q And did you have any direct deputy 10:07:11

20 assistants or anybody directly below you? 10:07:15

21 A Yes. 10:07:17

22 Q How many did you have? 10:07:18

Transcript of Eric James Boswell
Conducted on May 2, 2019

14

1 A About five Deputy Assistant Secretaries. 10:07:19

2 Q Did one in particular oversee the Office 10:07:24

3 of Security Technology? 10:07:26

4 A The -- there was a Office Director -- he 10:07:30

5 was not a Deputy Assistant Secretary -- who did 10:07:36

6 security infrastructure. That was his title, 10:07:42

7 Director of -- I think Director of Security 10:07:45

8 Infrastructure. 10:07:48

9 Q And was there one director during your 10:07:48

10 tenure? 10:07:51

11 A Yes. 10:07:52

12 Q Who was that person? 10:07:52

13 A Donald Reid. 10:07:54

14 Q As Assistant Secretary did you have any 10:08:02

15 responsibilities related to the Freedom of 10:08:04

16 Information Act in any capacity? 10:08:08

17 A No. 10:08:11

18 Q As Assistant Secretary did you have any 10:08:14

19 responsibilities related to responding to document 10:08:16

20 requests from Congress or an Inspector General? 10:08:19

21 A I don't really -- I don't quite know what 10:08:28

22 that means. Can you clarify? 10:08:30

Transcript of Eric James Boswell
Conducted on May 2, 2019

15

1 Q Sure. If the State Department were to 10:08:33
2 receive a document request from a committee in 10:08:35
3 Congress or a member of Congress, did you have any 10:08:39
4 responsibilities in gathering documents or ensuring 10:08:41
5 that your office gathered documents to respond? 10:08:46
6 A I don't -- I don't think so. There was a 10:08:49
7 separate office at the State Department that took 10:08:52
8 care of those things. 10:08:54
9 Q Do you know what office that was? 10:08:55
10 A It was somewhere in the Bureau of 10:08:56
11 Administration. 10:08:58
12 Q Okay. Did you have any interaction at all 10:08:58
13 during your tenure -- and when I say your tenure 10:09:02
14 let's just -- I'll be clear, it's 2007 to 2012 -- 10:09:06
15 with any FOIA offices? 10:09:10
16 A Say it again, please. 10:09:12
17 Q Did you have any interaction with FOIA 10:09:13
18 offices during your tenure as Assistant Secretary 10:09:16
19 from 2007 to 2012? 10:09:20
20 A None that I recall. 10:09:24
21 Q Did you assist with any guidance or 10:09:26
22 training as it related to documents management? 10:09:30

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1 MR. LEVY: Objection. 10:09:35

2 MR. BEKESHA: You may answer the question. 10:09:39

3 Are you instructing him? 10:09:45

4 MR. LEVY: I'm not going to instruct the 10:09:48

5 witness not to answer the question. I just thought 10:09:49

6 it was vague and -- 10:09:51

7 MR. GARDNER: I think -- I think the 10:09:53

8 question is vague, too. 10:09:54

9 MR. BEKESHA: Okay. 10:09:56

10 MR. GARDNER: I'm not sure what you're 10:09:56

11 saying. 10:09:58

12 MR. BEKESHA: Sure. 10:09:58

13 Q At any point during your tenure as 10:09:58

14 Assistant Secretary did you help draft or write 10:10:01

15 guidance or training documents as they related to 10:10:05

16 document records management? 10:10:08

17 A No. 10:10:18

18 Q I know that you've testified elsewhere on 10:10:18

19 several different issues and somewhere I saw that 10:10:21

20 you held a 8:00 a.m. daily meeting; is that correct? 10:10:25

21 A That is correct. 10:10:31

22 Q Okay. And what was that meeting about? 10:10:32

Transcript of Eric James Boswell
Conducted on May 2, 2019

17

1 A It was a threat assessment meeting in 10:10:34
2 which we reviewed what had happened in the past 24 10:10:37
3 hours, information that may have come in from 10:10:40
4 various government agencies, so that we could -- I 10:10:43
5 could get a state of play of the world if you'd 10:10:46
6 like. 10:10:48
7 Q And generally who would attend those 10:10:48
8 meetings? 10:10:51
9 A All my Deputy Assistant Secretaries and a 10:10:52
10 few other staff. 10:10:56
11 Q Was it everybody within the State 10:10:58
12 Department? 10:11:00
13 A Excuse me? Attending my meetings? 10:11:01
14 Q Yes. 10:11:04
15 A No. Do you mean all the -- 10:11:04
16 Q Were all the attendees State Department 10:11:06
17 employees? 10:11:08
18 A Yes. 10:11:09
19 Q At any point during your tenure were there 10:11:13
20 discussions during this 8:00 a.m. daily meeting 10:11:16
21 about email or communications? 10:11:19
22 A I don't recall any specific discussions, 10:11:25

1 but there may have been. 10:11:26

2 Q Do you recall when that possibly was? 10:11:30

3 A I don't. 10:11:32

4 Q Do you recall anything additional about 10:11:34

5 those meetings and those topics? 10:11:38

6 A No, it was -- it was seven years ago, and 10:11:40

7 more. 10:11:45

8 Q From your perspective, when did Secretary 10:11:48

9 Clinton's transition to the State Department begin? 10:11:51

10 A I don't remember her exact onboard date, 10:11:55

11 but it was early in whatever the year was. 2007 -- 10:11:57

12 2006. 10:12:05

13 Q '9. 10:12:08

14 A '9? 10:12:09

15 Q Do you recall -- 10:12:10

16 A That's right. 10:12:11

17 Q I think she came on January 21st, 2009. 10:12:15

18 MR. LEVY: Objection. 10:12:19

19 Q Did -- did you have any discussions with 10:12:21

20 Secretary Clinton or any of her staff prior to her 10:12:25

21 becoming Secretary of State? 10:12:29

22 A No. 10:12:30

Transcript of Eric James Boswell
Conducted on May 2, 2019

19

1 Q Do you recall when you first spoke with 10:12:35

2 Secretary Clinton? 10:12:37

3 A I don't recall exactly, but it would have 10:12:40

4 been very early in her tenure. 10:12:42

5 Q Do you know if Secretary Clinton had a 10:12:49

6 SCIF in her houses? 10:12:52

7 A I can't really discuss that. 10:12:55

8 MR. BEKESHA: Mark this as Exhibit 1. 10:13:21

9 (Exhibit 1 was marked for identification 10:13:23

10 and is attached to the transcript.) 10:13:24

11 MR. LEVY: This is Boswell 1? 10:13:25

12 MR. BEKESHA: Yes. 10:13:27

13 Q If you could take a moment and read the 10:13:29

14 document and just look up once you're done. 10:13:31

15 A I'm done. 10:13:51

16 Q Great. Thank you. 10:13:52

17 Just for identification, you have before 10:13:56

18 you what's been marked as Boswell Exhibit 1, and it 10:13:59

19 appears to be a email chain. And at the top of the 10:14:03

20 email chain is an email from Donald Reid dated 10:14:08

21 February 2nd, 2009, at 5:55 p.m.; is that correct? 10:14:11

22 A Appears to be right. 10:14:18

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1 Q Thank you. 10:14:19

2 Let's start off at the top of the email. 10:14:21

3 Who is Donald Reid? 10:14:22

4 A I think I identified him earlier. He's -- 10:14:24

5 I don't remember precisely his title, but he was 10:14:27

6 Director for Security Infrastructure. 10:14:29

7 Q Okay. And in the subject line it says for 10:14:31

8 S and S Staff. Who is -- who or what is S? 10:14:38

9 A S is the Secretary of State, and her 10:14:41

10 office staff is her office. 10:14:44

11 Q Okay. And that's her immediate office? 10:14:47

12 A Yes. 10:14:49

13 Q And what is PDAs? 10:14:52

14 A Cell phones. Personal digital assistants. 10:14:56

15 Even I can do that one. 10:14:59

16 Q Thank you. 10:15:01

17 Moving down, who is Patrick Donovan? 10:15:03

18 A Patrick Donovan was at the time a Deputy 10:15:07

19 Assistant Secretary for Countermeasures, one of my 10:15:10

20 Deputy Assistant Secretaries. 10:15:14

21 Q And generally speaking, what was his -- 10:15:16

22 what was that role? 10:15:19

Transcript of Eric James Boswell
Conducted on May 2, 2019

21

1 A He supervised, among other things, Donald 10:15:22
2 Reid, Donald Reid's office. But mainly the 10:15:24
3 technical and engineering side of the State 10:15:27
4 Department, physical security, the engineering 10:15:31
5 staff. 10:15:36

6 Q Okay. In that email there is, it looks 10:15:37
7 like, ST capitalized and SI capitalized? Who or 10:15:43
8 what is that? 10:15:49

9 A I don't recall exactly, but ST -- my best 10:15:50
10 recollection is that ST was an office and SI were -- 10:15:55
11 both offices under Donald Reid. But they may not 10:16:00
12 have been -- one of them -- ST might have been under 10:16:04
13 Donovan -- some other part of Donovan's empire. 10:16:07

14 Q Okay. And you don't recall what 10:16:11
15 specifically those offices were called? 10:16:12

16 A I think Security Technology and Security 10:16:14
17 Infrastructure? 10:16:16

18 Q Okay. Moving down to the first email of 10:16:18
19 the chain, or the bottom email of the chain. That 10:16:23
20 appears to be an email from you; is that correct? 10:16:26

21 A Appears to be. 10:16:30

22 Q Okay. And the first line says, On the off 10:16:31

1 chance that S staff continues to push for S or 10:16:34

2 TS-capable PDAs. 10:16:38

3 Do you see that? 10:16:42

4 A Yes. 10:16:43

5 Q Do you recall what that means or what you 10:16:43

6 were talking about in that email? 10:16:45

7 A I do. I had heard that the Secretary -- 10:16:47

8 the new Secretary's staff was interested in finding 10:16:53

9 out a way to -- a secure way to communicate with 10:16:57

10 their -- by cell phone. 10:17:02

11 Q Do you recall who you heard that from? 10:17:04

12 A I do not. 10:17:07

13 Q Do you recall what types of devices they 10:17:09

14 wanted to use? 10:17:12

15 A A secure phone. 10:17:18

16 (Exhibit 2 was marked for identification 10:17:41

17 and is attached to the transcript.) 10:17:42

18 Q Great. Thank you. 10:20:19

19 Just for identification purposes, you just 10:20:20

20 reviewed Boswell Exhibit 2, which at the top is 10:20:23

21 marked DS014; is that correct? 10:20:28

22 A Yes. 10:20:32

1 Q Okay. Looking at this -- the first email 10:20:33
2 in the chain, the email starts "at Eric's request." 10:20:38
3 Is Eric you? Sorry. The first email -- 10:20:45
4 A Top email. 10:20:48
5 Q -- on the page. 10:20:49
6 A Yeah, Eric is me. 10:20:50
7 Q Okay. Further down in that same paragraph 10:20:51
8 at the end the email states, Now NSA is offering a 10:20:56
9 briefing Tuesday and clearly are ready to make 10:21:01
10 things happen. 10:21:05
11 Do you see that? 10:21:06
12 A Where are we looking? 10:21:08
13 Q Same email. 10:21:10
14 A Oh. 10:21:11
15 Q Last sentence in the first paragraph. 10:21:12
16 A Do I recall -- sorry? Say it again? 10:21:13
17 Q I'm just wondering if you see that in the 10:21:16
18 email. 10:21:18
19 A I do see that. 10:21:18
20 Q Okay. Do you recall a NSA briefing? 10:21:19
21 A Do I recall whether there was an NSA 10:21:29
22 briefing? 10:21:32

Transcript of Eric James Boswell
Conducted on May 2, 2019

24

1	Q	Yes.	10:21:33
2	A	Yes.	10:21:33
3	Q	Okay. Why was a NSA briefing necessary?	10:21:34
4	MR. GARDNER:	Just very quickly for the	10:21:45
5	record,	if you can answer that question without	10:21:46
6	divulging	classified information, please do so. If	10:21:51
7	you have	a question as to whether you can do so, we	10:21:54
8	can take	a break.	10:21:56
9	THE WITNESS:	Repeat the question, please.	10:21:57
10	Q	Why was an NSA briefing necessary?	10:22:05
11	A	As I recall, there had been interests on	10:22:11
12	the part	of the Secretary -- new Secretary of	10:22:15
13	State's	staff in finding some way to use their	10:22:17
14	Blackberries	in the office. And because of	10:22:21
15	vulnerability	associated with such use, there was --	10:22:24
16	there was	this meeting to explore with NSA what any	10:22:30
17	options	might be.	10:22:36
18	Q	Were there any options at the State	10:22:40
19	Department	that were available at that time?	10:22:42
20	MR. LEVY:	Objection. Clarify the	10:22:48
21	question,	please.	10:22:52
22	MR. BEKESHA:	Sure.	10:22:53

1 Q We were talking before that you were 10:22:53
2 overseeing a large department that was related to 10:22:55
3 security technology and infrastructure and 10:22:59
4 classified information. So I'm just trying to get a 10:23:02
5 sense of why NSA had to be called in if the State 10:23:05
6 Department had what sounded to you as a department 10:23:09
7 that handled these types of matters? 10:23:12

8 A I don't think -- 10:23:13

9 MR. LEVY: Objection. 10:23:14

10 A -- I can go there. 10:23:14

11 MR. BEKESHA: Okay. 10:23:16

12 THE WITNESS: Sorry. 10:23:19

13 Q Let's move on to the second page of that 10:23:21
14 email chain. At the very top it says NSA/IAD? I 10:23:24
15 just want you to identify what NSA is and what IAD 10:23:33
16 is. 10:23:37

17 A NSA is the National Security Agency, and I 10:23:39
18 have no idea what IAD is. 10:23:42

19 Q Further down on that page towards the end 10:23:44
20 there's a name Debbie Plunkett? Do you know who 10:23:49
21 Debbie Plunkett is? 10:23:53

22 A No. 10:23:54

1 Q Up one paragraph there, so the second 10:24:02
2 paragraph, the one that begins "I apologize up 10:24:06
3 front." In there it talks about the art of 10:24:08
4 possibility re: the Blackberries. 10:24:12
5 Do you know what that means? 10:24:18
6 MR. LEVY: Objection. 10:24:19
7 A I'm not going to go there. 10:24:20
8 Q Is that because that would contain 10:24:23
9 classified information? 10:24:25
10 MR. LEVY: Are you asking the witness or 10:24:30
11 me? 10:24:31
12 MR. BEKESHA: I'm asking the witness. 10:24:32
13 A Yes. 10:24:34
14 MR. BEKESHA: Okay. Thank you. I just 10:24:35
15 want to clarify that he's not answering because it's 10:24:36
16 classified and not because he doesn't want to. 10:24:39
17 All right. We can move on to the next 10:24:47
18 Exhibit. 10:24:49
19 (Exhibit 3 was marked for identification 10:24:49
20 and is attached to the transcript.) 10:24:50
21 Q Have you had a chance to review? 10:25:43
22 A Yeah. 10:25:44

Transcript of Eric James Boswell
Conducted on May 2, 2019

27

1	Q	You have in front of you now what's marked	10:25:45
2		as Boswell Exhibit 3 which is referenced as DS015 at	10:25:47
3		the top of the page; is that correct?	10:25:53
4	A	That's correct.	10:25:54
5	Q	Looking at the third email in the chain	10:25:58
6		it's -- Don Reid sends an email on Friday,	10:26:02
7		February 13th at 3:58 p.m. where he says, This is	10:26:06
8		continuing to come at us as a surprise. I don't	10:26:10
9		think Eric has seen yet. I've given it to Greg, Pat	10:26:13
10		D, and then two names that are redacted.	10:26:19
11		Do you see that?	10:26:22
12	A	Yes.	10:26:22
13	Q	Are you Eric?	10:26:23
14	A	Yes.	10:26:25
15	Q	Who is Greg?	10:26:26
16	A	My deputy.	10:26:27
17	Q	What is his full name?	10:26:28
18	A	Greg Starr, S-T-A-R-R. And he was Deputy	10:26:31
19		Assistant Secretary -- Principal Deputy Assistant	10:26:36
20		Secretary for Diplomatic Security, and he also had	10:26:40
21		the title Director of the Diplomatic Security	10:26:43
22		Service, DSS.	10:26:45

1 Q Okay. And generally, what was his job 10:26:47
2 responsibilities? 10:26:49

3 A Overall he was the top law enforcement 10:26:50
4 officer at the State -- in the Bureau, and his 10:26:53
5 responsibility was essentially overall supervision 10:26:56
6 of the Bureau under my direction. 10:27:00

7 Q Okay. Do you know who -- without 10:27:02
8 divulging their identity, do you know who the two 10:27:13
9 individuals are that are redacted? 10:27:16

10 A No. 10:27:19

11 MR. BEKESHA: We're going to move on to 10:27:26
12 the next exhibit. 10:27:27

13 (Exhibit 4 was marked for identification 10:27:28
14 and is attached to the transcript.) 10:27:29

15 Q All right. Thank you. 10:30:18

16 You have what is in front of you marked as 10:30:19
17 Boswell Exhibit 4 and it's identified as DS016 on 10:30:22
18 the top; is that correct? 10:30:28

19 A That's correct. 10:30:29

20 Q Okay. Starting at the email that begins 10:30:30
21 halfway down the page -- so I think the first email 10:30:36
22 of the chain -- it appears as though it is a recap 10:30:40

1 of meetings -- a meeting about Blackberries; is that 10:30:46

2 correct? 10:30:49

3 A It appears that's what it is. 10:30:51

4 Q Did you attend that meeting? 10:30:54

5 A I did not. 10:30:57

6 Q Do you know who Wayne Ashbery is? 10:31:00

7 A I do. 10:31:03

8 Q Who is he? 10:31:05

9 A He is a director of one of the offices 10:31:06

10 under Deputy Assistant Secretary Donovan. 10:31:10

11 Q Okay. And what was -- 10:31:16

12 A And his -- his title is here in the end of 10:31:17

13 the email. 10:31:20

14 Q Okay. Thank you. 10:31:20

15 And what was his general job 10:31:23

16 responsibilities? 10:31:26

17 A He was the top engineering type officer in 10:31:28

18 Diplomatic Security. 10:31:32

19 Q What does that mean? 10:31:34

20 A It means he was the technical guy. He 10:31:35

21 fixed things. He supervised people who fixed things 10:31:37

22 and protect things. 10:31:40

1 Q Okay. Do you know who John Dinger is? 10:31:41

2 A I do. 10:31:46

3 Q Who is he? 10:31:46

4 A He is a State Department officer who was 10:31:47

5 in the Bureau of Intelligence and Research, INR, and 10:31:51

6 his title is also down at the end of the email 10:31:56

7 chain. I see that he was Acting Assistant Secretary 10:31:59

8 for Intelligence and Research. 10:32:03

9 Q Okay. And what does that mean? What was 10:32:05

10 his responsibilities? 10:32:07

11 A The Bureau of Intelligence and Research is 10:32:09

12 -- is the piece of the State Department that is 10:32:12

13 involved with the Intelligence community, and that's 10:32:14

14 basically all I can tell you. 10:32:16

15 Q Okay. Thank you. 10:32:18

16 Who is Charles Wisecarver? 10:32:20

17 A I have a very dim memory of who Charles 10:32:26

18 Wisecarver is. 10:32:29

19 Q Well, what is that dim memory? 10:32:30

20 A I think he is an official of the Bureau of 10:32:33

21 Administration, and particularly the IT people. 10:32:35

22 Q Okay. 10:32:37

1 A Administration. I see his title is also 10:32:37
2 Chief Technology Officer. I should remember him. 10:32:42
3 Q Do you know who Gary Stanley is? 10:32:46
4 A I do not. 10:32:48
5 Q Following this meeting do you recall 10:32:55
6 getting a readout or summary of the meeting from 10:32:58
7 someone that attended? 10:33:01
8 A I do not recall that. 10:33:02
9 Q Looking at the first email, the very top 10:33:05
10 email on that page. In it Don Reid writes she does 10:33:09
11 go out several times a day to an office they have 10:33:17
12 crafted for her outside the SCIF and plays email 10:33:21
13 catch-up. 10:33:24
14 Do you see that? 10:33:25
15 A I do. 10:33:26
16 Q Do you know who "she" refers to? 10:33:26
17 A The first she in line 2, why doesn't "she" 10:33:38
18 use her desktop, I presume that's -- I think that's 10:33:42
19 Hillary Clinton. 10:33:48
20 Q Okay. Thank you. 10:33:49
21 Did you -- during your tenure did you ever 10:33:52
22 meet with Secretary Clinton in her office? 10:33:55

1 A Yes. 10:33:57

2 Q Did you ever see her leave her office to 10:33:57

3 play email catch-up? 10:34:02

4 A No. 10:34:04

5 Q Did you ever see Secretary Clinton using a 10:34:06

6 Blackberry? 10:34:08

7 A Yes. 10:34:09

8 Q Did you know what she was doing on that 10:34:10

9 Blackberry? 10:34:13

10 A No. 10:34:14

11 MR. LEVY: Objection. 10:34:15

12 MR. BEKESHA: Move on to the next exhibit. 10:34:33

13 (Exhibit 5 was marked for identification 10:34:35

14 and is attached to the transcript.) 10:34:38

15 MR. BEKESHA: Do you want a minute? 10:34:46

16 MR. LEVY: (No verbal response.) 10:34:51

17 A Yeah, I've read it. 10:35:50

18 Q All right. Thank you. 10:35:51

19 This has been marked Boswell Exhibit 5 and 10:35:53

20 it's identified as DS017 at the top; is that 10:35:56

21 correct? 10:35:58

22 A That's correct. 10:35:59

1 Q Okay. Looking at the top email on the 10:36:00
2 page, there's an abbreviation S/EX. Do you see 10:36:03
3 that? 10:36:10
4 A I see it. 10:36:11
5 Q Do you know what that stands for? 10:36:12
6 A It's an incorrect abbreviation. 10:36:14
7 Q Okay. 10:36:18
8 A The correct abbreviation is SS/EX. 10:36:18
9 Q And what is that stand for? 10:36:22
10 A That is the Administrative Office of the 10:36:23
11 Secretary of State. 10:36:25
12 Q Thank you. Two lines down the email 10:36:27
13 reads, S and her staff been briefed on with respect 10:36:32
14 to travel and technology vulnerabilities, question 10:36:36
15 mark. 10:36:42
16 Do you see that? 10:36:42
17 A I do. 10:36:49
18 Q Okay. Did you ever speak with Donald Reid 10:36:50
19 about travel and technology vulnerabilities with 10:36:54
20 regards to the Secretary or her staff? 10:36:58
21 A Yes. 10:37:04
22 Q Did you ever speak with Patrick Donovan 10:37:07

1 about travel and technology vulnerabilities with the 10:37:10

2 Secretary and her staff? 10:37:16

3 A I don't recall. 10:37:21

4 Q Okay. Without getting into classified 10:37:22

5 information, if possible could you generally 10:37:25

6 describe what those discussions were about, what the 10:37:28

7 issue was? 10:37:31

8 MR. GARDNER: And if you can't answer that 10:37:33

9 question without divulging classified information, 10:37:36

10 please obviously do not answer that question. And 10:37:39

11 if we need to take a break to do that, we can do 10:37:41

12 that. 10:37:44

13 A I don't -- I don't think I can answer that 10:37:44

14 question. 10:37:45

15 Q Okay. Thank you. 10:37:47

16 Generally speaking, do you recall how many 10:37:48

17 times you had conversations about that topic with 10:37:50

18 Donald Reid? 10:37:54

19 A No, I don't recall. 10:37:55

20 Q Do you recall when you had those 10:37:57

21 conversations? 10:37:58

22 A I don't recall. 10:38:00

1 Q Do you recall why you had those 10:38:02
2 conversations? Let me -- let me clarify. Did he 10:38:03
3 approach you about the topics or did you approach 10:38:08
4 him? 10:38:10
5 A I don't recall. 10:38:12
6 Q Okay. Thank you. 10:38:14
7 (Exhibit 6 was marked for identification 10:38:35
8 and is attached to the transcript.) 10:38:36
9 A I've read it. 10:39:36
10 Q Great. Thank you. 10:39:37
11 What's been marked as Boswell Exhibit 6 10:39:39
12 appears to be a Information Memo For Cheryl Mills 10:39:42
13 from yourself with the subject, Use of Blackberries 10:39:47
14 in Mahogany Row; is that correct? 10:39:50
15 A That's correct. 10:39:54
16 Q What is Mahogany Row? 10:39:54
17 A Mahogany Row refers to the suite of 10:39:56
18 offices occupied by the Secretary of State, her 10:40:00
19 staff and some of the undersecretaries at the State 10:40:03
20 Department. 10:40:05
21 Q Okay. And is that all on one floor? 10:40:06
22 A Mahogany Row is all on one floor. 10:40:12

1 Q Okay. Is all of Mahogany Row a SCIF? 10:40:15

2 MR. LEVY: Objection. 10:40:18

3 MR. GARDNER: Objection. 10:40:20

4 MR. BEKESHA: Okay. Classified? Just 10:40:21

5 want to make sure what the objection is. 10:40:22

6 MR. GARDNER: Correct. 10:40:24

7 Q Okay. Do you recall why you wrote this 10:40:26

8 memo? 10:40:28

9 A I recall that the issue of the use of 10:40:36

10 Blackberries had been under discussion. The use of 10:40:38

11 Blackberries on Mahogany Row had been under 10:40:42

12 discussion with the Secretary's staff. And this 10:40:44

13 memo, I recall, was an attempt to move that forward. 10:40:48

14 Q Did you have discussions with anyone on 10:40:53

15 the Secretary's staff before writing this memo? 10:40:55

16 A I did not. 10:40:58

17 Q Do -- 10:41:00

18 A I never received any inquiry from the 10:41:00

19 Secretary's staff regarding the use of Blackberries 10:41:03

20 directly to me. 10:41:05

21 Q Do you know where the inquiries went? 10:41:06

22 A I don't. 10:41:09

1 Q How did you find out about the inquiries? 10:41:10

2 A From my staff. 10:41:13

3 Q Do you recall specifically who on your 10:41:14

4 staff you found out from? 10:41:17

5 A I don't recall specifically. 10:41:19

6 Q Is there one person that would have been 10:41:20

7 more likely, based on their job description, to 10:41:22

8 bring that information to your attention? 10:41:25

9 A Two people. Either Donald Reid or Pat 10:41:28

10 Donovan. 10:41:34

11 Q Thank you. 10:41:35

12 Let's move down to the -- I think the 10:41:36

13 third paragraph that begins "While we cannot 10:41:42

14 recommend." That paragraph starts off, While we 10:41:44

15 cannot recommend using Blackberries inside the 10:41:49

16 Mahogany Row -- and then there's a redaction -- we 10:41:51

17 do not want to stand in the way of issuing 10:41:55

18 Department Blackberries to the Secretary and her 10:41:58

19 senior staff for use outside Mahogany Row. 10:42:00

20 Do you see that? 10:42:05

21 A I do. 10:42:05

22 Q Was there a concern at that time about the 10:42:07

1 issuing of State Department Blackberries to the 10:42:12
2 Secretary and her staff? 10:42:16
3 A What do you mean by a "concern?" 10:42:18
4 Q You write "we do not want to stand in the 10:42:22
5 way." What does that mean? 10:42:24
6 A Most Department of State employees are 10:42:29
7 issued Blackberries in connection with their work, 10:42:31
8 and we could have done that for the Secretary's 10:42:33
9 staff. 10:42:36
10 Q Okay. Do you know when you wrote this 10:42:36
11 memo? 10:42:38
12 A No. 10:42:42
13 Q Does the declassification date at the top 10:42:47
14 mean anything based on when the memo may have been 10:42:50
15 drafted around? 10:42:53
16 A It might. 10:42:55
17 Q Do you know if Secretary Clinton was 10:42:58
18 issued a Blackberry when she started at the State 10:43:00
19 Department? 10:43:03
20 A I don't know that. 10:43:05
21 Q Do you know if her staff was assigned 10:43:07
22 Blackberries when they started at the State 10:43:10

1 Department? 10:43:12

2 A I don't know that. 10:43:13

3 Q Moving down to the next paragraph you 10:43:21

4 write, I cannot stress too strongly, however, that 10:43:25

5 any unclassified Blackberry is highly vulnerable in 10:43:29

6 any setting to remotely and covertly monitoring 10:43:32

7 conversations, retrieving emails and exploiting 10:43:37

8 calendars. 10:43:40

9 Do you see that? 10:43:41

10 A I do. 10:43:41

11 Q When you refer to unclassified 10:43:43

12 Blackberries, what do you mean by -- what do you 10:43:45

13 mean by that term? 10:43:49

14 A It's basically any Blackberry. 10:43:50

15 Q Does that include State Department 10:43:52

16 Blackberries? 10:43:54

17 A It does. 10:43:54

18 Q As well as personal Blackberries? 10:43:55

19 A Yes. 10:43:57

20 Q And just -- just to be clear, in that 10:44:02

21 paragraph you are discussing the use of Blackberries 10:44:05

22 generally, not just on Mahogany Row; is that 10:44:08

1 correct? 10:44:11

2 A In that para -- in that paragraph I'm 10:44:12

3 talking about Blackberries generally, 10:44:14

4 vulnerabilities of Blackberries in general. 10:44:16

5 Q Great. Thank you. 10:44:19

6 (Exhibit 7 was marked for identification 10:44:28

7 and is attached to the transcript.)? 10:44:29

8 A I've read it. 10:46:11

9 Q Great. Thank you. 10:46:12

10 For identification purposes you were just 10:46:14

11 handed Boswell Exhibit 7. And let's go with -- 10:46:17

12 which has a document number of C01 -- sorry -- 10:46:23

13 C05891105 at the bottom; is that correct? 10:46:27

14 A That's correct. 10:46:34

15 Q Okay. On the second page of the document 10:46:34

16 the very first email it says it's to IRM Front 10:46:45

17 Office. 10:46:50

18 Do you know what that is? 10:46:52

19 A That is the Office of Information Resource 10:46:56

20 Management in the Bureau of Administration. 10:46:59

21 Q Do you recall who was the head of that 10:47:02

22 office at that time? 10:47:04

1 Q How many people would have been in those 10:48:22
2 meetings? 10:48:23

3 A This particular meeting, a dozen. 10:48:24

4 Q Okay. Who are those people? 10:48:28

5 A I don't recall. 10:48:29

6 Q Do you recall what offices they would have 10:48:30
7 been? 10:48:31

8 A It would be the Assistant Secretaries for 10:48:31
9 the M area offices, Counselor, Administration, 10:48:33
10 Security, and some others. Plus assorted staffers. 10:48:37

11 Q Okay. Was it the same people that 10:48:41
12 attended -- sorry, strike that. 10:48:46

13 How often did these meetings occur? 10:48:48

14 A I don't recall precisely, but every two or 10:48:52
15 three weeks. Something like that. 10:48:55

16 Q Was it generally the same people would 10:48:58
17 attend each of those meetings? 10:48:59

18 A The same offices, but sometimes if the 10:49:01
19 principal was not there, then a deputy would go. 10:49:03

20 Q Do you recall if email was ever discussed 10:49:08
21 during those meetings? 10:49:10

22 A I don't recall. 10:49:12

1 Q Do you know if the Freedom of Information 10:49:16
2 Act was discussed during those meetings? 10:49:17
3 A I don't recall. 10:49:22
4 Q Do you recall if records management was 10:49:23
5 ever discussed during that -- those meetings? 10:49:25
6 A I don't recall. 10:49:28
7 Q Turning your attention back to the email 10:49:34
8 chain. It continues, Secretary Clinton approached 10:49:37
9 Ambassador Boswell and mentioned that she had read 10:49:42
10 the IM and that she gets it. 10:49:46
11 Do you see that? 10:49:48
12 A I do. 10:49:48
13 Q Do you recall that encounter with 10:49:50
14 Secretary Clinton? 10:49:52
15 A Yes. 10:49:53
16 Q What memo -- what is an IM? 10:49:55
17 A An information memo. 10:49:58
18 Q Is -- do you know if it's the information 10:49:59
19 memo that was marked as Exhibit 6? 10:50:03
20 A I believe it is. 10:50:07
21 Q What do you recall about that 10:50:11
22 conversation? 10:50:12

Transcript of Eric James Boswell
Conducted on May 2, 2019

44

1 A I recall simply that she -- as stated 10:50:14
2 here, she approached me, mentioned the memo, said 10:50:18
3 that she gets it, added that I'm not going to have 10:50:22
4 any problems about that. 10:50:25

5 And I should relate here that I never got 10:50:26
6 any further inquiry from the Secretary or the 10:50:29
7 Secretary's staff about anything to do in this -- in 10:50:31
8 this memo. There were no further requests for 10:50:35
9 special use of Blackberries on Mahogany Row. 10:50:38

10 Q Did she say specifically what she got or 10:50:43
11 referred to the entire -- entire IM? 10:50:46

12 A She said what she said here. 10:50:49

13 Q Okay. Was there any other discussion with 10:50:51
14 her? 10:50:53

15 A Not that I recall. 10:50:55

16 Q Do you know if she -- at that meeting she 10:50:58
17 spoke to anyone else about the information memo? 10:50:59

18 A I don't know whether she did. 10:51:03

19 Q After you had that conversation with her, 10:51:06
20 did you talk -- speak with anybody about that 10:51:07
21 conversation you had with her? 10:51:11

22 A I believe I relayed the "I get it" to my 10:51:15

1 staff. 10:51:18

2 Q Who specifically on your staff -- 10:51:18

3 A I don't remember. 10:51:21

4 Q -- if you recall? 10:51:21

5 Do you recall if you had any additional 10:51:23

6 conversations with any of your staff beyond relaying 10:51:25

7 that she got it? 10:51:30

8 A I don't recall. 10:51:32

9 MR. BEKESHA: Why don't we take a 10:51:38

10 five-minute break? 10:51:40

11 MR. LEVY: Great. 10:51:42

12 THE VIDEO OPERATOR: We are going off the 10:51:43

13 record. The time is 10:51. 10:51:44

14 (A recess was taken.) 10:59:15

15 THE VIDEO OPERATOR: We are back on the 10:59:32

16 record and the time is 10:59. 10:59:33

17 BY MR. BEKESHA: 10:59:37

18 Q Great. Thank you. 10:59:38

19 Ambassador Boswell, before we had a break 10:59:39

20 we were talking about any conversations -- any 10:59:41

21 additional conversations you had regarding your 10:59:45

22 conversation with Secretary Clinton about "got it" 10:59:47

1 or the "got it" conversation. 10:59:50

2 Did you have any other additional 10:59:52

3 conversations about that issue? 10:59:54

4 A I don't have any additional conversations, 10:59:57

5 but I can recount an incident that took place after 10:59:58

6 this meeting which affirmed my understanding that 11:00:03

7 the Secretary understood security issues very 11:00:09

8 closely. 11:00:12

9 And that incident was we had large -- the 11:00:12

10 Secretary chaired large staff meetings every week -- 11:00:17

11 I can't remember how often during the week -- with 11:00:20

12 all of her Assistant Secretaries. This was called 11:00:23

13 the large staff meeting, a few other hangers on. It 11:00:26

14 was in a SCIF. 11:00:29

15 And the Secretary was usually the last 11:00:33

16 person to come in the room, naturally. Everybody 11:00:35

17 was seated before she -- before she arrived. And 11:00:37

18 when she -- this of course being in a SCIF was in an 11:00:41

19 area where you couldn't have cell phones. 11:00:45

20 And when she came into the room she saw 11:00:48

21 one of her undersecretaries with a cell phone, a 11:00:51

22 Blackberry, operating it in the room. And she 11:00:55

1 immediately said -- these were her first words when 11:00:58
2 she came into the room -- she said, You can't have 11:01:02
3 that in here, take it out. Which made me feel 11:01:03
4 great. 11:01:08

5 Q When -- do you recall when that occurred? 11:01:10

6 A Sometime earlier -- early in her 11:01:12
7 administration. 11:01:14

8 Q Okay. Do you know if it was one month 11:01:15
9 after that information memo, five months after, a 11:01:17
10 year after? 11:01:21

11 A It was shortly after -- 11:01:21

12 Q Okay. 11:01:23

13 A -- I would say. 11:01:23

14 Q Okay. I had a few other questions. I 11:01:25
15 just want to go back based on a few topics we 11:01:28
16 discussed. As is usual, my colleagues told me I 11:01:31
17 missed asking you some questions. 11:01:35

18 One was in the -- in Exhibit 1 there's a 11:01:37
19 reference to TS hyphen -- 11:01:40

20 MR. LEVY: Hold on. Just let him get back 11:01:42
21 to the document. 11:01:45

22

Transcript of Eric James Boswell
Conducted on May 2, 2019

48

1 MR. BEKESHA: Oh, sure. 11:01:45

2 Q There's a reference to TS-capable? What 11:01:50

3 does it -- what does mean? 11:01:56

4 A Top Secret capable. 11:01:59

5 Q Okay. 11:02:01

6 A In other words, machines that you can 11:02:03

7 discuss Top Secret information on securely or send 11:02:06

8 Top Secret information on securely. 11:02:11

9 Q Okay. Thank you. 11:02:13

10 Earlier we were talking about your 11:02:13

11 8:00 a.m. daily meeting. Were notes taken during 11:02:15

12 those meetings? 11:02:19

13 A I don't recall. I don't think so. 11:02:20

14 Q Do you know if minutes or any -- any type 11:02:21

15 of written document came out of the meetings? 11:02:23

16 A I don't think so. 11:02:28

17 Q Okay. 11:02:28

18 A There were taskers that came out of the 11:02:29

19 meetings; in other words, action items were tasked 11:02:31

20 out from the meetings. 11:02:34

21 Q We also talked about Secretary Clinton's 11:02:36

22 management meetings. 11:02:39

1 A Right. 11:02:41

2 Q Do you recall if notes were taken during 11:02:42

3 those meetings or minutes were created after those 11:02:43

4 meetings? 11:02:46

5 A I don't recall. 11:02:47

6 Q Did you take notes during those meetings? 11:02:48

7 A I may have occasionally, something that 11:02:51

8 referred to my office. 11:02:53

9 Q Do you know if you kept those notes? 11:02:56

10 A I didn't. 11:02:58

11 Q Looking back at the information memo. 11:03:14

12 MR. LEVY: Which exhibit? 11:03:21

13 MR. GARDNER: Exhibit 6? 11:03:24

14 MR. BEKESHA: Exhibit 6, yes, thank you. 11:03:25

15 Q In the third paragraph when it's talking 11:03:28

16 about Blackberries that can be synchronized with a 11:03:33

17 whole host of capabilities -- I guess those are 11:03:37

18 State Department Blackberries -- was one of those 11:03:40

19 Blackberries, after this memo, issued to Secretary 11:03:43

20 Clinton? 11:03:45

21 MR. GARDNER: Objection to form. 11:03:48

22 MR. BEKESHA: You may answer the question. 11:03:51

1 A I don't know. 11:03:52

2 Q Would she -- based on, I guess from your 11:03:55

3 perspective, a security perspective, had she asked 11:04:00

4 for one of those Blackberries, would you have 11:04:03

5 allowed her to receive one? 11:04:05

6 MR. LEVY: Objection, form. 11:04:07

7 MR. BEKESHA: You may answer the question. 11:04:10

8 A Yes. 11:04:12

9 Q Ambassador Boswell, when did you first 11:04:17

10 become aware that Secretary Clinton was using a non 11:04:19

11 state.gov email address to conduct official 11:04:22

12 government business? 11:04:27

13 A I became aware of it when it was revealed 11:04:28

14 in the press after I had left the State Department. 11:04:30

15 Q And after Secretary Clinton had left the 11:04:33

16 State Department as well? 11:04:36

17 A Yes. 11:04:37

18 Q I think you mentioned before that on 11:04:38

19 occasion you would see Secretary Clinton using a 11:04:40

20 Blackberry? 11:04:43

21 A Yes. 11:04:43

22 Q Did you receive emails from Secretary 11:04:44

1	Clinton?	11:04:46
2	A No.	11:04:47
3	Q Did you know what Secretary Clinton was	11:04:48
4	doing on her Blackberry?	11:04:51
5	A I don't.	11:04:52
6	Q Did you think about whether she was	11:04:53
7	sending work-related emails on the Blackberry?	11:04:57
8	A I did not.	11:05:01
9	Q Do you know if Secretary Clinton was ever	11:05:03
10	assigned a State Department email address?	11:05:05
11	A I believe she was.	11:05:10
12	Q Do you know what that email address is?	11:05:12
13	A I don't. It would be a state.gov address.	11:05:15
14	Q Do you know who would have assigned her	11:05:18
15	that address?	11:05:20
16	A I don't know who.	11:05:22
17	Q Do you know what office that would have	11:05:23
18	been?	11:05:25
19	A The Bureau of Administration.	11:05:25
20	Q Do you know when that would have been	11:05:29
21	assigned to her?	11:05:30
22	A I don't.	11:05:31

1 Q Do you know if any of your staff 11:05:33

2 communicated with Secretary Clinton via email? 11:05:35

3 A Not to my knowledge. 11:05:38

4 Q Do you know if Secretary Clinton was using 11:05:46

5 email -- during your tenure at Secretary -- during 11:05:48

6 your tenure at the State Department, did you know if 11:05:52

7 Secretary Clinton was using email to communicate 11:05:54

8 with State Department employees? 11:05:56

9 A I did not. 11:05:58

10 Q At any point during your tenure did you 11:06:02

11 ever ask anyone whether Secretary Clinton was using 11:06:03

12 email to conduct official government business? 11:06:07

13 A No. 11:06:10

14 Q During your tenure did you ever discuss 11:06:29

15 with anyone whether Secretary Clinton was using 11:06:34

16 email to conduct official government business? 11:06:36

17 A I did not. 11:06:39

18 Q Did you ever ask anyone about the 11:06:42

19 Blackberry that Secretary Clinton was using? 11:06:45

20 A I don't recall. 11:06:51

21 Q Do you recall whether you asked anyone if 11:06:53

22 the -- have you had any conversations with anyone 11:06:55

1 about whether the State Department issued Secretary 11:06:58

2 Clinton a Blackberry? 11:07:00

3 A I did not. 11:07:02

4 Q Were you surprised when you saw Secretary 11:07:06

5 Clinton using a Blackberry? 11:07:09

6 A No. 11:07:11

7 Q Do you know if Secretary Clinton was ever 11:07:24

8 advised of using a state.gov email address to 11:07:26

9 conduct official government business? 11:07:32

10 A I don't. 11:07:34

11 Q Do you know if anyone authorized her to 11:07:35

12 use the clintonemail.com email account? 11:07:36

13 A I do not. 11:07:41

14 Q Do you know if her use of the 11:07:42

15 clintonemail.com account conflicted with State 11:07:45

16 Department policies, practices and procedures? 11:07:48

17 A Say it again? 11:07:52

18 Q Do you know if Secretary Clinton's use of 11:07:53

19 the clintonemail.com email address conflicted with 11:07:57

20 State Department policies, practices and procedures? 11:08:01

21 MR. LEVY: Objection, form. 11:08:08

22 THE WITNESS: Can I go ahead? Okay. 11:08:10

1 A The issue really is whether she was 11:08:12
2 conducting official business on this -- on her 11:08:14
3 Blackberry, on her personal server. That's one. 11:08:18
4 And whether there was any classified business being 11:08:22
5 handled there. 11:08:24

6 Q Okay. And would it have been against 11:08:26
7 State Department policies, practices or procedures 11:08:29
8 to talk about State Department business on the 11:08:32
9 personal Blackberry, personal email account? 11:08:37

10 MR. LEVY: Objection, form. 11:08:41

11 A The Department guidance was to avoid doing 11:08:42
12 that. 11:08:45

13 Q What about sending classified information, 11:08:47
14 sending or receiving classified information, on the 11:08:48
15 personal Blackberry? Would that have been contrary 11:08:54
16 to State Department policies, practices and 11:08:56
17 procedures? 11:08:59

18 A Yes. 11:09:02

19 Q From a security standpoint is it important 11:09:05
20 for the State Department employees to use State 11:09:07
21 Department email accounts to conduct government 11:09:09
22 business? 11:09:12

Transcript of Eric James Boswell
Conducted on May 2, 2019

55

1 A Yes. 11:09:15

2 Q Had you known that Secretary Clinton was 11:09:16

3 using a clintonemail.com email account to conduct 11:09:18

4 official government business, would you have stopped 11:09:23

5 her? 11:09:26

6 MR. LEVY: Objection, form. 11:09:27

7 MR. GARDNER: Objection, form. 11:09:28

8 MR. BEKESHA: You may answer the question. 11:09:29

9 A If I had become aware that she was doing 11:09:30

10 that, I would have asked for a briefing from my 11:09:31

11 staff as to what the implications were and what the 11:09:34

12 vulnerabilities were or what the legalities were. 11:09:39

13 And once I found out, I would communicate that to 11:09:40

14 her staff. 11:09:44

15 Q And none of that ever -- you never found 11:09:45

16 out so none of that ever happened -- 11:09:47

17 A Correct. 11:09:49

18 Q -- is that correct? 11:09:49

19 A Correct. 11:09:50

20 Q Because the use of -- strike that. 11:09:59

21 Because the use of a State Department 11:10:17

22 Blackberry or State Department email account -- I 11:10:20

1 don't want to put words in your mouth so I hate 11:10:24
2 saying "important" -- but had you known, you talked 11:10:27
3 about you would have done something because of your 11:10:30
4 thoughts on it, did you ever think about her use of 11:10:33
5 her Blackberry when you saw her using her 11:10:37
6 Blackberry? 11:10:39
7 MR. LEVY: Objection, form. Rephrase the 11:10:41
8 question. 11:10:45
9 MR. BEKESHA: You can answer if you 11:10:45
10 understand, but... 11:10:46
11 THE WITNESS: Well, rephrase the question. 11:10:48
12 Q Sure. I'm just trying to -- trying to 11:10:50
13 figure out -- you know, you're in charge of 11:10:51
14 security, securing classified information, making 11:10:54
15 sure the systems are working, information's 11:10:56
16 protected. You saw Secretary Clinton using a 11:10:59
17 Blackberry. You had all these discussions early on 11:11:02
18 about providing a Blackberry to Secretary Clinton. 11:11:05
19 I'm just wondering did you ever think about -- 11:11:08
20 MR. LEVY: Objection. I don't want to say 11:11:14
21 very much at this deposition at all except that it's 11:11:16
22 dangerous to characterize an hour of testimony in a 11:11:18

1 couple sentences, and if you want to just ask 11:11:21

2 questions, that would be helpful. 11:11:23

3 MR. BEKESHA: Sure. 11:11:26

4 MR. LEVY: Thank you. 11:11:26

5 Q Did you ever think about Secretary 11:11:27

6 Clinton's use of a Blackberry and -- after having 11:11:28

7 all these conversations, did you ever give any 11:11:33

8 thought to Secretary Clinton's use of a Blackberry? 11:11:35

9 MR. GARDNER: Objection, form. 11:11:40

10 MR. LEVY: Objection, form. 11:11:42

11 A Okay. Use of Blackberries was routine in 11:11:43

12 the State Department. Everybody did it, or almost 11:11:45

13 everybody did it, and I didn't see anything peculiar 11:11:48

14 about Secretary Clinton using a Blackberry. 11:11:51

15 Q Did you assume it was a State Department 11:11:54

16 Blackberry? 11:11:55

17 A I did. 11:11:56

18 Q Did you ever ask anyone or follow up on 11:11:59

19 that assumption? 11:12:02

20 A No. 11:12:04

21 Q During your State Department employment 11:12:11

22 did you ever receive Freedom of Information Act 11:12:13

1 training? 11:12:15

2 A Probably. 11:12:19

3 Q You don't recall specifically? 11:12:22

4 A My goodness, I mean we get routine 11:12:25

5 briefings upon entry and so on and so on. I had a 11:12:27

6 37-year career. I probably did get some briefing at 11:12:30

7 some point, or maybe more than one. 11:12:33

8 Q Okay. Do you recall -- 11:12:36

9 A My colleague from the management -- legal 11:12:36

10 would probably tell me. 11:12:39

11 Q Do you recall if you ever had training 11:12:41

12 related to emails and FOIA -- that may move it a 11:12:42

13 little bit closer in time -- that you can remember? 11:12:48

14 A I think there are routine security 11:12:51

15 briefings about care and feeding of -- of 11:12:54

16 information in the State Department. 11:12:55

17 Q Okay. 11:12:59

18 A I'm sure I had that. 11:12:59

19 Q Do you recall if your -- strike that. 11:13:03

20 Did you ever use personal email to conduct 11:13:04

21 official government business? 11:13:07

22 A I don't recall, but I don't think so. 11:13:09

1 Q Okay. Do you know if any of your 11:13:10
2 employees -- any of your immediate staff used 11:13:12
3 personal email to conduct government business? 11:13:15
4 A I don't know. 11:13:17
5 Q Did you ever have to deal with that issue 11:13:18
6 during your tenure? 11:13:22
7 A Yes. The Bureau of Diplomatic Security 11:13:23
8 more than once I think issued reminders to people 11:13:28
9 not to do that. 11:13:31
10 Q Did you ever -- 11:13:32
11 A In fact, I think the Secretary of State 11:13:32
12 sent one, at least one, Department notice about -- 11:13:34
13 warning people about doing that. 11:13:40
14 Q And why -- why don't you think you used 11:13:43
15 personal email to conduct official government 11:13:45
16 business? 11:13:48
17 A I can't really characterize what's in 11:13:49
18 their head. 11:13:50
19 Q You -- I'm sorry. You, Ambassador 11:13:52
20 Boswell, why do you think you didn't? 11:13:55
21 A Why do I think I didn't? 11:13:57
22 Q Didn't use personal -- why didn't you use 11:13:58

1 personal email to conduct government business? 11:14:00

2 A Because I knew that it was not 11:14:02

3 recommended. 11:14:06

4 MR. BEKESHA: Let's mark this Exhibit 8. 11:14:13

5 (Exhibit 8 was marked for identification 11:14:15

6 and is attached to the transcript.) 11:14:16

7 A I've read it. 11:15:31

8 Q Great. Thank you. 11:15:32

9 What's been marked as Boswell Exhibit 8 is 11:15:33

10 a document that is marked DS024; is that correct? 11:15:35

11 At the top? 11:15:43

12 A Yes. 11:15:44

13 Q Okay. Perfect. Who is Gentry Smith? 11:15:44

14 A Gentry Smith was a DS officer in the 11:15:49

15 Bureau who worked under the Deputy Assistant 11:15:53

16 Secretary for Countermeasures. 11:15:57

17 Q And what was his general job description? 11:15:58

18 A I don't recall exactly. 11:16:01

19 Q Okay. Now that you've had a chance to 11:16:03

20 review these emails, do you know what the emails are 11:16:06

21 talking about? 11:16:12

22 MR. GARDNER: Objection, foundation. 11:16:14

Transcript of Eric James Boswell
Conducted on May 2, 2019

61

1 A Yeah, I can't put my head in there. 11:16:16

2 Q Okay. Do you recall having any 11:16:18

3 conversations with Don Reid in February of 2011 11:16:20

4 about electronic devices on the seventh floor? 11:16:24

5 A I don't recall the specific conversations, 11:16:29

6 but I definitely had conversations with Don Reid 11:16:31

7 about that issue. 11:16:35

8 Q Okay. And generally what -- what was the 11:16:36

9 issue? 11:16:38

10 A Well, they led to the -- the information 11:16:39

11 management -- or the information memo earlier cited 11:16:42

12 to the Secretary -- to Cheryl Mills, called Use of 11:16:46

13 Blackberries on Mahogany Row. Boswell Exhibit 6. 11:16:50

14 Q Okay. Let's -- if you look at the date on 11:16:53

15 this email, it's February '9, 2011. I think it's a 11:16:57

16 different -- 11:17:01

17 A Okay. 11:17:02

18 Q A different time period from the 11:17:02

19 information memo. 11:17:03

20 A So then I'm -- I don't know what this is. 11:17:08

21 Q Okay. I guess let's go back then. Do you 11:17:11

22 think -- was the information memo that we were 11:17:13

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1 discussing before as Exhibit -- 6; is that right -- 11:17:15
2 as Exhibit 6, do you know if that was drafted in 11:17:19
3 2009 or 2011? 11:17:21
4 A 2009. 11:17:24
5 Q Okay. 11:17:24
6 A So I really don't know what this -- what 11:17:30
7 this email is about. 11:17:34
8 Q Do you recall a concern in 2 -- in 11:17:37
9 February 2011 about vulnerabilities of portable 11:17:41
10 devices? 11:17:46
11 A Yes, and I think they were conversations 11:17:52
12 about the vulnerabilities in particular of using 11:17:55
13 portable devices overseas on travel. 11:18:00
14 Q Okay. Thank you. 11:18:02
15 MR. BEKESHA: Mark this Exhibit 9. 11:18:07
16 (Exhibit 9 was marked for identification 11:18:09
17 and is attached to the transcript.) 11:18:10
18 MR. LEVY: I have two. You got one? 11:18:30
19 Nine? Do you have a 9? 11:18:34
20 THE WITNESS: (No verbal response.) 11:18:41
21 A I've read it. 11:19:25
22 Q Great. Thank you. 11:19:26

1 What's been marked as Boswell Exhibit 9 is 11:19:27
2 identified as DS025; is that correct? 11:19:30
3 A Yes. 11:19:35
4 Q At the top? Okay. I didn't mean to 11:19:36
5 confuse you before or try to trick you, so hopefully 11:19:38
6 this email may help. 11:19:41
7 A It's jogged my memory. 11:19:43
8 Q Great. Thank you. 11:19:45
9 So in the very top email on this exhibit 11:19:46
10 it looks like Don Reid is writing, we have a DS memo 11:19:51
11 to S re: malicious cyber activity directed toward 11:19:55
12 Department seniors that is circulating in final 11:20:00
13 clearance. 11:20:03
14 Do you see that? 11:20:04
15 A I do. 11:20:04
16 Q What is a DS memo? 11:20:05
17 A A memo from me to the Secretary. 11:20:07
18 Q Okay. And S is the Secretary? 11:20:09
19 A The Secretary. 11:20:11
20 Q Okay. Do you recall this memo? 11:20:13
21 A I do. 11:20:15
22 Q Moving on. The next sentence, Ambassador 11:20:19

1 Boswell would like to use it to approach M and 11:20:21
2 Ambassador Mull about setting up this briefing for 11:20:25
3 seniors and key staff. 11:20:28
4 Do you see that? 11:20:30
5 A I do. 11:20:30
6 Q Okay. Who is M? 11:20:32
7 A The Undersecretary for Management. 11:20:33
8 Q And that was Mr. Kennedy? 11:20:35
9 A Yes. 11:20:37
10 Q And who is Ambassador or -- I believe 11:20:37
11 that's Ambassador Mull? 11:20:39
12 A Ambassador Steve Mull is -- was the 11:20:42
13 Executive Secretary of the Department. 11:20:46
14 Q Okay. And did a briefing ever take place? 11:20:47
15 A I don't recall. 11:20:54
16 Q Okay. What was going to be the topic of 11:20:55
17 that briefing? 11:20:57
18 A The memo to the Secretary regarding 11:20:59
19 malicious cyber activity concerns a possible threat 11:21:03
20 not only to her but to the -- to the Department 11:21:08
21 employees in general, and I think it was our 11:21:11
22 intention to sensitize the rest of Mahogany Row 11:21:15

1 staff. Pretty hard to get those folks together in 11:21:20

2 one place. 11:21:23

3 And that explains why the issue of timing 11:21:24

4 was discussed here. To set up a briefing for the 11:21:26

5 large staff on -- on the seventh floor regarding a 11:21:30

6 -- regarding what it says here, malicious cyber 11:21:36

7 activity. 11:21:40

8 Q What is malicious cyber activity? 11:21:40

9 A Spear phishing. 11:21:42

10 Q Is that related to email? 11:21:43

11 A Yes. 11:21:45

12 Q And you just mentioned that it was a con 11:21:45

13 -- sorry -- that it was -- I forget your exact word. 11:21:48

14 Was it concern to her and staff? 11:21:58

15 A The memo was addressed to her, but we 11:22:00

16 wanted to use the opportunity of having addressed a 11:22:02

17 memo to her and the timing to be able to get senior 11:22:05

18 staff together so we could give them a briefing 11:22:09

19 about the threat. 11:22:11

20 Q Okay. At this time did you know if 11:22:13

21 Secretary Clinton was using email to conduct 11:22:15

22 government business? 11:22:18

Transcript of Eric James Boswell
Conducted on May 2, 2019

67

1	Q	Okay.	11:23:24
2	A	-- here. Who is Don Reid and Gentry	11:23:24
3		Smith's boss.	11:23:29
4	Q	Okay. And if it were referring to the	11:23:30
5		Counselor, who was the Counselor at that time?	11:23:31
6	A	You know, I don't -- I think it was Cheryl	11:23:34
7		Mills.	11:23:39
8		MR. BEKESHA: All right. We're going to	11:23:40
9		mark this as Exhibit 10.	11:23:41
10		(Exhibit 10 was marked for identification	11:23:43
11		and is attached to the transcript.)	11:23:44
12		MR. BEKESHA: This may be a little bit	11:23:57
13		difficult to read but hopefully it will get the job	11:23:59
14		done.	11:24:02
15		THE WITNESS: Can I go back a second to	11:24:04
16		who C is? I'm looking at this --	11:24:05
17		MR. BEKESHA: Sure.	11:24:08
18		THE WITNESS: -- at this exchange, and to	11:24:08
19		me increasingly as I look at it, I think C is Deputy	11:24:10
20		Assistant Secretary of DS, Pat Donovan.	11:24:14
21		MR. BEKESHA: Okay. Thank you.	11:24:21
22		THE WITNESS: I think that's who it is.	11:24:21

1 If it were the Counselor of the Department, I think 11:24:24
2 we would have referred to her in some S context, 11:24:28
3 because she was also Chief of Staff to the 11:24:32
4 Secretary. 11:24:34
5 MR. BEKESHA: Okay. Thank you. 11:24:34
6 THE WITNESS: I've read it. 11:26:01
7 BY MR. BEKESHA: 11:26:02
8 Q Great. Thank you. 11:26:02
9 What's been marked as Exhibit 10 is a 11:26:05
10 Information Memo For The Secretary from you with the 11:26:09
11 subject, Compromise of Officials' Personal Email 11:26:12
12 Accounts; is that correct? 11:26:16
13 A Correct. 11:26:19
14 Q Okay. Is this the memo that you were just 11:26:20
15 referring to a few moments ago? 11:26:23
16 A I believe it is. 11:26:24
17 Q Okay. Do you recall writing this memo? 11:26:25
18 A It certainly -- I didn't write it. 11:26:27
19 Somebody wrote it for my signature. 11:26:29
20 Q Do you recall -- 11:26:31
21 A One of the virtues of being Assistant 11:26:32
22 Secretary is you don't have to write anything. 11:26:34

1 Q Do you recall the memo? 11:26:36

2 A I do. 11:26:37

3 Q Okay. Thank you. 11:26:38

4 Again, I want to be careful about 11:26:42

5 revealing any classified information. Not asking 11:26:43

6 you to do so. In it the memo talks about -- it says 11:26:46

7 since January 2011 in attempts -- it looks as though 11:26:54

8 someone or something was attempting to compromise 11:26:59

9 the private home emails -- email accounts of senior 11:27:03

10 department officials. 11:27:07

11 Is that okay way to characterize? I know 11:27:08

12 the who was doing it was redacted and it's hard to 11:27:12

13 read it with the redactions there. 11:27:15

14 MR. GARDNER: I'm not sure what the 11:27:20

15 question is. 11:27:20

16 MR. LEVY: Yes. 11:27:21

17 MR. BEKESHA: I'm just trying to establish 11:27:22

18 that there was a -- that they were seeing a increase 11:27:23

19 in attempts of the compromise of private home email 11:27:29

20 accounts of senior Department officials. And that's 11:27:32

21 the purpose for why the memo was written. 11:27:35

22 A I'd say that since I signed off on it, 11:27:37

1 it's perfectly clear what it means. 11:27:39

2 Q Do you know who the senior U.S. Government 11:27:44

3 officials were that were being targeted? 11:27:47

4 MR. GARDNER: You're not asking to reveal 11:27:50

5 the names, just does he -- 11:27:52

6 MR. BEKESHA: Does he know. 11:27:53

7 MR. GARDNER: -- have that information? 11:27:53

8 MR. BEKESHA: Does he know. 11:27:54

9 MR. LEVY: Today. 11:27:55

10 MR. BEKESHA: Yes. 11:27:56

11 A Sorry. Do I know who they were, or do I 11:27:56

12 know simply that they were senior government 11:27:58

13 officials? 11:28:01

14 MR. BEKESHA: Do you know who they were? 11:28:02

15 MR. GARDNER: You can answer that with a 11:28:04

16 yes or no. 11:28:05

17 A I don't know. Too long ago. 11:28:06

18 Q Down in the next paragraph I just want to 11:28:15

19 confirm. It was -- the issue was with unclassified 11:28:17

20 personal email accounts. That was the target; is 11:28:20

21 that correct? 11:28:23

22 A That's correct. 11:28:24

1 Q Okay. In the next paragraph the memo 11:28:25
2 states, We also urge Department users to minimize 11:28:28
3 the use of personal web email for business, as some 11:28:32
4 compromised home systems have been reconfigured by 11:28:36
5 these actors to automatically forward copies of all 11:28:42
6 composed emails to an undisclosed recipient. 11:28:45
7 Do you see that? 11:28:50
8 A Yes, I see it. 11:29:00
9 Q Did you ever -- do you know if Secretary 11:29:04
10 Clinton received this memo? 11:29:06
11 A It was addressed to her but I don't know 11:29:11
12 if she received it. 11:29:13
13 Q Did you ever speak with her about the 11:29:15
14 memo? 11:29:16
15 A I don't recall. 11:29:18
16 Q Do you recall if you spoke to her about 11:29:20
17 the contents of the memo? 11:29:22
18 A I don't recall. 11:29:25
19 Q Do you recall if you spoke to anyone on 11:29:27
20 Secretary Clinton's staff about the memo? 11:29:30
21 A I don't recall. 11:29:33
22 Q Did you speak to anyone on Secretary 11:29:34

1 Clinton's staff about the contents of the memo? 11:29:37

2 A I don't recall. 11:29:41

3 Q Do you know if anyone on your staff spoke 11:29:43

4 to Secretary Clinton about the contents of the 11:29:46

5 email? 11:29:48

6 A I don't know. 11:29:48

7 Q Do you know if anybody on your staff spoke 11:29:49

8 to anyone on Secretary Clinton's staff about the 11:29:52

9 memo or the contents of the memo? 11:29:57

10 A I don't know. 11:29:59

11 Q Do you know who -- if somebody were to 11:30:01

12 speak to Secretary Clinton's staff, do you know who 11:30:04

13 that individual would have been? 11:30:06

14 MR. LEVY: Objection to form. 11:30:09

15 MR. GARDNER: Objection, foundation. 11:30:10

16 MR. BEKESHA: You can answer. 11:30:12

17 A My staff did not normally speak to the 11:30:13

18 Secretary's staff. 11:30:17

19 MR. BEKESHA: Mark this as Exhibit 11. 11:30:31

20 (Exhibit 11 was marked for identification 11:30:33

21 and is attached to the transcript.) 11:30:34

22 Q One other question before we turn 11:30:54

1 attention to the next exhibit. Do you know if any 11:30:57
2 briefings were conducted based on that information 11:31:00
3 memo? 11:31:02
4 MR. LEVY: Objection, form. When you say 11:31:06
5 "that information memo..." 11:31:08
6 MR. BEKESHA: Exhibit 10 that Ambassador 11:31:10
7 Boswell was just looking at. 11:31:14
8 A Okay. I believe that that briefing took 11:31:16
9 place. 11:31:24
10 Q Okay. Do you know who conducted that 11:31:25
11 briefing? 11:31:27
12 A I don't know. It would be mostly the 11:31:28
13 people in -- on the signing list of this memo. 11:31:31
14 Q Do you know who would have been at the 11:31:36
15 briefing? 11:31:37
16 A I don't know. I don't recall. 11:31:38
17 Q Okay. Thank you. 11:31:40
18 We can now turn to the next exhibit, which 11:31:41
19 has been marked as Exhibit 11. 11:31:46
20 A I've read it. 11:32:34
21 Q Great. You're taking a look at what's 11:32:35
22 been marked as Boswell Exhibit 11 which has a Bates 11:32:38

1 number at the bottom right-hand corner of HRC-2512; 11:32:44
2 is that correct? 11:32:49
3 A Correct. 11:32:49
4 Q Could you identify what this is? 11:32:51
5 A Yes, it's a circular cable addressed to 11:32:54
6 All Diplomatic and Consular Posts. Such cables were 11:32:57
7 frequently sent on all kinds of issues. This one is 11:33:03
8 about securing personal email accounts. 11:33:06
9 Q Okay. And this was sent from the 11:33:09
10 Secretary of State, from Secretary Clinton? 11:33:14
11 A It was sent -- it was finally approved by 11:33:17
12 the Secretary's office, as all such cables would be, 11:33:20
13 but -- and of course her signature appears on the 11:33:24
14 bottom, as it does on all outgoing State Department 11:33:28
15 cables when she's in Washington. 11:33:32
16 Q Okay. And -- 11:33:34
17 A Any cable on any subject will have Clinton 11:33:35
18 on the end of it. 11:33:38
19 Q Okay. Thank you. 11:33:39
20 On the second page it says approved by 11:33:40
21 Boswell. What does that mean? 11:33:44
22 A It's approved by me. 11:33:47

1 Q Looking at -- on the second page -- 11:33:52

2 A Can I correct something I said earlier? 11:33:55

3 Q Yes. 11:33:57

4 A I'm looking at this thing and I don't see 11:33:57

5 any clearance from the Secretary of State's office 11:33:59

6 so it doesn't appear that it ever went there. 11:34:01

7 Q Okay. So -- 11:34:05

8 A In all this -- all these clearing offices 11:34:07

9 down at the bottom. 11:34:09

10 Q Okay. 11:34:10

11 A Oh, there it is. S/ES-O. That would be 11:34:11

12 the Secretariat somewhere. 11:34:15

13 Q Okay. So it's a memo that was drafted by 11:34:17

14 somebody whose name is redacted. It goes through a 11:34:20

15 clearance process -- 11:34:24

16 A Correct. 11:34:24

17 Q -- and then you have final approval on it? 11:34:24

18 A Correct. 11:34:27

19 Q Okay. And then it is sent out under 11:34:27

20 Secretary Clinton's name. 11:34:30

21 A All of the cables going out from the State 11:34:32

22 Department were sent out under her name. 11:34:36

1 Q Yes. Thank you. Okay. 11:34:39

2 Looking further up on that page, number D, 11:34:39

3 or letter D, it says Avoid conducting official 11:34:42

4 Department business from your personal email 11:34:45

5 accounts. 11:34:48

6 Do you see that? 11:34:48

7 A I do. 11:34:49

8 Q And then E, Do not reveal your personal 11:34:49

9 email address in your work Out of Office message. 11:34:53

10 Do you see that? 11:34:56

11 A I do. 11:34:57

12 Q Okay. Great. Thank you. 11:34:57

13 Did you ever speak to Secretary Clinton 11:35:00

14 about this cable? 11:35:01

15 A No. 11:35:02

16 Q Did you ever speak to any of her staff 11:35:04

17 about this cable? 11:35:08

18 A I did not speak to any of her staff. 11:35:15

19 There was this information memorandum that you've 11:35:18

20 already put into the record. 11:35:20

21 Q Okay. So besides the information memo, 11:35:21

22 you don't recall any additional -- any meetings, 11:35:25

1 conversations, emails with her staff about the memo, 11:35:29

2 the content? 11:35:34

3 A I don't recall. 11:35:35

4 Q Okay. Thank you. 11:35:36

5 Do you know or recall if anyone in your 11:35:38

6 office had any conversations with the Secretary's 11:35:40

7 staff about this cable? 11:35:44

8 A I don't know. 11:35:46

9 MR. BEKESHA: Why don't we take a 11:35:56

10 five-minute break. 11:35:57

11 MR. LEVY: Okay. 11:36:00

12 THE VIDEO OPERATOR: Stand by, please. We 11:36:01

13 are going off the record. The time is 11:36. 11:36:03

14 (A recess was taken.) 11:45:30

15 THE VIDEO OPERATOR: We are back on the 11:45:57

16 record. And the time is 11:46. 11:45:58

17 BY MR. BEKESHA: 11:46:01

18 Q Great. Thank you, Ambassador. I just 11:46:03

19 have a couple more questions and then we can get out 11:46:06

20 of here. 11:46:09

21 Going back to Exhibit 11, which was the 11:46:10

22 last document that you were looking at. The -- on 11:46:15

1 the second page when we were talking about whether 11:46:21
2 or not it was cleared by the office of the 11:46:23
3 Secretary, you said it appears as though it was 11:46:26
4 because of the S/ES-O. 11:46:29

5 Do you know who or what is NL Macklin? 11:46:34

6 A I don't know who he or she is. S/ES is 11:46:39
7 the large office of the Secretary, not the immediate 11:46:42
8 staff. 11:46:48

9 Q Okay. The Office of the Executive 11:46:49
10 Secretariat? 11:46:51

11 A In there, yes. 11:46:51

12 Q Okay. Thank you. Let's briefly go back. 11:46:52

13 A Can I just clarify? 11:46:59

14 Q Yes. 11:47:00

15 A I think they're on there only because that 11:47:00
16 office is required to clear, I believe, any 11:47:02
17 all-deck, all-posts cable. Just like the regional 11:47:07
18 bureaus that you see here, Africa, AF/EX, WHA, 11:47:11
19 Western Hemisphere, and so on. 11:47:15

20 Q Okay. 11:47:18

21 A Those are all regional bureaus. They have 11:47:19
22 to clear anything that's going all around. 11:47:21

1 Q Okay. Perfect. Thank you. Let's go 11:47:25
2 briefly back to Exhibit 4. 11:47:27
3 Just looking -- just brief question. When 11:47:48
4 discussing the use of Blackberries in the SCIF, did 11:47:52
5 you have an understanding of why the Secretary was 11:47:59
6 asking to be able to use her Blackberry in this -- 11:48:02
7 on Mahogany Row? 11:48:06
8 MR. LEVY: Objection, form. 11:48:08
9 MR. GARDNER: Objection. 11:48:10
10 MR. LEVY: Can you rephrase that, please? 11:48:10
11 MR. BEKESHA: Sure. 11:48:12
12 Q Do you -- do you know why -- what the 11:48:13
13 reason was that Secretary Clinton was asking or her 11:48:15
14 staff was asking for the use of Blackberries on 11:48:18
15 Mahogany Row? 11:48:21
16 MR. LEVY: Objection. 11:48:24
17 THE WITNESS: Go ahead and answer? 11:48:27
18 MR. BEKESHA: Yeah, you may answer. 11:48:29
19 A I believe it was because they were used to 11:48:31
20 using Blackberries. They had come from the campaign 11:48:34
21 trail and they were, as one of the -- as mentioned 11:48:36
22 in one of these memos, wedded to their -- to their 11:48:41

1 Blackberries and it was a convenience issue. They 11:48:45
2 wanted to be able to have them at their desks where 11:48:48
3 they were working and they weren't allowed to have 11:48:51
4 that. 11:48:53

5 Q And when you talk about "they," does that 11:48:53
6 include Secretary Clinton? 11:48:56

7 A I don't know whether she ever expressed 11:48:57
8 her own. Certainly not to me. 11:48:58

9 Q Okay. We also discussed earlier briefly 11:49:00
10 about -- there was a meeting with the NSA. My 11:49:06
11 question -- the question I guess I didn't ask at the 11:49:11
12 time was were there any options to provide a more 11:49:14
13 secure Blackberry without the NSA's assistance? 11:49:17

14 MR. GARDNER: Objection, form. 11:49:24

15 A I'm not going there. 11:49:24

16 Q Okay. Thank you. 11:49:26

17 Ambassador Boswell, besides counsel, 11:49:29
18 either your counsel or State Department's counsel, 11:49:32
19 have you spoken to anyone about your testimony? 11:49:34

20 A Testimony here today? 11:49:38

21 Q About your testimony today. 11:49:39

22 A No. My wife. Said I was coming in here, 11:49:42

1 but that's it. 11:49:44

2 Q Did you talk about the substance of -- 11:49:46

3 MR. LEVY: Privileged. 11:49:47

4 A No. 11:49:49

5 Q Ambassador Boswell, did you review any 11:49:50

6 documents or records in preparation for today? 11:49:52

7 A Yes. 11:49:54

8 Q What did you review? 11:49:55

9 A I reviewed two of the documents that are 11:49:57

10 in here. And if you want to know which ones? 11:49:59

11 Q Yes, please. 11:50:02

12 A And I reviewed also my deposition before 11:50:03

13 the House some years ago. 11:50:08

14 Now, which ones did I... I reviewed 11:50:13

15 Boswell -- Boswell 10. 11:50:23

16 MR. LEVY: A version of it. I don't know 11:50:25

17 if you've reviewed that very document. 11:50:26

18 MR. BEKESHA: Okay. 11:50:28

19 A A version of it. 11:50:32

20 MS. COTCA: I'm sorry. Which one did you 11:50:36

21 -- 11:50:37

22 THE WITNESS: Boswell 10. And I reviewed 11:50:39

1 Boswell 6, or a version of it. 11:50:41

2 Q Okay. Thank you. Have you spoken to 11:50:43

3 Secretary Clinton about her use of non State 11:50:46

4 Department email since you both left the State 11:50:51

5 Department? 11:50:55

6 A No. 11:50:56

7 Q Have you talked to Miss Huma Abedin at any 11:50:57

8 point about use of her -- Secretary Clinton's use of 11:51:02

9 personal email since you left the State Department? 11:51:06

10 A No. 11:51:08

11 Q Have you spoken to Cheryl Mills, since you 11:51:09

12 left the State Department, about Secretary Clinton's 11:51:12

13 use of personal email? 11:51:15

14 A No. 11:51:16

15 Q Have you talked to any of their 11:51:17

16 representatives or attorneys about that issue? 11:51:19

17 A No. 11:51:21

18 Q Besides State Department counsel, since 11:51:24

19 you left the State Department have you spoken to 11:51:26

20 anybody at the State Department about Secretary 11:51:28

21 Clinton's use of clintonemail.com to conduct 11:51:30

22 government business? 11:51:36

Transcript of Eric James Boswell
Conducted on May 2, 2019

84

1	financial incentives related to your testimony about	11:52:25
2	Secretary's use of non governmental email to conduct	11:52:32
3	government business?	11:52:36
4	A No.	11:52:36
5	Q To the best of your knowledge, have all	11:52:37
6	you have your answers today been truthful?	11:52:39
7	A Yes.	11:52:41
8	MR. BEKESHA: With that, thank you very	11:52:42
9	much, Ambassador Boswell.	11:52:43
10	THE VIDEO OPERATOR: Stand by, please.	11:52:47
11	This marks the end of the video deposition of Eric	11:52:49
12	Boswell. We are going off the record and the time	11:52:53
13	is 11:52.	11:52:56
14	THE COURT REPORTER: Mr. -- is it Levy?	11:53:01
15	MR. LEVY: Levy, yes.	11:53:01
16	THE COURT REPORTER: Are you ordering a	11:53:01
17	copy?	11:53:02
18	MR. LEVY: Sure.	11:53:03
19	MR. GARDNER: And we are.	11:53:06
20	MR. PEZZI: And you can email Pezzi about	11:53:10
21	that.	11:53:11
22	(A discussion was held off the record.)	11:53:12

1 MR. LEVY: Alda, I'm going to cancel my

11:53:20

2 copy.

11:53:21

3 (Off the record at 11:53 p.m.)

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Transcript of Eric James Boswell
Conducted on May 2, 2019

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Alda Mandell, Registered Professional
3 Reporter, the officer before whom the foregoing
4 proceedings were taken, do hereby certify that the
5 foregoing transcript is a true and correct record of
6 the proceedings; that said proceedings were taken by
7 me stenographically and thereafter reduced to
8 typewriting under my supervision; that reading and
9 signing was not discussed; and that I am neither
10 counsel for, related to, nor employed by any of the
11 parties to this case and have no interest, financial
12 or otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and affixed my notarial seal this 4th day of May,
15 2019.

16 My commission expires:

17 September 14, 2022

18
19
20 

21 NOTARY PUBLIC IN AND FOR THE
22 DISTRICT OF COLUMBIA

Transcript of Eric James Boswell
 Conducted on May 2, 2019

A			
abbreviated	78:1, 80:5, 80:10, 80:19, 80:21, 81:2, 82:3, 82:8, 82:12, 82:16, 82:20, 83:3, 84:1, 84:20	47:7, 51:19 administrations 10:2 administrative 33:10 advised 53:8 adviser 7:2 af 78:18 affirmed 7:14, 46:6 affixed 86:14 africa 78:18 after 41:15, 44:19, 46:5, 47:9, 47:10, 47:11, 49:3, 49:19, 50:14, 50:15, 57:6 again 15:16, 23:16, 53:17, 69:4 against 8:2, 54:6 agencies 17:4 agency 25:17 ago 18:6, 68:15, 70:17, 81:13 ahead 53:22, 79:17 alda 1:21, 2:10, 7:10, 85:1, 86:2 all 10:6, 11:15, 12:6, 15:12, 17:9, 17:15, 17:16, 26:17, 28:15, 30:14, 32:18, 35:21,	35:22, 36:1, 46:12, 56:17, 56:21, 57:7, 67:8, 71:5, 74:6, 74:7, 74:12, 74:14, 75:8, 75:21, 78:21, 78:22, 84:5 all-deck 78:17 all-posts 78:17 allowed 50:5, 80:3 almost 57:12 already 8:12, 76:20 also 4:11, 8:10, 8:16, 8:19, 11:1, 27:20, 30:6, 31:1, 48:21, 66:21, 68:3, 71:2, 80:9, 81:12 ambassador 6:18, 7:20, 43:9, 45:19, 50:9, 59:19, 63:22, 64:2, 64:10, 64:11, 64:12, 73:6, 77:18, 80:17, 81:5, 84:9 among 21:1 answer 9:9, 16:2, 16:5, 24:5, 34:8, 34:10, 34:13, 49:22, 50:7, 55:8, 56:9, 70:15, 72:16, 79:17, 79:18 answering 26:15
able	41:5 account 53:12, 53:15, 54:9, 55:3, 55:22 accounts 54:21, 68:12, 69:9, 69:20, 70:20, 74:8, 76:5 act 8:1, 14:16, 43:2, 57:22 acting 30:7 action 1:5, 48:19 activity 63:11, 64:19, 65:7, 65:8, 66:3 actors 71:5 added 44:3 additional 18:4, 45:5, 45:21, 46:2, 46:4, 76:22 address 50:11, 51:10, 51:12, 51:13, 51:15, 53:8, 53:19, 76:9 addressed 65:15, 65:16, 71:11, 74:5 administration 11:4, 15:11, 30:21, 31:1, 40:20, 42:9,		

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>answers 84:6 any 8:20, 9:3, 9:4, 9:8, 9:9, 9:13, 9:16, 12:21, 13:19, 14:14, 14:16, 14:18, 15:3, 15:12, 15:15, 15:17, 15:21, 16:13, 17:19, 17:22, 18:19, 18:20, 24:16, 24:18, 36:18, 39:5, 39:6, 39:14, 44:4, 44:6, 44:13, 45:5, 45:6, 45:20, 46:2, 46:4, 48:14, 52:1, 52:10, 52:22, 54:4, 57:7, 59:1, 59:2, 61:2, 69:5, 73:1, 74:17, 75:5, 76:16, 76:18, 76:22, 77:6, 78:16, 80:12, 81:5, 82:7, 82:15, 83:2, 83:13, 83:15, 83:17, 83:22, 86:10 anybody 13:20, 44:20, 72:7, 82:20 anyone 36:14, 44:17, 52:11, 52:15, 52:18, 52:21, 52:22, 53:11, 57:18, 71:19, 71:22, 72:3, 72:8, 77:5, 80:19, 83:11, 83:15, 83:21 anything 18:4, 38:14,</p>	<p>44:7, 57:13, 68:22, 78:22 apologize 26:2 appear 75:6 appears 19:19, 19:22, 21:20, 21:21, 28:22, 29:3, 35:12, 74:13, 78:3 approach 35:3, 64:1 approached 43:8, 44:2 appropriate 13:10 approval 75:17 approved 74:11, 74:20, 74:22 area 42:9, 46:19 arm 10:12 around 10:22, 38:15, 78:22 arrived 46:17 art 26:3 ashbery 29:6 ask 7:22, 52:11, 52:18, 57:1, 57:18, 80:11 asked 50:3, 52:21, 55:10 asking 9:2, 9:8, 26:10, 26:12, 47:17, 69:5, 70:4, 79:6,</p>	<p>79:13, 79:14 assessment 17:1 assigned 38:21, 51:10, 51:14, 51:21 assist 15:21 assistance 80:13 assistant 9:21, 14:1, 14:5, 14:14, 14:18, 15:18, 16:14, 17:9, 20:19, 20:20, 27:19, 29:10, 30:7, 41:16, 41:17, 42:8, 46:12, 60:15, 66:22, 67:20, 68:21 assistants 13:20, 20:14 associated 24:15, 83:11, 83:12, 83:16, 83:22 assorted 42:10 assume 57:15 assumption 57:19 attached 5:6, 19:10, 22:17, 26:20, 28:14, 32:14, 35:8, 40:7, 60:6, 62:17, 67:11, 72:21 attempt 36:13 attempting 69:8 attempts 69:7, 69:19 attend 17:7, 29:4,</p>	<p>42:17 attended 31:7, 42:12 attendees 17:16 attending 17:13 attention 37:8, 43:7, 73:1 attorney 7:21 attorneys 82:16 authorized 53:11 automatically 71:5 available 24:19 avenue 2:5, 6:14 avoid 54:11, 76:3 aware 50:10, 50:13, 55:9</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>b-o-s-w-e-l-l 8:9 back 43:7, 45:15, 47:15, 47:20, 49:11, 61:21, 67:15, 77:15, 77:21, 78:12, 79:2 based 37:7, 38:14, 47:15, 50:2, 73:2 basically 30:14, 39:14 bates 73:22 became 50:13</p>
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Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>because 24:14, 26:8, 26:15, 26:16, 55:20, 55:21, 56:3, 60:2, 68:3, 78:4, 78:15, 79:19 become 50:10, 55:9 becoming 18:21 been 18:1, 19:4, 19:18, 21:12, 24:11, 32:19, 33:13, 35:11, 36:10, 36:11, 37:6, 38:14, 42:1, 42:7, 51:18, 51:20, 54:6, 54:15, 60:9, 63:1, 68:9, 71:4, 72:13, 73:14, 73:19, 73:22, 84:6 before 2:10, 8:6, 8:10, 19:17, 25:1, 36:15, 45:19, 46:17, 50:18, 62:1, 63:5, 72:22, 81:12, 86:3 begin 8:6, 8:10, 18:9 beginning 6:2 begins 26:2, 28:20, 37:13 behalf 3:3, 3:13, 4:3, 7:3, 7:5, 7:7 being 7:14, 46:18, 54:4, 68:21, 70:3</p>	<p>bekesha 3:4, 5:3, 6:19, 7:3, 7:19, 7:21, 16:2, 16:9, 16:12, 19:8, 19:12, 24:22, 25:11, 26:12, 26:14, 28:11, 32:12, 32:15, 36:4, 45:9, 45:17, 48:1, 49:14, 49:22, 50:7, 55:8, 56:9, 57:3, 60:4, 62:15, 67:8, 67:12, 67:17, 67:21, 68:5, 68:7, 69:17, 70:6, 70:8, 70:10, 70:14, 72:16, 72:19, 73:6, 77:9, 77:17, 79:11, 79:18, 81:18, 84:8 believe 43:20, 44:22, 51:11, 64:10, 68:16, 73:8, 78:16, 79:19 below 13:20 besides 76:21, 80:17, 82:18 best 21:9, 84:5 beyond 45:6 bills 83:17 bit 8:17, 58:13, 67:12 blackberries 24:14, 26:4, 29:1, 35:13, 36:10, 36:11,</p>	<p>36:19, 37:15, 37:18, 38:1, 38:7, 38:22, 39:12, 39:16, 39:18, 39:21, 40:3, 40:4, 44:9, 49:16, 49:18, 49:19, 50:4, 57:11, 61:13, 79:4, 79:14, 79:20, 80:1 blackberry 32:6, 32:9, 38:18, 39:5, 39:14, 46:22, 50:20, 51:4, 51:7, 52:19, 53:2, 53:5, 54:3, 54:9, 54:15, 55:22, 56:5, 56:6, 56:17, 56:18, 57:6, 57:8, 57:14, 57:16, 79:6, 80:13 bodyguards 10:21 boss 67:3 boswell 1:11, 2:1, 5:2, 5:7, 6:4, 6:18, 7:13, 7:20, 8:8, 19:11, 19:18, 22:20, 27:2, 28:17, 32:19, 35:11, 40:11, 43:9, 45:19, 50:9, 59:20, 60:9, 61:13, 63:1, 64:1, 73:7, 73:22, 74:21, 80:17, 81:5, 81:15, 81:22, 82:1, 84:9, 84:12 both 10:2, 21:11,</p>	<p>82:4 bottom 21:19, 40:13, 74:1, 74:14, 75:9 break 24:8, 34:11, 45:10, 45:19, 77:10 breaks 9:16, 9:17 brief 79:3 briefed 33:13 briefing 23:9, 23:20, 23:22, 24:3, 24:10, 55:10, 58:6, 64:2, 64:14, 64:17, 65:4, 65:18, 73:8, 73:11, 73:15 briefings 58:5, 58:15, 73:2 briefly 9:20, 12:2, 12:3, 78:12, 79:2, 80:9 bring 37:8 bulk 11:19 bureau 11:3, 11:4, 15:10, 28:4, 28:6, 30:5, 30:11, 30:20, 40:20, 51:19, 59:7, 60:15 bureaus 12:22, 41:19, 78:18, 78:21 burke 3:6, 7:7 business 50:12, 52:12,</p>
---	---	--	--

<p>52:16, 53:9, 54:2, 54:4, 54:8, 54:22, 55:4, 58:21, 59:3, 59:16, 60:1, 65:22, 71:3, 76:4, 82:22, 84:3</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>cable 74:5, 74:17, 76:14, 76:17, 77:7, 78:17</p> <p>cables 74:6, 74:12, 74:15, 75:21</p> <p>calendars 39:8</p> <p>called 21:15, 25:5, 46:12, 61:12</p> <p>came 18:17, 46:20, 47:2, 48:15, 48:18</p> <p>campaign 79:20</p> <p>can 8:21, 9:5, 9:11, 13:11, 14:22, 20:15, 24:5, 24:7, 24:8, 25:10, 26:17, 30:14, 34:11, 34:13, 46:5, 48:6, 49:16, 53:22, 56:9, 58:13, 67:15, 70:15, 72:16, 73:18, 75:2, 77:19, 78:13, 79:10, 84:20</p> <p>can't 19:7, 34:8, 46:11, 47:2, 59:17, 61:1,</p>	<p>66:9</p> <p>cancel 85:1</p> <p>cannot 37:13, 37:15, 39:4</p> <p>capabilities 49:17</p> <p>capable 48:4</p> <p>capacity 14:16</p> <p>capitalized 21:7</p> <p>care 15:8, 58:15</p> <p>career 58:6</p> <p>careful 69:4</p> <p>case 6:7, 86:11</p> <p>catch-up 31:13, 32:3</p> <p>cc 41:2, 41:6</p> <p>cell 20:14, 22:10, 46:19, 46:21</p> <p>certainly 68:18, 80:8</p> <p>certificate 86:1</p> <p>certify 86:4</p> <p>chain 5:8, 5:9, 5:10, 5:11, 5:12, 5:15, 5:16, 5:17, 19:19, 19:20, 21:19, 23:2, 25:14, 27:5, 28:22, 30:7, 43:8</p> <p>chaired 46:10</p> <p>chance 22:1, 26:21,</p>	<p>60:19</p> <p>characterize 56:22, 59:17, 69:11</p> <p>charge 56:13</p> <p>charles 30:16, 30:17</p> <p>cheryl 5:14, 35:12, 61:12, 67:6, 82:11</p> <p>chief 12:12, 31:2, 68:3</p> <p>cio 41:6</p> <p>circular 74:5</p> <p>circulating 63:12</p> <p>cited 61:11</p> <p>civil 1:5, 3:17</p> <p>clarify 14:22, 24:20, 26:15, 35:2, 78:13</p> <p>classified 9:8, 10:15, 13:9, 24:6, 25:4, 26:9, 26:16, 34:4, 34:9, 36:4, 54:4, 54:13, 54:14, 56:14, 69:5</p> <p>clear 9:14, 13:2, 15:14, 39:20, 70:1, 78:16, 78:22</p> <p>clearance 63:13, 75:5, 75:15</p> <p>cleared 78:2</p>	<p>clearing 75:8</p> <p>clearly 23:9</p> <p>clinton 18:20, 19:2, 19:5, 31:19, 31:22, 32:5, 38:17, 43:8, 43:14, 45:22, 49:20, 50:10, 50:15, 50:19, 51:1, 51:3, 51:9, 52:2, 52:4, 52:7, 52:11, 52:15, 52:19, 53:2, 53:5, 53:7, 55:2, 56:16, 56:18, 57:14, 65:21, 66:3, 71:10, 72:4, 74:10, 74:17, 76:13, 79:13, 80:6, 82:3, 83:11, 83:15, 83:21</p> <p>clinton's 8:3, 18:9, 48:21, 53:18, 57:6, 57:8, 71:20, 72:1, 72:8, 72:12, 75:20, 82:8, 82:12, 82:21, 83:18</p> <p>clintonemail 53:12, 53:15, 53:19, 55:3, 82:21</p> <p>closely 46:8</p> <p>closer 58:13</p> <p>colleague 58:9</p> <p>colleagues 47:16</p>
--	--	---	---

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>columbia 1:2, 2:12, 6:6, 86:22 com 53:12, 53:15, 53:19, 55:3, 82:21 combination 11:3 come 17:3, 27:8, 46:16, 79:20 coming 80:22 commission 86:16 committee 15:2 communicate 22:9, 52:7, 55:13 communicated 52:2 communications 11:2, 17:21 community 30:13 component 11:8 components 12:22 composed 71:6 compromise 68:11, 69:8, 69:19 compromised 71:4 computer 12:15 con 65:12 concern 37:22, 38:3, 62:8, 65:14, 66:3 concerning 83:18</p>	<p>concerns 64:19 conduct 50:11, 52:12, 52:16, 53:9, 54:21, 55:3, 58:20, 59:3, 59:15, 60:1, 65:21, 82:21, 84:2 conducted 73:2, 73:10 conducting 54:2, 76:3 cone 41:18 confirm 70:19 conflicted 53:15, 53:19 confuse 63:5 congress 14:20, 15:3 connecticut 2:5, 6:13 connection 38:7 consular 74:6 contain 26:8 content 77:2 contents 71:17, 72:1, 72:4, 72:9 context 68:2 continued 4:1 continues 22:1, 43:8 continuing 27:8 contrary 54:15 convenience 80:1</p>	<p>conversation 43:22, 44:19, 44:21, 45:22, 46:1 conversations 34:17, 34:21, 35:2, 39:7, 45:6, 45:20, 45:21, 46:3, 46:4, 52:22, 57:7, 61:3, 61:5, 61:6, 62:11, 77:1, 77:6 copies 71:5 copy 84:17, 85:2 corner 74:1 correct 16:20, 16:21, 19:21, 21:20, 22:21, 27:3, 27:4, 28:18, 28:19, 29:2, 32:21, 32:22, 33:8, 35:14, 35:15, 36:6, 40:1, 40:13, 40:14, 55:17, 55:18, 55:19, 60:10, 63:2, 68:12, 68:13, 70:21, 70:22, 74:2, 74:3, 75:2, 75:16, 75:18, 86:5 cotca 3:5, 7:5, 13:11, 13:14, 81:20 could 8:6, 17:4, 17:5, 19:13, 34:5, 38:8, 65:18, 66:21, 74:4</p>	<p>couldn't 46:19 counsel 6:15, 7:18, 8:11, 9:12, 80:17, 80:18, 82:18, 86:10 counsel's 9:3 counselor 42:9, 66:20, 67:5, 68:1 countermeasures 20:19, 60:16, 66:22 couple 57:1, 77:19 course 46:18, 74:13 court 1:1, 6:6, 7:9, 7:11, 8:21, 9:4, 84:14, 84:16 covertly 39:6 crafted 31:12 created 49:3 crr 1:21 cunningham 4:5 currently 83:9 cyber 63:11, 64:19, 65:6, 65:8, 66:2</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>daily 16:20, 17:20, 48:11 dangerous 56:22 date 6:8, 18:10, 38:13, 61:14</p>
--	---	--	--

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>dated 19:20</p> <p>day 31:11, 86:14</p> <p>deal 59:5</p> <p>debbie 25:20, 25:21</p> <p>declassification 38:13</p> <p>defendant 1:8, 3:13</p> <p>definitely 61:6</p> <p>department 1:7, 3:16, 4:13, 6:5, 6:20, 6:22, 7:2, 8:2, 9:4, 10:12, 11:6, 11:12, 11:17, 12:5, 12:6, 13:1, 13:4, 13:6, 15:1, 15:7, 17:12, 17:16, 18:9, 21:4, 24:19, 25:2, 25:6, 30:4, 30:12, 35:20, 37:18, 38:1, 38:6, 38:19, 39:1, 39:15, 49:18, 50:14, 50:16, 51:10, 52:6, 52:8, 53:1, 53:16, 53:20, 54:7, 54:8, 54:11, 54:16, 54:20, 54:21, 55:21, 55:22, 57:12, 57:15, 57:21, 58:16, 59:12, 63:12, 64:13, 64:20, 66:7, 66:21, 68:1, 69:10, 69:20, 71:2, 74:14,</p>	<p>75:22, 76:4, 82:4, 82:5, 82:9, 82:12, 82:18, 82:19, 82:20, 83:3, 83:4, 83:19</p> <p>department's 80:18</p> <p>depos 2:4, 6:11, 6:13, 7:10</p> <p>deposition 1:11, 2:1, 5:7, 6:3, 6:12, 8:13, 56:21, 81:12, 84:11</p> <p>deputy 13:19, 14:1, 14:5, 17:9, 20:18, 20:20, 27:16, 27:18, 27:19, 29:10, 42:19, 60:15, 66:21, 67:19</p> <p>describe 34:6</p> <p>description 37:7, 60:17</p> <p>desks 80:2</p> <p>desktop 31:18</p> <p>detail 10:21</p> <p>devices 22:13, 61:4, 62:10, 62:13</p> <p>did 9:22, 10:10, 10:17, 10:19, 11:1, 11:11, 12:2, 12:16, 13:15, 13:19, 13:22, 14:2, 14:5, 14:14, 14:18, 15:3, 15:12, 15:17, 15:21, 16:14,</p>	<p>18:8, 18:19, 29:4, 29:5, 31:21, 32:2, 32:5, 32:8, 33:18, 33:22, 35:2, 35:3, 36:14, 36:16, 37:1, 42:13, 44:10, 44:18, 44:20, 46:2, 49:6, 50:9, 50:22, 51:3, 51:6, 51:8, 52:6, 52:9, 52:10, 52:14, 52:17, 52:18, 53:3, 56:4, 56:19, 57:5, 57:7, 57:12, 57:13, 57:15, 57:17, 57:18, 57:22, 58:6, 58:20, 59:5, 59:10, 64:14, 65:20, 66:1, 66:2, 71:9, 71:13, 71:22, 72:17, 76:13, 76:16, 76:18, 79:4, 81:2, 81:5, 81:8, 81:14, 81:20</p> <p>didn't 49:10, 57:13, 59:20, 59:21, 59:22, 63:4, 68:18, 80:11</p> <p>different 11:15, 11:17, 16:19, 61:16, 61:18</p> <p>difficult 67:13</p> <p>digital 20:14</p> <p>dim 30:17, 30:19</p> <p>ding 30:1</p>	<p>diplomatic 9:21, 11:4, 27:20, 27:21, 29:18, 59:7, 74:6</p> <p>direct 13:19</p> <p>directed 63:11</p> <p>direction 28:6</p> <p>directly 11:13, 13:20, 36:20</p> <p>director 14:4, 14:7, 14:9, 20:6, 27:21, 29:9</p> <p>discuss 19:7, 48:7, 52:14</p> <p>discussed 42:20, 43:2, 43:5, 47:16, 65:4, 80:9, 86:9</p> <p>discussing 39:21, 62:1, 79:4</p> <p>discussion 36:10, 36:12, 44:13, 84:22</p> <p>discussions 17:20, 17:22, 18:19, 34:6, 36:14, 56:17</p> <p>district 1:1, 1:2, 2:12, 6:6, 86:22</p> <p>division 3:17</p> <p>divulge 9:8, 9:10, 9:13</p> <p>divulging 24:6, 28:8, 34:9</p> <p>document 14:19, 15:2, 16:16, 19:14,</p>
--	---	---	--

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>40:12, 40:15, 47:21, 48:15, 60:10, 77:22, 81:17 documents 15:4, 15:5, 15:22, 16:15, 81:6, 81:9 does 10:20, 12:12, 29:19, 30:9, 31:10, 38:5, 38:13, 39:15, 39:17, 48:3, 70:5, 70:6, 70:8, 74:14, 74:21, 80:5 doesn't 26:16, 31:17, 75:6 doing 32:8, 51:4, 54:11, 55:9, 59:13, 69:12 don 27:6, 31:10, 61:3, 61:6, 63:10, 67:2 don't 8:14, 8:15, 9:13, 12:14, 12:17, 12:20, 14:21, 15:6, 17:22, 18:3, 18:10, 19:3, 20:5, 21:9, 21:14, 25:8, 27:8, 34:3, 34:13, 34:19, 34:22, 35:5, 36:22, 37:5, 38:20, 39:2, 41:8, 41:9, 42:5, 42:14, 42:22, 43:3, 43:6, 44:18, 45:3, 45:8, 45:9, 46:4,</p>	<p>48:13, 48:16, 49:5, 50:1, 51:5, 51:13, 51:16, 51:22, 52:20, 53:10, 56:1, 56:20, 58:3, 58:22, 59:4, 59:14, 60:18, 61:5, 61:20, 62:6, 64:15, 67:6, 68:22, 70:17, 71:11, 71:15, 71:18, 71:21, 72:2, 72:6, 72:10, 73:12, 73:16, 75:4, 76:22, 77:3, 77:8, 77:9, 78:6, 80:7, 81:16 donald 14:13, 19:20, 20:3, 21:1, 21:2, 21:11, 33:18, 34:18, 37:9 done 9:2, 19:14, 19:15, 38:8, 56:3, 67:14 donovan 20:17, 20:18, 21:13, 29:10, 33:22, 37:10, 67:20 donovan's 21:13 down 9:5, 20:17, 21:18, 23:7, 25:19, 28:21, 30:6, 33:12, 37:12, 39:3, 66:10, 66:11, 70:18, 75:9 dozen 42:3</p>	<p>draft 16:14 drafted 38:15, 62:2, 75:13 drops 13:14 ds 5:8, 5:9, 5:10, 5:11, 5:12, 5:16, 5:17, 10:8, 10:9, 22:21, 27:2, 28:17, 32:20, 41:2, 60:10, 60:14, 63:2, 63:10, 63:16, 67:20 dss 10:7, 27:22 duly 7:14 during 13:17, 14:9, 15:13, 15:18, 16:13, 17:19, 17:20, 31:21, 42:21, 43:2, 43:5, 46:11, 48:11, 49:2, 49:6, 52:5, 52:10, 52:14, 57:21, 59:6</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-r-i-c 8:8 ea 41:6 each 42:17 earlier 20:4, 47:6, 48:10, 61:11, 75:2, 80:9 early 18:11, 19:4, 47:6, 56:17</p>	<p>easier 8:18 eight 66:14 either 12:20, 37:9, 80:18 electronic 61:4 else 44:17 elsewhere 16:18 email 5:8, 5:9, 5:10, 5:11, 5:12, 5:15, 5:16, 5:17, 8:4, 13:1, 13:4, 13:6, 13:10, 17:21, 19:19, 19:20, 20:2, 21:6, 21:18, 21:19, 21:20, 22:6, 23:1, 23:2, 23:3, 23:4, 23:8, 23:13, 23:18, 25:14, 27:5, 27:6, 28:20, 28:21, 29:13, 30:6, 31:9, 31:10, 31:12, 32:3, 33:1, 33:12, 40:16, 41:5, 41:12, 41:13, 41:14, 42:20, 43:7, 50:11, 51:10, 51:12, 52:2, 52:5, 52:7, 52:12, 52:16, 53:8, 53:12, 53:19, 54:9, 54:21, 55:3, 55:22, 58:20, 59:3, 59:15, 60:1, 61:15, 62:7,</p>
--	--	--	---

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>63:6, 63:9, 65:10, 65:21, 68:11, 69:9, 69:19, 70:20, 71:3, 72:5, 74:8, 76:4, 76:9, 82:4, 82:9, 82:13, 83:19, 84:2, 84:20 emails 39:7, 50:22, 51:7, 58:12, 60:20, 66:11, 69:9, 71:6, 77:1 emphasize 9:7 empire 21:13 employed 83:9, 86:10 employees 12:8, 17:17, 38:6, 52:8, 54:20, 59:2, 64:21, 83:3 employment 57:21, 83:13 encounter 43:13 end 13:12, 23:8, 25:19, 29:12, 30:6, 74:18, 84:11 enforcement 10:12, 28:3 engineering 21:3, 21:4, 29:17 ensure 13:9 ensuring 13:8, 15:4 entail 10:10 entire 44:11</p>	<p>entity 83:16, 83:22 entry 58:5 eric 1:11, 2:1, 5:2, 6:4, 6:18, 7:13, 8:8, 23:3, 23:6, 27:9, 27:13, 84:11 eric's 23:2 es 78:6 es-o 75:11, 78:4 esquire 3:4, 3:5, 3:6, 3:14, 3:15, 4:12 essentially 28:5 establish 69:17 even 20:15 ever 31:21, 32:2, 32:5, 33:18, 33:22, 42:20, 43:5, 51:9, 52:11, 52:14, 52:18, 53:7, 55:15, 55:16, 56:4, 56:19, 57:5, 57:7, 57:18, 57:22, 58:11, 58:20, 59:5, 59:10, 64:14, 71:9, 71:13, 75:6, 76:13, 76:16, 80:7 every 42:14, 46:10 everybody 17:11, 46:16, 57:12, 57:13 ex 33:2, 33:8,</p>	<p>78:18 exact 18:10, 65:13 exactly 19:3, 21:9, 60:18 examination 5:2, 7:18 examined 7:16 except 56:21 exchange 67:18 excuse 17:13 executive 64:13, 78:9 exhibit 5:8, 5:9, 5:10, 5:11, 5:12, 5:13, 5:15, 5:16, 5:17, 5:18, 5:20, 19:8, 19:9, 19:18, 22:16, 22:20, 26:18, 26:19, 27:2, 28:12, 28:13, 28:17, 32:12, 32:13, 32:19, 35:7, 35:11, 40:6, 40:11, 43:19, 47:18, 49:12, 49:13, 49:14, 60:4, 60:5, 60:9, 61:13, 62:1, 62:2, 62:15, 62:16, 63:1, 63:9, 67:9, 67:10, 68:9, 72:19, 72:20, 73:1, 73:6, 73:18, 73:19, 73:22, 77:21, 79:2 exhibits 5:7</p>	<p>expires 86:16 explains 65:3 exploiting 39:7 explore 24:16 expressed 80:7</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 59:11 fall 11:21, 12:13, 12:16 farther 66:10 fast 12:11 february 19:21, 27:7, 61:3, 61:15, 62:9 feeding 58:15 feel 47:3 fell 12:22 few 8:11, 17:10, 46:13, 47:14, 47:15, 68:15 figure 56:13 final 63:12, 75:17 finally 9:1, 9:7, 9:15, 74:11 financial 84:1, 86:11 find 37:1 finding 22:8, 24:13</p>
--	--	--	--

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>first 7:14, 19:1, 21:18, 21:22, 23:1, 23:3, 23:15, 28:21, 31:9, 31:17, 40:16, 41:11, 41:14, 47:1, 50:9, 66:12 five 14:1, 47:9 five-minute 9:17, 45:10, 77:10 fixed 29:21 floor 35:21, 35:22, 61:4, 65:5 focus 10:4 foia 8:5, 15:15, 15:17, 58:12 folks 65:1 follow 57:18 following 31:5 follows 7:17 foregoing 86:3, 86:5 forget 65:13 form 49:21, 50:6, 53:21, 54:10, 55:6, 55:7, 56:7, 57:9, 57:10, 72:14, 73:4, 79:8, 80:14 former 83:2 forward 36:13, 71:5</p>	<p>found 37:4, 55:13, 55:15 foundation 60:22, 72:15 freedom 8:1, 14:15, 43:1, 57:22 frequently 74:7 friday 27:6 from 6:21, 10:2, 10:3, 10:5, 14:20, 15:2, 15:19, 17:3, 18:8, 19:20, 21:20, 22:11, 31:6, 35:13, 36:18, 37:2, 37:4, 44:6, 48:20, 50:2, 50:22, 54:19, 55:10, 58:9, 61:18, 63:17, 68:10, 74:9, 74:10, 75:5, 75:21, 76:4, 79:20 front 26:3, 27:1, 28:16, 40:16 full 8:7, 27:17 further 23:7, 25:19, 41:5, 44:6, 44:8, 76:2 future 83:13</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gardner 3:14, 6:19, 16:7, 16:10, 24:4, 34:8, 36:3, 36:6,</p>	<p>49:13, 49:21, 55:7, 57:9, 60:22, 69:14, 70:4, 70:7, 70:15, 72:15, 79:9, 80:14, 84:19 gary 31:3 gathered 15:5 gathering 15:4 general 14:20, 29:15, 40:4, 60:17, 64:21, 83:5 generally 9:20, 10:10, 17:7, 20:21, 28:1, 34:5, 34:16, 39:22, 40:3, 42:16, 61:8 gentry 60:13, 60:14, 67:2 gestures 8:21 get 9:5, 12:10, 17:5, 25:4, 44:22, 47:20, 58:4, 58:6, 65:1, 65:17, 67:13, 77:19 gets 43:10, 44:3 getting 31:6, 34:4 give 57:7, 65:18 given 27:9 go 8:11, 8:13, 9:11, 25:10, 26:7, 31:11,</p>	<p>40:11, 42:19, 47:15, 53:22, 61:21, 67:15, 78:12, 79:1, 79:17 goes 75:14 going 9:7, 16:4, 26:7, 28:11, 44:3, 45:12, 64:16, 67:8, 75:21, 77:13, 77:21, 78:22, 80:15, 84:12, 85:1 good 7:20 goodness 58:4 got 44:5, 44:10, 45:7, 45:22, 46:1, 62:18 gov 50:11, 51:13, 53:8 government 9:12, 10:14, 17:4, 50:12, 52:12, 52:16, 53:9, 54:21, 55:4, 58:21, 59:3, 59:15, 60:1, 65:22, 70:2, 70:12, 82:22, 84:3 governmental 84:2 great 19:16, 22:18, 35:10, 40:5, 40:9, 45:11, 45:18, 47:4, 60:8, 62:22, 63:8, 68:8, 73:21, 76:12, 77:18</p>
--	---	--	--

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>greg 27:9, 27:15, 27:18 ground 8:11 guards 11:19 guess 41:8, 41:10, 49:17, 50:2, 61:21, 80:11 guessing 66:19 guidance 15:21, 16:15, 54:11 guy 29:20</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>had 11:5, 17:2, 19:5, 22:7, 24:11, 25:5, 25:6, 26:21, 27:20, 34:17, 34:20, 35:1, 36:10, 36:11, 43:9, 44:19, 44:21, 45:5, 45:19, 45:21, 46:9, 47:14, 50:3, 50:14, 50:15, 52:22, 55:2, 55:9, 56:2, 56:17, 58:5, 58:11, 58:18, 60:19, 61:6, 77:6, 79:20 halfway 28:21 hand 86:13 handed 40:11 handled 25:7, 54:5</p>	<p>hang 12:10 hangers 46:13 happen 23:10 happened 17:2, 55:16 happy 8:15, 9:17 hard 65:1, 69:12 has 27:9, 32:19, 40:12, 73:19, 73:22, 83:11, 83:21 hate 56:1 have 8:12, 9:11, 11:12, 13:1, 13:19, 13:22, 14:14, 14:18, 15:3, 15:12, 15:17, 17:3, 18:1, 18:19, 19:3, 19:17, 21:12, 24:7, 25:18, 26:21, 27:1, 28:16, 30:17, 31:11, 36:14, 37:6, 38:8, 38:14, 42:1, 42:6, 44:3, 46:2, 46:4, 46:19, 47:2, 49:7, 50:4, 51:14, 51:17, 51:20, 52:22, 54:6, 54:15, 55:4, 55:10, 56:3, 59:5, 62:18, 62:19, 63:10, 68:2, 68:22, 70:7, 71:4, 72:13, 73:14,</p>	<p>74:17, 75:17, 77:19, 78:21, 79:5, 80:2, 80:3, 80:19, 82:2, 82:7, 82:11, 82:15, 82:19, 83:2, 84:5, 84:6, 86:11, 86:13 having 57:6, 61:2, 65:16 he's 20:4, 26:15 head 8:20, 40:21, 59:18, 61:1, 66:9 hear 8:14 heard 22:7, 22:11 held 2:2, 10:1, 16:20, 84:22 help 8:13, 16:14, 63:6 helpful 57:2 hemisphere 78:19 her 8:4, 11:1, 11:2, 18:10, 18:20, 19:4, 19:6, 20:9, 20:10, 20:11, 31:12, 31:18, 31:22, 32:2, 33:13, 33:20, 34:2, 35:18, 37:18, 38:2, 38:21, 41:21, 44:14, 44:19, 44:21, 46:12, 46:21, 47:1, 47:6, 50:5,</p>	<p>51:4, 51:14, 51:21, 53:11, 53:14, 54:2, 54:3, 55:5, 55:14, 56:4, 56:5, 64:20, 65:14, 65:15, 65:17, 66:6, 66:7, 66:9, 68:2, 71:11, 71:13, 71:16, 74:13, 75:22, 76:16, 76:18, 77:1, 79:6, 79:13, 80:8, 82:3, 82:8, 83:12, 83:16, 83:22 here 7:22, 29:12, 44:2, 44:5, 44:12, 47:3, 65:4, 65:6, 67:2, 77:20, 78:18, 80:20, 80:22, 81:10 hereby 86:4 hereunto 86:13 highly 39:5 hillary 31:19 him 16:3, 20:4, 31:2, 35:4, 47:20 his 14:6, 20:5, 20:21, 27:17, 28:1, 28:4, 29:12, 29:15, 30:6, 30:10, 31:1, 60:17 hold 9:22, 47:20 home 69:9, 69:19,</p>
---	---	---	--

<p>71:4 hopefully 63:5, 67:13 host 49:17 hour 56:22 hours 17:3 house 81:13 houses 19:6 how 11:11, 11:12, 12:18, 13:22, 34:16, 37:1, 42:1, 42:13, 46:11 however 39:4 hrc- 5:20, 74:1 huma 82:7 hyphen 47:19</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>i'll 8:15, 15:14 i've 10:1, 27:9, 32:17, 35:9, 40:8, 60:7, 62:21, 68:6, 73:20 iad 25:14, 25:15, 25:18 idea 25:18 identification 19:9, 19:17, 22:16, 22:19, 26:19, 28:13, 32:13, 35:7, 40:6, 40:10,</p>	<p>60:5, 62:16, 67:10, 72:20 identified 20:4, 28:17, 32:20, 63:2 identify 6:15, 25:15, 74:4 identity 28:8 im 43:10, 43:16, 44:11 immediate 20:11, 59:2, 78:7 immediately 47:1 implications 55:11 important 8:19, 9:1, 54:19, 56:2 inc 1:4, 3:7, 6:4 incentives 84:1 incident 46:5, 46:9 include 10:17, 11:1, 39:15, 80:6 included 11:18, 11:20 incorrect 33:6 increase 69:18 increasingly 67:19 indicating 66:15 indirect 11:18 indirectly 11:14 individual 11:7, 72:13</p>	<p>individuals 28:9 information 5:13, 5:18, 8:1, 9:5, 9:9, 9:10, 9:14, 10:15, 10:16, 11:2, 12:4, 12:18, 13:9, 13:10, 14:16, 17:3, 24:6, 25:4, 26:9, 34:5, 34:9, 35:12, 37:8, 40:19, 43:1, 43:17, 43:18, 44:17, 47:9, 48:7, 48:8, 49:11, 54:13, 54:14, 56:14, 57:22, 58:16, 61:10, 61:11, 61:19, 61:22, 66:6, 68:10, 69:5, 70:7, 73:2, 73:5, 76:19, 76:21 information's 56:15 infrastructure 14:6, 14:8, 20:6, 21:17, 25:3 inquiries 36:21, 37:1 inquiry 36:18, 44:6 inr 30:5 inside 37:15 inspector 14:20 instruct 16:4 instructing 16:3 intelligence 30:5, 30:8,</p>	<p>30:11, 30:13 intended 8:4 intention 64:22 interaction 15:12, 15:17 interest 86:11 interested 22:8 interests 24:11 into 34:4, 46:20, 47:2, 66:9, 76:20 involved 30:13 irm 40:16 issue 34:7, 36:9, 46:3, 54:1, 59:5, 61:7, 61:9, 65:3, 70:19, 80:1, 82:16, 83:3, 83:5 issued 38:7, 38:18, 49:19, 53:1, 59:8 issues 16:19, 46:7, 74:7 issuing 37:17, 38:1 it's 8:19, 9:1, 10:8, 15:14, 26:15, 27:6, 28:17, 32:20, 33:6, 39:14, 40:16, 41:18, 43:18, 49:15, 56:21, 61:15, 63:7, 69:12,</p>
--	--	---	--

70:1, 74:5, 74:22, 75:13 items 48:19 its 86:12	78:17, 79:3, 83:5 justice 3:16, 6:20, 6:22, 9:3	62:6, 65:20, 66:2, 66:18, 67:6, 69:11, 70:2, 70:6, 70:8, 70:11, 70:12, 70:14, 70:17, 71:9, 71:11, 72:3, 72:6, 72:7, 72:10, 72:11, 72:12, 73:1, 73:10, 73:12, 73:14, 73:16, 77:5, 77:8, 78:5, 78:6, 79:12, 80:7, 81:10, 81:16, 83:7 knowledge 52:3, 84:5 known 55:2, 56:2	83:3 legal 7:2, 58:9, 83:16 legalities 55:12 let 8:14, 8:16, 9:10, 9:16, 35:2, 41:10, 47:20 let's 15:14, 20:2, 25:13, 37:12, 40:11, 60:4, 61:14, 61:21, 78:12, 79:1 letter 76:3 levy 4:4, 4:5, 6:17, 16:1, 16:4, 18:18, 19:11, 24:20, 25:9, 26:6, 26:10, 32:11, 32:16, 36:2, 45:11, 47:20, 49:12, 50:6, 53:21, 54:10, 55:6, 56:7, 56:20, 57:4, 57:10, 62:18, 66:15, 69:16, 70:9, 72:14, 73:4, 77:11, 79:8, 79:10, 79:16, 81:3, 81:16, 84:14, 84:15, 84:18, 85:1 leyhbert 4:14, 6:10 liaison 11:8, 11:9 lieberman 4:12, 7:1 like 8:11, 17:6,
<hr/> J <hr/> j-a-m-e-s 8:9 james 1:11, 2:1, 5:2, 7:13, 8:8 january 18:17, 69:7 job 1:19, 28:1, 29:15, 37:7, 60:17, 67:13 jogged 63:7 john 30:1 joshua 3:14, 4:4, 6:17, 6:19 judicial 1:4, 3:7, 6:4, 7:4, 7:6, 7:8, 7:21, 8:1 just 9:14, 9:16, 9:20, 10:4, 10:6, 13:11, 15:14, 16:5, 19:14, 19:17, 22:19, 23:17, 24:4, 25:4, 25:15, 26:14, 36:4, 39:20, 39:22, 40:10, 41:10, 47:15, 47:20, 56:12, 56:19, 57:1, 65:12, 68:14, 69:17, 70:5, 70:18, 73:7, 77:18, 78:13,	<hr/> K <hr/> keeping 10:13, 10:14 kennedy 13:18, 64:8 kept 49:9 key 64:3 kinds 74:7 knew 60:2 know 8:15, 8:16, 9:10, 9:17, 14:21, 15:9, 16:18, 19:5, 25:20, 26:5, 28:7, 28:8, 29:6, 30:1, 31:3, 31:16, 32:8, 33:5, 36:21, 38:10, 38:17, 38:20, 38:21, 39:2, 40:18, 41:3, 41:7, 41:10, 43:1, 43:18, 44:16, 44:18, 47:8, 48:14, 49:9, 50:1, 51:3, 51:9, 51:12, 51:14, 51:16, 51:17, 51:20, 52:1, 52:4, 52:6, 53:7, 53:11, 53:14, 53:18, 56:13, 59:1, 59:4, 60:20, 61:20, 62:2,	<hr/> L <hr/> large 11:12, 25:2, 41:21, 46:9, 46:10, 46:13, 65:5, 66:7, 78:7 last 23:15, 46:15, 77:22 lauren 3:6, 7:7 law 10:11, 28:3 lawsuits 8:2 least 59:12 leave 32:2 led 61:10 left 50:14, 50:15, 82:4, 82:9, 82:12, 82:19,	

<p>21:7, 42:15, 63:10, 64:1, 78:17 likely 37:7 limited 41:18, 41:21 line 20:7, 21:22, 31:17, 41:6 lines 33:12, 66:14 list 73:13 little 8:17, 58:13, 67:12 local 11:19 location 6:13 long 9:15, 70:17 look 19:14, 61:14, 67:19, 73:21 looking 23:1, 23:12, 27:5, 31:9, 33:1, 49:11, 67:16, 73:7, 75:1, 75:4, 76:2, 77:22, 79:3 looks 21:6, 63:10, 69:7 loud 8:20 love 66:11</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>machines 48:6 macklin 78:5 made 47:3</p>	<p>mahogany 35:14, 35:16, 35:17, 35:22, 36:1, 36:11, 37:16, 37:19, 39:22, 44:9, 61:13, 64:22, 79:7, 79:15 mainly 21:2 make 8:13, 8:17, 9:13, 9:14, 23:9, 36:5 making 8:20, 9:3, 9:4, 56:14 malicious 63:11, 64:19, 65:6, 65:8, 66:2 management 13:16, 15:22, 16:16, 40:20, 41:15, 41:18, 41:19, 43:4, 48:22, 58:9, 61:11, 64:7 mandell 1:21, 2:10, 7:10, 86:2 many 11:11, 13:22, 34:16, 42:1 march 41:13 mark 19:8, 33:15, 60:4, 62:15, 67:9, 72:19 marked 19:9, 19:18, 22:16, 22:21, 26:19, 27:1, 28:13, 28:16, 32:13, 32:19, 35:7, 35:11, 40:6, 43:19, 60:5, 60:9,</p>	<p>60:10, 62:16, 63:1, 67:10, 68:9, 72:20, 73:19, 73:22 marks 84:11 matter 6:4, 83:17 matters 25:7, 83:17 may 1:13, 6:8, 8:12, 9:10, 16:2, 17:3, 18:1, 21:11, 38:14, 49:7, 49:22, 50:7, 55:8, 58:12, 63:6, 67:12, 79:18, 86:14 maybe 58:7 mean 10:20, 17:15, 29:19, 30:9, 38:3, 38:5, 38:14, 39:12, 39:13, 48:3, 58:4, 63:4, 66:5, 74:21 means 14:22, 22:5, 26:5, 29:20, 70:1 media 6:3 meet 31:22 meeting 16:20, 16:22, 17:1, 17:20, 24:16, 29:1, 29:4, 31:5, 31:6, 41:15, 41:18, 41:21, 42:3, 44:16, 46:6, 46:13, 48:11, 80:10</p>	<p>meetings 17:8, 17:13, 18:5, 29:1, 41:22, 42:2, 42:13, 42:17, 42:21, 43:2, 43:5, 46:10, 48:12, 48:15, 48:19, 48:20, 48:22, 49:3, 49:4, 49:6, 76:22 member 15:3 memo 5:13, 5:18, 35:12, 36:8, 36:13, 36:15, 38:11, 38:14, 43:16, 43:17, 43:19, 44:2, 44:8, 44:17, 47:9, 49:11, 49:19, 61:11, 61:19, 61:22, 63:10, 63:16, 63:17, 63:20, 64:18, 65:15, 65:17, 68:10, 68:14, 68:17, 69:1, 69:6, 69:21, 71:1, 71:10, 71:14, 71:17, 71:20, 72:1, 72:9, 73:3, 73:5, 73:13, 75:13, 76:21, 77:1 memorandum 76:19 memory 30:17, 30:19, 63:7 memos 79:22 mentioned 43:9, 44:2, 50:18, 65:12,</p>
---	---	--	--

Transcript of Eric James Boswell
 Conducted on May 2, 2019

79:21 message 76:9 michael 3:4, 4:12, 7:1, 7:3, 7:21 middle 41:12 might 21:12, 24:17, 38:16 mills 5:14, 35:12, 61:12, 67:7, 82:11 minimize 71:2 minute 32:15 minutes 48:14, 49:3 miss 82:7 missed 47:17 moment 19:13 moments 68:15 monitor 6:9 monitoring 39:6 month 47:8 months 47:9 more 8:13, 18:7, 37:7, 41:18, 41:21, 58:7, 59:8, 66:8, 77:19, 80:12 morning 7:20 morning's 41:15 most 38:6	mostly 73:12 mouth 56:1 move 25:13, 26:17, 28:11, 32:12, 36:13, 37:12, 58:12 moving 20:17, 21:18, 39:3, 41:11, 63:22 much 11:11, 56:21, 84:9 mull 64:2, 64:11, 64:12 muse 4:5 myself 66:9	next 26:17, 28:12, 32:12, 39:3, 63:22, 66:10, 70:18, 71:1, 73:1, 73:18 nine 62:19 nl 78:5 non 50:10, 82:3, 84:2 none 15:20, 55:15, 55:16 nor 86:10 normally 66:19, 66:20, 72:17 northwest 2:5, 6:14 not 9:7, 13:2, 13:5, 14:5, 16:4, 16:5, 16:10, 21:11, 22:12, 26:7, 26:15, 26:16, 29:5, 31:4, 31:8, 34:10, 36:16, 37:17, 38:4, 39:22, 41:1, 42:19, 44:3, 44:15, 51:8, 52:3, 52:9, 52:17, 53:3, 53:13, 59:9, 60:2, 64:20, 66:1, 66:5, 66:6, 66:19, 69:5, 69:14, 70:4, 72:17, 76:8, 76:18, 78:2, 78:7, 80:8, 80:15, 86:9	notarial 86:14 notary 2:11, 86:1, 86:21 notes 48:11, 49:2, 49:6, 49:9 nothing 7:15 notice 2:10, 59:12 now 23:8, 27:1, 60:19, 73:18, 81:14 nsa 23:8, 23:20, 23:21, 24:3, 24:10, 24:16, 25:5, 25:14, 25:15, 25:17, 80:10 nsa's 80:13 number 6:3, 6:7, 11:19, 40:12, 74:1, 76:2
	N		O
	name 7:20, 8:7, 8:8, 25:20, 27:17, 75:14, 75:20, 75:22 names 27:10, 70:5 national 10:16, 25:17 naturally 46:16 necessary 9:18, 24:3, 24:10 need 9:16, 34:11 neither 86:9 never 36:18, 44:5, 55:15 new 22:8, 24:12		
			o'clock 6:9 objection 16:1, 18:18, 24:20, 25:9, 26:6, 32:11, 36:2, 36:3, 36:5, 49:21, 50:6, 53:21, 54:10, 55:6, 55:7, 56:7, 56:20, 57:9, 57:10, 60:22, 72:14, 72:15, 73:4, 79:8, 79:9, 79:16, 80:14

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>objections 9:3, 9:4 obviously 34:10 occasion 50:19 occasionally 49:7 occupied 35:18 occur 42:13 occurred 47:5 off 9:11, 9:20, 13:14, 20:2, 21:22, 37:14, 45:12, 69:22, 77:13, 84:12, 84:22, 85:3 offered 83:12 offering 23:8 office 7:2, 11:21, 12:2, 12:12, 12:15, 12:18, 14:2, 14:4, 15:5, 15:7, 15:9, 20:10, 20:11, 21:2, 21:10, 24:14, 31:11, 31:22, 32:2, 33:10, 40:17, 40:19, 40:22, 49:8, 51:17, 74:12, 75:5, 76:9, 77:6, 78:2, 78:7, 78:9, 78:16 officer 28:4, 29:17, 30:4, 31:2, 60:14, 86:3 offices 2:2, 11:16,</p>	<p>11:17, 11:20, 12:21, 15:15, 15:18, 21:11, 21:15, 29:9, 35:18, 42:6, 42:9, 42:18, 75:8 official 30:20, 50:11, 52:12, 52:16, 53:9, 54:2, 55:4, 58:21, 59:15, 76:3 officials 68:11, 69:10, 69:20, 70:3, 70:13 often 42:13, 46:11 oh 23:14, 48:1, 75:11 onboard 18:10 once 19:14, 55:13, 59:8 one 7:22, 8:14, 8:16, 9:5, 14:2, 14:9, 20:15, 20:19, 21:12, 26:1, 26:2, 29:9, 35:21, 35:22, 37:6, 46:21, 47:8, 47:18, 49:18, 50:4, 50:5, 54:3, 58:7, 59:12, 62:18, 65:2, 68:21, 72:22, 74:7, 79:21, 79:22, 81:20 ones 81:10, 81:14 only 8:21, 9:5,</p>	<p>64:20, 78:15 operating 46:22 operator 6:2, 7:9, 45:12, 45:15, 77:12, 77:15, 84:10 opportunity 9:12, 65:16 opposed 8:20 options 24:17, 24:18, 80:12 ordering 84:16 other 8:21, 11:8, 11:10, 12:21, 13:7, 17:10, 21:1, 21:13, 44:13, 46:2, 46:13, 47:14, 48:6, 48:19, 72:22, 83:17 others 42:10 otherwise 86:12 our 10:14, 64:21 out 8:19, 9:19, 22:9, 31:11, 37:1, 37:4, 47:3, 48:15, 48:18, 48:20, 55:13, 55:16, 56:13, 75:19, 75:21, 75:22, 76:9, 77:19 outcome 86:12 outgoing 74:14 outside 31:12, 37:19</p>	<p>over 8:11 overall 10:11, 11:13, 28:3, 28:5 overseas 10:15, 11:18, 62:13 oversee 14:2 overseeing 25:2 own 80:8</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>page 5:2, 5:7, 10:6, 23:5, 25:13, 25:19, 27:3, 28:21, 31:10, 33:2, 40:15, 41:11, 41:12, 66:10, 66:12, 74:20, 75:1, 76:2, 78:1 pages 1:20 para 40:2 paragraph 23:7, 23:15, 26:1, 26:2, 37:13, 37:14, 39:3, 39:21, 40:2, 41:14, 49:15, 70:18, 71:1 part 21:13, 24:12 participate 66:11 particular 14:2, 42:3, 62:12 particularly 30:21 parties 86:11</p>
---	---	--	--

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>past 17:2 pat 27:9, 37:9, 67:20 patrick 13:18, 20:17, 20:18, 33:22 paying 83:16 pdas 20:13, 22:2 peculiar 57:13 people 10:13, 10:14, 11:10, 11:14, 29:21, 30:21, 37:9, 42:1, 42:4, 42:11, 42:16, 59:8, 59:13, 73:13 perfect 60:13, 79:1 perfectly 70:1 period 10:4, 61:18 person 14:12, 37:6, 46:16 person's 9:6 personal 8:4, 20:14, 39:18, 54:3, 54:9, 54:15, 58:20, 59:3, 59:15, 59:22, 60:1, 68:11, 70:20, 71:3, 74:8, 76:4, 76:8, 82:9, 82:13 perspective 18:8, 50:3 pezzi 3:15, 6:21,</p>	<p>84:20 phishing 65:9 phone 22:10, 22:15, 46:21 phones 20:14, 46:19 physical 21:4 physically 13:5 piece 30:12 place 6:12, 46:5, 64:14, 65:2, 73:9 plaintiff 1:5, 3:3, 7:18 planet 2:4, 6:11, 6:13, 7:10 play 17:5, 32:3 plays 31:12 please 6:15, 7:11, 8:6, 8:16, 9:10, 15:16, 24:6, 24:9, 24:21, 34:10, 77:12, 79:10, 81:11, 84:10 plunkett 25:20, 25:21 plus 42:10 point 9:16, 16:13, 17:19, 52:10, 58:7, 82:8 policies 53:16, 53:20, 54:7, 54:16 policy 10:11</p>	<p>portable 62:9, 62:13 position 9:22, 10:1 possibility 26:4 possible 34:5, 64:19 possibly 18:2 posts 74:6 practices 53:16, 53:20, 54:7, 54:16 precisely 20:5, 42:14 preparation 81:6 present 4:11 press 50:14 presume 31:18 pretty 65:1 principal 27:19, 42:19 prior 18:20 private 69:9, 69:19 privileged 81:3 probably 58:2, 58:6, 58:10 problems 44:4 procedures 53:16, 53:20, 54:7, 54:17 proceedings 86:4, 86:6 process 75:15 professional 2:11, 86:2</p>	<p>programs 12:19 protect 29:22 protected 10:21, 56:16 protecting 10:17, 11:1, 13:3, 13:5 provide 80:12 provided 83:22 providing 56:18 public 2:11, 86:1, 86:21 purpose 69:21 purposes 22:19, 40:10 pursuant 2:10 purview 11:22, 12:13, 12:16 push 22:1 put 56:1, 61:1, 66:9, 76:20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 9:9, 16:2, 16:5, 16:8, 24:5, 24:7, 24:9, 24:21, 33:14, 34:9, 34:10, 34:14, 49:22, 50:7, 55:8, 56:8, 56:11, 69:15, 72:22, 79:3, 80:11 question's 13:2</p>
---	--	---	--

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>questions 7:22, 8:3, 8:14, 9:2, 47:14, 47:17, 57:2, 77:19 quickly 24:4 quite 14:21</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>ramona 3:5, 7:5 read 19:13, 32:17, 35:9, 40:8, 43:9, 60:7, 62:21, 67:13, 68:6, 69:13, 73:20 reading 86:8 readout 31:6 reads 33:13, 41:14 ready 23:9 really 13:2, 14:21, 19:7, 54:1, 59:17, 62:6 reason 79:13 recall 12:14, 12:17, 12:20, 12:21, 15:20, 17:22, 18:2, 18:4, 18:15, 19:1, 19:3, 21:9, 21:14, 22:5, 22:11, 22:13, 23:16, 23:20, 23:21, 24:11, 31:5, 31:8, 34:3, 34:16, 34:19, 34:20,</p>	<p>34:22, 35:1, 35:5, 36:7, 36:9, 36:13, 37:3, 37:5, 40:21, 41:8, 42:5, 42:6, 42:14, 42:20, 42:22, 43:3, 43:4, 43:6, 43:13, 43:21, 44:1, 44:15, 45:4, 45:5, 45:8, 47:5, 48:13, 49:2, 49:5, 52:20, 52:21, 58:3, 58:8, 58:11, 58:19, 58:22, 60:18, 61:2, 61:5, 62:8, 63:20, 64:15, 68:17, 68:20, 69:1, 71:15, 71:16, 71:18, 71:19, 71:21, 72:2, 73:16, 76:22, 77:3, 77:5 recap 28:22 receive 15:2, 50:5, 50:22, 57:22 received 36:18, 71:10, 71:12 receiving 54:14 recess 45:14, 77:14 recipient 71:6 recollection 21:10 recommend 37:14, 37:15 recommended 60:3</p>	<p>reconfigured 71:4 record 8:7, 8:21, 9:11, 24:5, 45:13, 45:16, 76:20, 77:13, 77:16, 84:12, 84:22, 85:3, 86:5 records 11:2, 16:16, 43:4, 81:6 recount 46:5 redacted 27:10, 28:9, 69:12, 75:14 redaction 37:16 redactions 69:13 reduced 86:7 refer 39:11, 66:21 reference 47:19, 48:2 referenced 27:2 referred 44:11, 49:8, 68:2 referring 67:4, 68:15 refers 31:16, 35:17, 66:20 regarding 36:19, 45:21, 64:18, 65:5, 65:6 regards 33:20 regional 78:17, 78:21 registered 2:11, 86:2</p>	<p>reid 14:13, 19:20, 20:3, 21:2, 21:11, 27:6, 31:10, 33:18, 34:18, 37:9, 61:3, 61:6, 63:10, 67:2 reid's 21:2 relate 44:5 related 13:1, 14:15, 14:19, 15:22, 16:15, 25:2, 58:12, 65:10, 83:17, 84:1, 86:10 relayed 44:22 relaying 45:6 remember 18:10, 20:5, 31:2, 45:3, 46:11, 58:13 reminders 59:8 remotely 39:6 repeat 8:15, 24:9 rephrase 8:17, 56:7, 56:11, 79:10 report 13:15 reported 1:21 reporter 2:11, 7:9, 7:11, 8:21, 9:5, 84:14, 84:16, 86:1, 86:3 represent 6:16 representatives 82:16</p>
---	--	--	--

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>representing 6:10, 7:10 request 15:2, 23:2 requests 14:20, 44:8 required 78:16 research 30:5, 30:8, 30:11 resource 40:19 respect 33:13 respond 8:19, 15:5 responding 14:19 response 32:16, 62:20 responses 8:22 responsibilities 14:15, 14:19, 15:4, 28:2, 29:16, 30:10 responsibility 11:5, 28:5 responsible 10:13, 12:3, 13:8 rest 64:22 retrieving 39:7 reveal 70:4, 76:8 revealed 50:13 revealing 69:5 review 26:21, 60:20, 81:5, 81:8 reviewed 17:2, 22:20, 81:9, 81:12,</p>	<p>81:14, 81:17, 81:22 right 18:16, 19:22, 26:17, 28:15, 32:18, 49:1, 62:1, 67:8 right-hand 74:1 role 9:21, 10:10, 20:22 room 46:16, 46:20, 46:22, 47:2 routine 57:11, 58:4, 58:14 row 35:14, 35:16, 35:17, 35:22, 36:1, 36:11, 37:16, 37:19, 39:22, 44:9, 61:13, 64:22, 79:7, 79:15 rpr 1:21 rules 8:11</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>s-t-a-r-r 27:18 safe 10:14 safety 12:4 said 44:2, 44:12, 47:1, 47:2, 75:2, 78:3, 80:22, 86:6 same 10:6, 23:7, 23:13, 42:11, 42:16, 42:18 saw 16:19, 46:20,</p>	<p>53:4, 56:5, 56:16 say 13:3, 15:13, 15:16, 23:16, 44:10, 47:13, 53:17, 56:20, 69:22, 73:4 saying 16:11, 56:2 says 20:7, 21:22, 25:14, 27:7, 40:16, 65:6, 66:11, 66:16, 69:6, 74:20, 76:3 scif 19:6, 31:12, 36:1, 46:14, 46:18, 79:4 seal 86:14 seated 46:17 second 25:13, 26:1, 40:15, 67:15, 74:20, 75:1, 78:1 secret 48:4, 48:7, 48:8 secretariat 75:12, 78:10 secretaries 14:1, 17:9, 20:20, 41:16, 41:17, 42:8, 46:12 secretary's 22:8, 36:12, 36:15, 36:19, 38:8, 44:7, 72:18, 74:12, 77:6, 84:2 secure 22:9, 22:15,</p>	<p>80:13 securely 48:7, 48:8 securing 10:15, 56:14, 74:8 security 9:21, 10:12, 10:16, 11:4, 11:21, 12:15, 12:19, 14:3, 14:6, 14:7, 20:6, 21:4, 21:16, 25:3, 25:17, 27:20, 27:21, 29:18, 42:10, 46:7, 50:3, 54:19, 56:14, 58:14, 59:7 secys 41:16 see 22:3, 23:11, 23:17, 23:19, 27:11, 30:7, 31:1, 31:14, 32:2, 32:5, 33:2, 33:4, 33:16, 37:20, 39:9, 43:11, 50:19, 57:13, 63:14, 64:4, 71:7, 71:8, 75:4, 76:6, 76:10, 78:18 seeing 69:18 seen 27:9 send 48:7 sending 51:7, 54:13, 54:14 sends 27:6 senior 37:19, 65:17,</p>
--	---	--	---

<p>69:9, 69:20, 70:2, 70:12 seniors 63:12, 64:3 sense 25:5 sensitize 64:22 sent 59:12, 74:7, 74:9, 74:11, 75:19, 75:22 sentence 23:15, 63:22 sentences 57:1 separate 15:7 september 86:17 server 8:4, 54:3 service 27:22 set 65:4, 86:13 setting 39:6, 64:2 seven 18:6 seventh 61:4, 65:5 several 16:19, 31:11 shaking 8:20 sharp 4:14, 6:10 she 18:17, 31:10, 31:16, 31:17, 32:8, 38:18, 43:9, 43:10, 44:1, 44:2, 44:3, 44:10, 44:12, 44:16, 44:18, 45:7, 46:17, 46:18,</p>	<p>46:20, 46:22, 47:2, 50:2, 50:3, 51:6, 51:11, 54:1, 55:9, 68:3, 71:12, 78:6, 80:7 she's 74:15 shorthand 86:1 shortly 47:11 should 31:2, 44:5 shouldn't 9:15 si 21:7, 21:10 side 21:3 signature 68:19, 74:13 signature-lzrhb 86:19 signed 69:22 signing 73:13, 86:9 similarly 83:21 simply 12:3, 44:1, 70:12 since 69:7, 69:22, 82:4, 82:9, 82:11, 82:18, 83:3 smith 60:13, 60:14 smith's 67:3 smoothly 8:13 some 7:22, 11:20, 13:7, 21:13,</p>	<p>24:13, 35:19, 42:10, 47:17, 58:6, 58:7, 68:2, 71:3, 81:13 somebody 68:19, 72:11, 75:14 someone 31:7, 69:8 something 42:15, 49:7, 56:3, 69:8, 75:2 sometime 47:6 sometimes 10:7, 42:18 somewhere 15:10, 16:19, 75:12 sorry 12:11, 13:11, 23:3, 23:16, 25:12, 40:12, 42:12, 59:19, 65:13, 66:13, 70:11, 81:20, 83:12 sounded 25:6 speak 13:11, 33:18, 33:22, 44:20, 71:13, 71:22, 72:12, 72:17, 76:13, 76:16, 76:18 speaking 9:6, 20:21, 34:16 spear 65:9 special 44:9 specific 17:22, 61:5 specifically 8:2, 21:15,</p>	<p>37:3, 37:5, 44:10, 45:2, 58:3, 66:4 spell 8:7 spoke 19:1, 44:17, 71:16, 71:19, 72:3, 72:7, 83:7 spoken 80:19, 82:2, 82:11, 82:19 ss 33:8 st 18:17, 21:7, 21:9, 21:10, 21:12 staff 11:11, 17:10, 18:20, 20:8, 20:10, 21:5, 22:1, 22:8, 24:13, 33:13, 33:20, 34:2, 35:19, 36:12, 36:15, 36:19, 37:2, 37:4, 37:19, 38:2, 38:9, 38:21, 44:7, 45:1, 45:2, 45:6, 46:10, 46:13, 52:1, 55:11, 55:14, 59:2, 64:3, 65:1, 65:5, 65:14, 65:18, 66:7, 68:3, 71:20, 72:1, 72:3, 72:7, 72:8, 72:12, 72:17, 72:18, 76:16, 76:18, 77:1, 77:7, 78:8, 79:14 staffers 41:2, 42:10</p>
--	--	---	---

<p>staffs 11:9 stand 33:9, 37:17, 38:4, 77:12, 84:10 standpoint 54:19 stands 33:5 stanley 31:3 starr 27:18 start 9:19, 20:2 started 38:18, 38:22 starting 28:20 starts 23:2, 37:14 state 1:7, 4:13, 6:5, 6:16, 7:2, 8:2, 8:6, 10:13, 10:18, 10:22, 11:5, 11:17, 12:4, 12:6, 13:1, 13:3, 13:5, 15:1, 15:7, 17:5, 17:11, 17:16, 18:9, 18:21, 20:9, 21:3, 24:18, 25:5, 28:4, 30:4, 30:12, 33:11, 35:18, 35:19, 38:1, 38:6, 38:18, 38:22, 39:15, 49:18, 50:11, 50:14, 50:16, 51:10, 51:13, 52:6, 52:8, 53:1, 53:8, 53:15, 53:20, 54:7,</p>	<p>54:8, 54:16, 54:20, 55:21, 55:22, 57:12, 57:15, 57:21, 58:16, 59:11, 66:7, 66:20, 74:10, 74:14, 75:21, 80:18, 82:3, 82:4, 82:9, 82:12, 82:18, 82:19, 82:20, 83:2, 83:4, 83:18 state's 24:13, 75:5 stated 44:1 states 1:1, 6:5, 6:20, 23:8, 71:2 stenographically 86:7 stephen 3:15, 6:21 steve 64:12 still 66:12 stopped 55:4 street 3:8, 3:18, 4:6 stress 39:4 strike 42:12, 55:20, 58:19 strongly 39:4 stymie 8:4 subject 20:7, 35:13, 68:11, 74:17 substance 81:2 such 9:10, 24:15,</p>	<p>74:6, 74:12 suite 2:6, 3:9, 4:7, 35:17 summary 31:6 supervised 11:13, 21:1, 29:21 supervision 10:11, 11:18, 28:5, 86:8 sure 9:13, 13:13, 15:1, 16:10, 16:12, 24:22, 36:5, 41:9, 48:1, 56:12, 56:15, 57:3, 58:18, 66:5, 67:17, 69:14, 79:11, 84:18 surprise 27:8 surprised 53:4, 83:6 swear 7:11 sworn 7:14 synchronized 49:16 systems 12:4, 56:15, 71:4</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>take 9:17, 19:13, 24:8, 34:11, 45:9, 47:3, 49:6, 64:14, 77:9 taken 45:14, 48:11, 49:2, 77:14, 86:4, 86:6 taking 6:12, 73:21</p>	<p>talk 9:12, 44:20, 54:8, 80:5, 81:2 talked 8:12, 48:21, 56:2, 82:7, 82:15, 83:2 talking 9:20, 22:6, 25:1, 40:3, 45:20, 48:10, 49:15, 60:21, 78:1 talks 26:3, 69:6 target 70:20 targeted 70:3 tasked 48:19 taskers 48:18 technical 21:3, 29:20 technology 11:21, 12:12, 14:3, 21:16, 25:3, 31:2, 33:14, 33:19, 34:1 tell 30:14, 58:10 tenure 13:17, 14:10, 15:13, 15:18, 16:13, 17:19, 19:4, 31:21, 52:5, 52:6, 52:10, 52:14, 59:6 term 39:13 testified 7:16, 16:18 testify 7:14 testimony 56:22, 80:19,</p>
---	---	---	---

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>80:20, 80:21, 84:1 th 27:7 than 41:21, 58:7, 59:8 thank 8:10, 10:9, 19:16, 20:1, 20:16, 22:18, 26:14, 28:15, 29:14, 30:15, 31:20, 32:18, 33:12, 34:15, 35:6, 35:10, 37:11, 40:5, 40:9, 45:18, 48:9, 49:14, 57:4, 60:8, 62:14, 62:22, 63:8, 67:21, 68:5, 68:8, 69:3, 73:17, 74:19, 76:1, 76:12, 77:4, 77:18, 78:12, 79:1, 80:16, 82:2, 84:8 that's 18:16, 20:11, 27:4, 28:19, 29:3, 30:13, 31:18, 32:22, 35:15, 40:14, 54:3, 64:11, 67:22, 69:20, 70:22, 78:22, 81:1 their 22:10, 24:13, 28:8, 37:7, 38:7, 59:18, 79:22, 80:2, 82:15 them 8:12, 8:16, 21:12, 65:18,</p>	<p>80:2 then 27:10, 37:16, 42:19, 61:20, 61:21, 75:17, 75:19, 76:8, 77:19 there 11:7, 14:4, 14:9, 15:6, 17:19, 18:1, 21:6, 23:21, 24:11, 24:15, 24:16, 24:18, 25:10, 26:1, 26:3, 26:7, 37:6, 37:22, 42:19, 44:8, 44:13, 48:18, 54:4, 54:5, 58:14, 61:1, 69:13, 69:18, 75:6, 75:11, 76:19, 78:11, 78:15, 80:10, 80:12, 80:15 there's 25:20, 33:2, 37:16, 47:18, 48:2 thereafter 86:7 these 25:7, 42:13, 47:1, 56:17, 57:7, 60:20, 71:5, 75:8, 79:22 they 16:15, 21:11, 22:13, 31:11, 38:22, 42:6, 61:10, 62:11, 69:18, 70:11, 70:12, 70:14, 78:21, 79:19, 79:20, 79:21, 80:1, 80:3, 80:5</p>	<p>they're 78:15 thing 75:4 things 15:8, 21:1, 23:10, 29:21, 29:22 think 9:9, 11:9, 14:7, 15:6, 16:7, 18:17, 20:4, 21:16, 25:8, 27:9, 28:21, 30:20, 31:18, 34:13, 37:12, 48:13, 48:16, 50:18, 51:6, 56:4, 56:19, 57:5, 58:14, 58:22, 59:8, 59:11, 59:14, 59:20, 59:21, 61:15, 61:22, 62:11, 64:21, 67:6, 67:19, 67:22, 68:1, 78:15 third 27:5, 37:13, 49:15 this 6:2, 9:15, 17:20, 19:8, 19:11, 23:1, 24:16, 27:7, 31:5, 32:19, 36:7, 36:12, 36:15, 38:10, 41:15, 42:3, 44:7, 44:8, 46:6, 46:12, 46:18, 49:19, 54:2, 56:21, 60:4, 61:15, 61:20, 62:6, 62:7, 62:15, 63:6, 63:9,</p>	<p>63:20, 64:2, 65:20, 66:9, 67:9, 67:12, 67:16, 67:18, 68:14, 68:17, 71:10, 72:19, 73:13, 74:4, 74:7, 74:9, 75:4, 75:8, 76:14, 76:17, 76:19, 77:7, 79:6, 83:17, 84:11, 86:11, 86:14 those 11:15, 15:8, 17:7, 18:5, 21:15, 34:6, 34:20, 35:1, 42:1, 42:4, 42:17, 42:21, 43:2, 43:5, 48:12, 49:3, 49:6, 49:9, 49:17, 49:18, 50:4, 65:1, 78:21 though 28:22, 69:7, 78:3 thought 16:5, 57:8 thoughts 56:4 threat 17:1, 64:19, 65:19, 66:3 three 42:15 through 75:14 thursday 1:13, 6:8 time 6:9, 9:6, 20:18, 24:19, 37:22, 40:22, 45:13, 45:16,</p>
--	--	---	--

<p>58:13, 61:18, 65:20, 67:5, 77:13, 77:16, 80:12, 84:12 times 31:11, 34:17 timing 65:3, 65:17 title 12:14, 12:17, 12:20, 14:6, 20:5, 27:21, 29:12, 30:6, 31:1 today 6:10, 7:10, 10:5, 70:9, 80:20, 80:21, 81:6, 84:6 today's 6:8 together 65:1, 65:18 told 47:16 too 9:15, 12:11, 16:8, 39:4, 70:17 took 15:7, 46:5, 73:8 top 19:19, 20:2, 22:20, 23:4, 25:14, 27:3, 28:3, 28:18, 29:17, 31:9, 32:20, 33:1, 38:13, 48:4, 48:7, 48:8, 60:11, 63:4, 63:9 topic 34:17, 64:16 topics 18:5, 35:3, 47:15</p>	<p>toward 63:11 towards 13:12, 25:19 trail 79:21 training 13:8, 15:22, 16:15, 58:1, 58:11 transcript 5:6, 19:10, 22:17, 26:20, 28:14, 32:14, 35:8, 40:7, 60:6, 62:17, 67:11, 72:21, 86:5 transition 18:9 travel 33:14, 33:19, 34:1, 62:13 trick 63:5 true 86:5 truth 7:15, 7:16 truthful 84:6 try 8:17, 63:5 trying 25:4, 56:12, 69:17 ts 47:19 ts-capable 22:2, 48:2 tuesday 23:9 turn 72:22, 73:18 turning 43:7 twice 10:1</p>	<p>two 27:10, 28:8, 33:12, 37:9, 42:14, 62:18, 66:11, 81:9 type 29:17, 48:14 types 22:13, 25:7 typewriting 86:8</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>unclassified 39:5, 39:11, 70:19 under 10:1, 12:13, 12:16, 12:22, 21:11, 21:12, 28:6, 29:10, 36:10, 36:11, 60:15, 75:19, 75:22, 86:8 undersecretaries 35:19, 46:21 undersecretary 13:16, 64:7 understand 8:16, 56:10 understanding 46:6, 79:5 understood 46:7 undisclosed 71:6 united 1:1, 6:5, 6:20 until 9:2 upon 58:5 urge 71:2 use 8:3, 22:14, 24:13, 24:15, 31:18, 35:13,</p>	<p>36:9, 36:10, 36:19, 37:19, 39:21, 44:9, 53:12, 53:14, 53:18, 54:20, 55:20, 55:21, 56:4, 57:6, 57:8, 57:11, 58:20, 59:22, 61:12, 64:1, 65:16, 71:3, 79:4, 79:6, 79:14, 82:3, 82:8, 82:13, 82:21, 83:18, 84:2 used 59:2, 59:14, 79:19 users 71:2 using 32:5, 37:15, 50:10, 50:19, 52:4, 52:7, 52:11, 52:15, 52:19, 53:5, 53:8, 55:3, 56:5, 56:16, 57:14, 62:12, 65:21, 79:20 usual 47:16 usually 46:15</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vague 16:6, 16:8 various 10:2, 17:4 verbal 8:22, 32:16, 62:20 version 81:16, 81:19, 82:1 versus 6:5</p>
--	--	---	---

<p>very 12:2, 12:3, 19:4, 24:4, 25:14, 30:17, 31:9, 40:16, 46:7, 56:21, 63:9, 81:17, 84:8 via 52:2 video 6:2, 6:9, 7:9, 45:12, 45:15, 77:12, 77:15, 84:10, 84:11 videographer 4:14, 6:10 videotaped 1:11, 2:1, 6:3, 6:12 virtues 68:21 voice 6:15, 13:14 vulnerabilities 33:14, 33:19, 34:1, 40:4, 55:12, 62:9, 62:12 vulnerability 24:15 vulnerable 39:5</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 9:1 want 9:7, 9:13, 9:14, 9:19, 25:15, 26:15, 26:16, 32:15, 36:5, 37:17, 38:4, 41:8, 41:9, 47:15, 56:1, 56:20, 57:1, 69:4, 70:18, 81:10</p>	<p>wanted 22:14, 65:16, 80:2 warning 59:13 washington 1:12, 2:7, 3:10, 3:19, 4:8, 6:14, 74:15 watch 1:4, 3:7, 6:4, 7:4, 7:6, 7:8, 7:22 watch's 8:1 way 9:19, 13:7, 22:9, 24:13, 37:17, 38:5, 69:11 wayne 29:6 we'll 10:4, 12:10 we're 9:17, 10:6, 28:11, 67:8 web 71:3 wedded 79:22 wednesday 41:12 week 46:10, 46:11 weeks 42:15 well 12:13, 30:19, 39:18, 50:16, 56:11, 61:10 went 36:21, 75:6 were 11:15, 11:20, 15:1, 17:16, 17:19, 21:10, 21:15, 22:6,</p>	<p>24:18, 24:19, 25:1, 34:6, 40:10, 44:8, 45:20, 47:1, 48:10, 48:11, 48:18, 48:19, 49:2, 49:3, 53:4, 55:11, 55:12, 61:22, 62:11, 67:4, 68:1, 68:14, 69:18, 70:3, 70:11, 70:12, 70:14, 72:11, 73:2, 74:6, 75:22, 77:22, 78:1, 79:19, 79:21, 80:3, 80:12, 83:5, 86:4, 86:6 weren't 80:3 western 78:19 wha 78:18 what 10:10, 10:20, 12:2, 13:3, 14:21, 15:9, 16:10, 16:22, 17:2, 20:8, 20:13, 20:21, 20:22, 21:8, 21:14, 22:5, 22:13, 24:16, 25:6, 25:15, 25:18, 26:5, 27:17, 28:1, 28:16, 29:3, 29:11, 29:15, 29:19, 30:9, 30:19, 32:8, 33:5, 33:9, 34:6, 35:16, 36:5, 38:3, 38:5, 39:12, 40:18, 41:3,</p>	<p>41:7, 41:10, 42:6, 43:16, 43:21, 44:10, 44:12, 48:2, 48:3, 51:3, 51:12, 51:17, 54:13, 55:11, 55:12, 60:17, 60:20, 61:8, 61:20, 62:6, 63:16, 64:16, 65:6, 65:8, 66:5, 69:14, 70:1, 74:4, 74:21, 78:5, 79:12, 81:8 what's 19:18, 27:1, 35:11, 59:17, 60:9, 63:1, 68:9, 73:21 whatever 18:11 when 9:22, 15:13, 18:2, 18:8, 19:1, 34:20, 38:10, 38:14, 38:18, 38:22, 39:11, 46:18, 46:20, 47:1, 47:5, 49:15, 50:9, 50:13, 51:20, 53:4, 56:5, 73:4, 74:15, 78:1, 79:3, 80:5 whenever 9:18 where 23:12, 27:7, 36:21, 46:19, 80:2 whereof 86:13 whether 8:3, 23:21, 24:7, 44:18,</p>
---	--	--	---

Transcript of Eric James Boswell
 Conducted on May 2, 2019

<p>51:6, 52:11, 52:15, 52:21, 53:1, 54:1, 54:4, 78:1, 80:7 which 10:13, 11:19, 17:2, 22:20, 27:2, 40:12, 46:6, 47:3, 49:12, 73:18, 73:22, 77:21, 81:10, 81:14, 81:20 while 37:13, 37:14 who 6:16, 13:15, 13:17, 14:5, 14:12, 17:7, 20:3, 20:8, 20:17, 21:7, 22:11, 25:20, 27:15, 28:7, 28:8, 29:6, 29:8, 29:21, 30:1, 30:3, 30:4, 30:16, 30:17, 31:3, 31:16, 37:3, 40:21, 42:4, 45:2, 51:14, 51:16, 60:13, 60:15, 64:6, 64:10, 66:18, 67:2, 67:5, 67:16, 67:22, 69:12, 70:2, 70:11, 70:14, 72:11, 72:12, 73:10, 73:14, 78:5, 78:6, 83:7 whole 7:15, 49:17 whom 86:3 whose 75:14 why 24:3, 24:10,</p>	<p>25:5, 31:17, 35:1, 36:7, 45:9, 59:14, 59:20, 59:21, 59:22, 65:3, 69:21, 77:9, 79:5, 79:12 wife 80:22 will 6:15, 7:11, 8:13, 8:17, 67:13, 74:17 wisecarver 30:16, 30:18 with 6:19, 7:1, 9:19, 11:9, 15:15, 15:17, 15:21, 18:19, 19:1, 22:9, 24:15, 24:16, 30:13, 31:22, 33:13, 33:18, 33:19, 33:22, 34:1, 34:17, 35:13, 36:12, 36:14, 38:7, 40:11, 41:15, 43:13, 44:13, 44:19, 44:20, 44:21, 45:6, 45:22, 46:11, 46:21, 49:16, 52:2, 52:8, 52:15, 52:22, 53:15, 53:19, 59:5, 61:3, 61:6, 68:10, 69:13, 70:15, 70:19, 71:13, 77:1, 77:6, 80:10, 83:7, 83:12, 83:16, 83:22, 84:8 within 11:21, 17:11 without 24:5, 28:7,</p>	<p>34:4, 34:9, 80:13 witness 4:3, 6:17, 7:12, 13:13, 16:5, 24:9, 25:12, 26:10, 26:12, 53:22, 56:11, 62:20, 67:15, 67:18, 67:22, 68:6, 79:17, 81:22, 86:13 wondering 23:17, 56:19 word 65:13 words 47:1, 48:6, 48:19, 56:1 work 38:7, 76:9 work-related 51:7 worked 60:15 working 56:15, 80:3 world 17:5 would 11:9, 13:1, 17:7, 19:3, 26:8, 37:6, 42:1, 42:6, 42:8, 42:16, 42:19, 47:13, 50:2, 50:4, 50:19, 51:13, 51:14, 51:17, 51:20, 54:6, 54:15, 55:4, 55:10, 55:13, 56:3, 57:2, 58:10, 64:1, 66:11, 68:2, 72:13, 73:12, 73:14, 74:12,</p>	<p>75:11 write 16:14, 38:4, 39:4, 68:18, 68:22 writes 31:10 writing 36:15, 63:10, 68:17 written 48:15, 69:21 wrote 36:7, 38:10, 68:19</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah 23:6, 26:22, 32:17, 61:1, 66:17, 79:18 year 18:11, 47:10, 58:6 years 18:6, 81:13 yes 10:19, 12:1, 12:7, 12:9, 13:21, 14:11, 17:14, 17:18, 19:12, 20:12, 22:4, 22:22, 24:1, 24:2, 26:13, 27:12, 27:14, 32:1, 32:7, 33:21, 39:19, 41:17, 43:15, 49:14, 50:8, 50:17, 50:21, 54:18, 55:1, 59:7, 60:12, 62:11, 63:3, 64:9, 65:11, 69:16, 70:10, 70:16, 71:8, 74:5, 75:3, 76:1,</p>
---	--	---	--

Transcript of Eric James Boswell

Conducted on May 2, 2019

<p>78:11, 78:14, 81:7, 81:11, 83:5, 84:7, 84:15 yet 27:9 you'd 17:5 you're 16:10, 19:14, 56:13, 70:4, 73:21 you've 16:18, 60:19, 76:19, 81:17 your 8:7, 8:11, 8:20, 9:2, 9:20, 11:8, 11:12, 11:21, 12:13, 12:16, 13:14, 13:17, 14:9, 15:5, 15:13, 15:18, 16:13, 17:19, 18:8, 31:21, 37:3, 37:8, 43:7, 45:2, 45:6, 45:21, 48:10, 50:2, 52:1, 52:5, 52:6, 52:10, 52:14, 56:1, 56:3, 57:21, 58:19, 59:1, 59:2, 59:6, 65:13, 72:3, 72:7, 76:4, 76:8, 76:9, 77:5, 80:18, 80:19, 80:21, 83:16, 84:1, 84:5, 84:6 yourself 6:16, 35:13</p>	<p style="text-align: center;">0</p> <p>00 6:9, 16:20, 17:20, 48:11 01 40:12 012 5:8 01242 1:6, 6:7 014 5:9, 22:21 015 5:10, 27:2 016 5:11, 28:17 017 5:12, 32:20 024 5:16, 60:10 025 5:17, 63:2 05857904 5:19 05891070 5:14 05891105 5:15, 40:13</p>	<p>13 27:7 14 1:6, 6:7, 86:17 1401 4:6 19 5:8 1996 10:2 1998 10:2</p>	<p>235647 1:19 24 17:2 2512 5:20, 74:1 2513 5:20 26 5:10 261 4:9 28 5:11 2nd 6:8, 19:21</p>
<p style="text-align: center;">(</p> <p>(rcl 1:6, 6:7</p>	<p style="text-align: center;">1</p> <p>10 5:18, 6:9, 45:13, 45:16, 67:9, 67:10, 68:9, 73:6, 81:15, 81:22 11 5:20, 41:13, 72:19, 72:20, 73:19, 73:22, 77:13, 77:16, 77:21, 84:13, 85:3 1100 2:5, 3:18, 6:13 12 41:13</p>	<p style="text-align: center;">2</p> <p>20005 3:19, 4:8 20024 3:10 20036 2:7, 6:14 2006 18:12 2007 10:3, 10:5, 15:14, 15:19, 18:11 2009 18:17, 19:21, 41:13, 62:3, 62:4 2011 61:3, 61:15, 62:3, 62:9, 69:7 2012 10:3, 10:5, 15:14, 15:19 2019 1:13, 6:8, 86:15 202 3:11, 3:20, 3:21, 4:9 2022 86:17 21 18:17 22 5:9</p>	<p style="text-align: center;">3</p> <p>3 27:7 305 3:20, 3:21 32 5:12 35 5:13 36 77:13 37 58:6 3767 2:8 3rd 3:8</p> <p style="text-align: center;">4</p> <p>40 5:15 40,000 11:14 425 3:8 433 2:8 46 77:16 4th 86:14</p>

Transcript of Eric James Boswell
 Conducted on May 2, 2019

5	86	
5	1:20	
19:21	888	
51	2:8	
45:13	9	
5172	9	
3:11	1:14, 18:13,	
52	18:14, 61:15	
84:13	950	
53	2:6	
85:3		
55		
19:21		
58		
27:7		
59		
1:14, 45:16		
6		
6		
62:1		
60		
5:16		
600		
4:7		
62		
5:17		
646		
3:11		
6564		
4:9		
67		
5:18		
7		
72		
5:20		
7583		
3:20		
8		
8		
16:20, 17:20,		
48:11		
800		
3:9		
8576		
3:21		