



Planet Depos®
We Make It *Happen™*

Transcript of Heather Samuelson

Date: June 13, 2019

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

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

Transcript of Heather Samuelson
Conducted on June 13, 2019

1 (1 to 4)

1	1	1	3
2	IN THE UNITED STATES DISTRICT COURT	2	A P P E A R A N C E S
3	FOR THE DISTRICT OF COLUMBIA	3	ON BEHALF OF PLAINTIFF:
4	----- x	4	RAMONA COTCA, ESQUIRE
5	JUDICIAL WATCH, INC., :	5	LAUREN M. BURKE, ESQUIRE
6	Plaintiff, :	6	ERIC LEE, ESQUIRE
7	v. : Civil Action No.	7	JUDICIAL WATCH, INC.
8	U.S. DEPARTMENT OF STATE, : 14-01242 (RCL)	8	425 Third Street, SW
9	Defendant. :	9	Suite 800
10	----- X	10	Washington, DC 20024
11	Videotaped Deposition of HEATHER SAMUELSON	11	(202) 646-5172
12	Washington, DC	12	ON BEHALF OF DEFENDANT:
13	Thursday, June 13, 2019	13	STEPHEN M. PEZZI, ESQUIRE
14	10:10 a.m.	14	U.S. DEPARTMENT OF JUSTICE
15		15	FEDERAL PROGRAMS BRANCH
16		16	1100 L Street, NW
17		17	Washington, DC 20005
18		18	(202) 305-7583
19		19	
20	Job No.: 230029	20	
21	Pages 1 - 261	21	
22	Reported by: Debra A. Whitehead	22	
2	2	4	4
1	Videotaped Deposition of HEATHER SAMUELSON,	1	A P P E A R A N C E S C O N T I N U E D
2	held at the offices of:	2	ON BEHALF OF DEFENDANT:
3		3	ELIZABETH SHAPIRO, ESQUIRE
4	PLANET DEPOS - DC	4	U.S. DEPARTMENT OF JUSTICE
5	1100 Connecticut Avenue, NW	5	CIVIL DIVISION
6	Suite 950	6	20 Massachusetts Avenue, NW
7	Washington, DC 20036	7	Washington, DC 20530
8	(888) 433-3767	8	(202) 514-2205
9		9	
10		10	ON BEHALF OF THE WITNESS:
11		11	HAL BREWSTER, ESQUIRE
12	Pursuant to notice, before Debra A. Whitehead,	12	BRIAN L. STEKLOFF, ESQUIRE
13	an Approved Reporter of the United States District	13	CALI COPE-KASTEN, ESQUIRE
14	Court and Notary Public of the District of Columbia.	14	WILKINSON WALSH & ESKOVITZ
15		15	2100 M Street, NW
16		16	10th Floor
17		17	Washington, DC 20036
18		18	(202) 847-4000
19		19	
20		20	
21		21	ALSO PRESENT:
22		22	JEREMY DINEEN, Video Specialist

Transcript of Heather Samuelson
Conducted on June 13, 2019

2 (5 to 8)

5	7
1 C O N T E N T S	1 EXHIBITS MARKED IN TODAY'S SESSION - CONTINUED
2 EXAMINATION OF HEATHER SAMUELSON PAGE	2 DEPOSITION EXHIBIT PAGE
3 By Ms. Cotca 10	3 Exhibit 12 E-mail String Ending with E-mail 146
4 By Mr. Brewster 256	4 Dated 11/11/14 from Mr. Visek
5	5 to Ms. Duval
6 EXHIBITS MARKED IN TODAY'S SESSION	6 Exhibit 13 3/27/15 Letter from Mr. Kendall 203
7 (Retained by Counsel)	7 to The Honorable Trey Gowdy,
8 DEPOSITION EXHIBIT PAGE	8 With Attachment
9 Exhibit 1 Subpoena to Testify at a 14	9 Exhibit 14 FBI 302, Heather Samuelson 208
10 Deposition in a Civil Action	10 Exhibit 15 12/5/14 Letter from Ms. Mills 211
11 Exhibit 2 Organization-Careers Printout 18	11 to The Honorable Patrick F.
12 From state.gov	12 Kennedy
13 Exhibit 3 E-mail String, Bates Nos. 42	13 Exhibit 16 12/3/14 E-mail from Mr. Fischer 216
14 DOS_00005170_0001 to	14 to Ms. Grafeld
15 DOS_00005170_0002	15
16 Exhibit 4 E-mail String Ending with E-mail 64	16 EXHIBITS MARKED IN PRIOR SESSIONS
17 Dated 12/11/12 from Ms. Mills	17 (Retained by Counsel)
18 to Mr. Johnson	18 DEPOSITION EXHIBIT PAGE
19 Exhibit 5 1/27/16 Letter from Mr. Grassley 71	19 Finney Exhibit 2 Notices 251
20 to The Honorable John F. Kerry	20
21	21
22	22
6	8
1 EXHIBITS MARKED IN TODAY'S SESSION - CONTINUED	1 P R O C E E D I N G S
2 DEPOSITION EXHIBIT PAGE	2 VIDEO SPECIALIST: Here begins Disk
3 Exhibit 6 E-mail String, Bates Nos. 76	3 Number 1 in the videotaped deposition of Heather
4 DOS_00000896_0001 to	4 Samuelson in the matter of Judicial Watch, Inc., V
5 DOS_00000896_0002	5 the U.S. Department of State, in the U.S. District
6 Exhibit 7 E-mail String Ending with E-mail 99	6 Court for the District of Columbia, Case Number
7 Dated 12/27/12 from Ms. Walter	7 14-01242.
8 to Mr. Samuelson	8 Today's date is June 13, 2019. The time
9 Exhibit 8 E-mail String, Bates Nos. 108	9 on the video monitor is 10:10 a.m. The
10 DOS_00000898_0001 to	10 videographer today is Jeremy Dineen, representing
11 DOS_00000898_0002	11 Planet Depos. This video deposition is taking
12 Exhibit 9 E-mail String, Bates Nos. 118	12 place at the offices of Planet Depos, 1100
13 DOS_00000901_0001 to	13 Connecticut Avenue, Northwest, Suite 950, in
14 DOS_00000901_0005	14 Washington, DC.
15 Exhibit 10 E-mail String, Bates Nos. 119	15 Would counsel please voice-identify
16 DOS_00000899_0001 to	16 themselves and state whom they represent.
17 DOS_00000899_0004	17 MS. COTCA: Ramona Cotca, for the
18 Exhibit 11 E-mail String, Bates Nos. 125	18 plaintiff.
19 DOS_00000902_0001 to	19 MS. BURKE: Lauren Burke, for the
20 DOS_00000902_0005	20 plaintiff.
21	21 MR. LEE: Eric Lee, for the plaintiffs.
22	22 MS. SHAPIRO: Elizabeth Shapiro, on

Conducted on June 13, 2019

<p>9</p> <p>1 behalf of the Department of State and the witness</p> <p>2 in her capacity as a former State Department</p> <p>3 official.</p> <p>4 MR. PEZZI: Stephen Pezzi, from the</p> <p>5 Department of Justice, also on behalf of defendant</p> <p>6 the Department of State, and on behalf of the</p> <p>7 witness in her official capacity as a former</p> <p>8 government employee.</p> <p>9 MS. COPE-KASTEN: Cali Cope-Kasten, on</p> <p>10 behalf of Heather Samuelson.</p> <p>11 MR. STEKLOFF: Brian Stekloff, on behalf</p> <p>12 of Ms. Samuelson.</p> <p>13 MR. BREWSTER: Hal Brewster, also on</p> <p>14 behalf of Ms. Samuelson.</p> <p>15 THE WITNESS: Heather Samuelson.</p> <p>16 VIDEO SPECIALIST: Thank you.</p> <p>17 The court reporter today is Debbie</p> <p>18 Whitehead, representing Planet Depos. Would the</p> <p>19 reporter please swear in the witness.</p> <p>20 HEATHER SAMUELSON,</p> <p>21 having been duly sworn, testified as follows:</p> <p>22 EXAMINATION BY COUNSEL FOR PLAINTIFF</p>	<p>11</p> <p>1 MS. COTCA: Okay. And just in response</p> <p>2 to that, I guess I would just state that obviously</p> <p>3 Ms. Samuelson has her attorneys who are</p> <p>4 representing her. You have the opportunity to</p> <p>5 hear what's being asked. You have the opportunity</p> <p>6 to object. And so if you believe that there is</p> <p>7 any question that's delving on privilege, and if</p> <p>8 you want to make an objection and an instruction</p> <p>9 to your client, you certainly have the opportunity</p> <p>10 to do so here today.</p> <p>11 MR. BREWSTER: Thank you.</p> <p>12 MS. COTCA: Okay.</p> <p>13 All right. Is that it?</p> <p>14 MR. BREWSTER: That's it.</p> <p>15 BY MS. COTCA:</p> <p>16 Q Okay. Ms. Samuelson, have you ever been</p> <p>17 deposed before?</p> <p>18 A I have not.</p> <p>19 Q Okay. But you're an attorney?</p> <p>20 A I am.</p> <p>21 Q Okay. And just for the record, when did</p> <p>22 you obtain your J.D., or become an attorney?</p>
<p>10</p> <p>1 BY MS. COTCA:</p> <p>2 Q All right. Good morning, Ms. Samuelson.</p> <p>3 For the record, can you please state your name and</p> <p>4 spell your name.</p> <p>5 A Heather Samuelson. H-E-A-T-H-E-R</p> <p>6 S-A-M-U-E-L-S-O-N.</p> <p>7 MR. BREWSTER: Ramona, I don't want to</p> <p>8 interrupt, but can I just memorialize what we</p> <p>9 discussed before?</p> <p>10 MS. COTCA: I was just going to give you</p> <p>11 the opportunity to do that.</p> <p>12 MR. BREWSTER: Okay. Thank you so much.</p> <p>13 As counsel for plaintiff and I discussed</p> <p>14 off the record beforehand, Ms. Samuelson is an</p> <p>15 attorney for Hillary Clinton, and there may be</p> <p>16 some testimony today that -- questions today that</p> <p>17 try -- attempt to elicit privileged information,</p> <p>18 or embark upon -- not that you're attempting to.</p> <p>19 We will assert privilege if need be. But</p> <p>20 if she does answer any question, whether privilege</p> <p>21 is asserted or not, just the record reflect it is</p> <p>22 not an intentional waiver of privilege.</p>	<p>12</p> <p>1 A I -- I graduated law school in 2008.</p> <p>2 Q Okay. Since you haven't been deposed</p> <p>3 before, I'm sure you're familiar with the rules of</p> <p>4 deposition, the ground rules for them. But I'll</p> <p>5 just go through them briefly.</p> <p>6 One is, you have been sworn in to</p> <p>7 obviously been asked to answer everything</p> <p>8 truthfully.</p> <p>9 Is there any reason why you believe that</p> <p>10 you would not be able to answer any of the</p> <p>11 questions truthfully here today?</p> <p>12 A No.</p> <p>13 Q Okay. Also, you see the court reporter,</p> <p>14 and she is here and she is transcribing everything</p> <p>15 that's being said today on the record. So we have</p> <p>16 a clear transcript, it's important that we don't</p> <p>17 speak over each other.</p> <p>18 I will do my best to not interrupt you as</p> <p>19 you are answering your question -- my questions.</p> <p>20 But, also, I would ask, sometimes you may</p> <p>21 anticipate the question that's being asked, but</p> <p>22 just let me finish asking it for purposes of</p>

13

1 having a clear record.
2 Is that fair?
3 **A Yes.**
4 **Q** Okay. Good.
5 Also, you're doing very well, you're
6 providing verbal responses. So nods of the head
7 do not transcribe on -- onto the record. Okay?
8 If you need a clarification as to any of
9 the questions that I'm asking, please let me know.
10 I'm happy to do so.
11 If you do not ask for a clarification, I
12 will assume that you understood the question
13 that's being asked and that you answered the
14 question that's being asked. Is that fair?
15 **A That's fair.**
16 **Q** Okay. Good.
17 Also, your -- as your attorney just put
18 on the record, there may be objections during the
19 deposition. Some may go to privilege, some may go
20 to -- for other purposes.
21 Unless your attorney instructs you not to
22 answer, you still must answer the question that's

14

1 being asked.
2 I would also just ask if your attorneys,
3 any of your attorneys do object, that you just
4 give them the opportunity to finish their
5 objection on the record, and then answer
6 accordingly, unless they instruct you not to, not
7 to answer. Okay?
8 **A Okay.**
9 **Q** Okay. If you need a break at any point,
10 let me know. We're happy to take breaks.
11 I would say, though, if there is a
12 pending question, I would ask that you answer the
13 question. Unless the break is to discuss whether
14 privilege applies and you need to consult with
15 your attorney in that regard. Okay?
16 **A All right.**
17 **Q** All right. Great.
18 (Samuelson Deposition Exhibit 1 marked
19 for identification, retained by counsel.)
20 **Q** You have before you what's been marked as
21 Exhibit 1, which is a copy of the subpoena that we
22 served on you by sending to your attorneys in this

15

1 case.
2 Do you recognize it?
3 **A I do.**
4 **Q** Okay. You've seen it before?
5 **A I have.**
6 **Q** Okay. Great. So let me just ask you,
7 then, are you familiar with the lawsuit pending
8 here today, which we asked for you to be deposed
9 in?
10 **A I am familiar with it.**
11 **Q** Okay. What's your familiarity with it?
12 **A I know that it is a FOIA-related suit.**
13 **Q** Okay. Just to give you a little bit more
14 background on it. It's a FOIA lawsuit that
15 Judicial Watch filed against the State Department
16 in which Judicial Watch asked for records from the
17 Secretary -- Secretary Clinton's office at the
18 time in regards to communications and updates that
19 were provided to Susan Rice, or talking points
20 provided to Susan Rice following the September 11,
21 2012, attacks in Benghazi. Okay?
22 **A Uh-huh.**

16

1 **Q** With respect to your deposition, I just
2 want to cover a little bit in general terms the
3 subject matters that we're going to cover.
4 Discovery is not typical in FOIA; however, Judge
5 Lamberth in this case permitted discovery and
6 permitted Judicial Watch to take your testimony in
7 this case on three topics that he granted
8 discovery over.
9 One is whether Secretary Clinton
10 intentionally attempted to evade FOIA by using a
11 private e-mail while Secretary of State. The
12 second subject matter is whether State's efforts
13 to settle this case in late 2014 and early 2015
14 amounted to bad faith. And the third topic that
15 he -- where he permitted discovery is whether
16 State adequately searched for records responsive
17 to Judicial Watch's FOIA request.
18 And the court found that you, as a former
19 State Department senior advisor, who helped
20 facilitate State's receipt of Secretary Clinton's
21 e-mails, was permitted to -- is permitted to be
22 deposed on all of these topics. Okay?

Conducted on June 13, 2019

<p>17</p> <p>1 A Okay.</p> <p>2 Q All right. So just I think it makes</p> <p>3 sense to just -- we're going to start probably in</p> <p>4 the same order as the topics that the court</p> <p>5 outlined, because it makes sense chronologically.</p> <p>6 So we'll start off with general background of your</p> <p>7 employment and when you began at the State</p> <p>8 Department.</p> <p>9 So if you can tell me, when did you start</p> <p>10 working at the State Department?</p> <p>11 A January 2009.</p> <p>12 Q Okay. And what was your position at</p> <p>13 State?</p> <p>14 A I started off as an assistant working at</p> <p>15 the White House liaison's office.</p> <p>16 Q Okay. Where is the White House liaison's</p> <p>17 office?</p> <p>18 A What do you mean by "where"?</p> <p>19 Q I guess is it -- there are many bureaus</p> <p>20 and bigger offices. So I have a chart, which I'm</p> <p>21 actually -- we can just mark it. I can have you</p> <p>22 look at it.</p>	<p>19</p> <p>1 Q Okay. Thank you.</p> <p>2 And you said you began as an assistant in</p> <p>3 the White House liaison office.</p> <p>4 A Yes.</p> <p>5 Q At some point did your position change?</p> <p>6 A Yes. Later on I became the director of</p> <p>7 the office.</p> <p>8 Q Okay. And when did you become the</p> <p>9 director of the office?</p> <p>10 A I believe it was sometime in 2011.</p> <p>11 Q Who was the director of the office when</p> <p>12 you started there?</p> <p>13 A We did not have a director when I started</p> <p>14 there.</p> <p>15 Q Okay. How many -- why don't we back up a</p> <p>16 little bit. And how many employees were in the</p> <p>17 office when you started there?</p> <p>18 A I started in the White House liaison</p> <p>19 during a period of transition when Secretary</p> <p>20 Clinton was transitioning to the office. I</p> <p>21 believe there were four of us when I first</p> <p>22 started.</p>
<p>18</p> <p>1 If you can identify where within the</p> <p>2 organizational chart your office was, that would</p> <p>3 be great.</p> <p>4 MR. BREWSTER: I'm going to object. This</p> <p>5 is likely outside of scope of permissible</p> <p>6 discovery.</p> <p>7 I will allow her to answer the question.</p> <p>8 MS. COTCA: Okay.</p> <p>9 (Samuelson Deposition Exhibit 2 marked</p> <p>10 for identification, retained by counsel.)</p> <p>11 A So my office, the White House liaison's</p> <p>12 office when I worked there -- I can't speak to</p> <p>13 where it is today --</p> <p>14 Q Right.</p> <p>15 A -- fell under the Under Secretary For</p> <p>16 Management, M.</p> <p>17 Q Thank you. And that was Patrick Kennedy</p> <p>18 at the time?</p> <p>19 A Correct.</p> <p>20 Q Okay. And your office was on the seventh</p> <p>21 floor?</p> <p>22 A Correct.</p>	<p>20</p> <p>1 Q Okay. And you're saying during the</p> <p>2 transition. So that would have been before</p> <p>3 January of 2009?</p> <p>4 A No; it was January 2009. It was just --</p> <p>5 I just meant it was transitioning to the State</p> <p>6 Department.</p> <p>7 Q Okay.</p> <p>8 A Yeah. But I also served on the</p> <p>9 transition team to the State Department.</p> <p>10 Q For Secretary -- when Secretary Clinton</p> <p>11 came on board?</p> <p>12 A Correct.</p> <p>13 Q Okay. And what -- in what capacity did</p> <p>14 you serve on -- on the transition team?</p> <p>15 A I helped with the appointments and</p> <p>16 nominations process.</p> <p>17 Q Okay. All right. And so going back to</p> <p>18 the White House liaison's office when you started</p> <p>19 there.</p> <p>20 A Uh-huh.</p> <p>21 Q You said there were four other employees?</p> <p>22 A Correct.</p>

21

1 Q Okay. And who were they?

2 A **I can't remember today.**

3 Q Do you know their titles or their

4 positions in the office?

5 A **They were -- they were assistants, as I**

6 **was.**

7 Q Okay. And until 2011, when you became

8 the director, did they also remain to be employed

9 within the office with you?

10 A **I have to -- I don't recall who was still**

11 **there when I was director versus who was there**

12 **when I first started. There was -- there was**

13 **people that transitioned in and out.**

14 Q Okay. How many people were employed in

15 the office when you became the director of the

16 office?

17 A **I believe it was me and one to two**

18 **others.**

19 Q And do you know who they are?

20 A **I -- so my -- I had two -- I had deputies**

21 **that changed over time.**

22 Q Okay. And who were the deputies that you

22

1 had who changed over time?

2 MR. BREWSTER: Objection. Outside the

3 scope of permissible discovery.

4 I will allow her to answer, if she knows.

5 A **Ethan Gelber.**

6 Q And how do you spell his last name?

7 A **G-E-L-B-E-R.**

8 Q Okay.

9 A **And Kelly Mehlenbacher.**

10 Q And how do you spell Kelly's last name?

11 A **I couldn't tell you today.**

12 Q Mehlenbacher. Okay.

13 But that's one last name, one full name,

14 right, Mehlenbacher?

15 A **Correct.**

16 Q One word. Okay. Thank you.

17 When -- did you -- sorry if you already

18 stated this. But when in 2011 did you become the

19 director?

20 A **I don't remember the exact date.**

21 Q Do you remember time frame of the year --

22 A **I don't.**

23

1 Q -- seasons or months?

2 A **I don't.**

3 Q You don't. Okay.

4 And who -- well, prior to becoming the

5 director at the office, who did you report to?

6 A **So I reported to Cheryl Mills when I**

7 **first came in in 2009, and to Under Secretary**

8 **Patrick Kennedy. I had dual reporting.**

9 Q Okay. And how long did you report to

10 Ms. Mills?

11 A **So I reported to Ms. Mills from January**

12 **2009 until sometime -- sorry, I'm just trying to**

13 **remember. This is really -- this was ten years**

14 **ago.**

15 Q I understand. Take your time.

16 A **So I was assistant in the White House**

17 **liaison's office for the first year. Then I went**

18 **into another office, the bureau of -- Bureau of**

19 **Economic and Business Affairs for a few months.**

20 **And then I went back to the White House liaison's**

21 **office when I became the director of it.**

22 **Again, it was some -- it may have been**

24

1 **even early -- late 2010. I really just don't**

2 **remember at this point.**

3 Q Okay. And that's all right. But let me

4 just, so we have -- so I have an understanding.

5 When you were as an assistant in the

6 White House liaison's office, prior to moving to

7 the Bureau of Economics and Business Affairs, did

8 you throughout that time report to Ms. Mills as

9 well as to Under Secretary Patrick Kennedy?

10 A **I did. Correct.**

11 Q Okay. Great. And then when you came

12 back, you came back to the White House liaison

13 office, that's when you came back as a director?

14 A **Correct.**

15 Q Okay. And who -- I guess, who approved

16 your promotion to director?

17 A **So it would have been approved by the**

18 **White House, it would have been approved by Cheryl**

19 **Mills, and it would have been approved by Patrick**

20 **Kennedy.**

21 Q Okay. And then as the director of the

22 White House liaison's office in 2011, how long did

Conducted on June 13, 2019

<p>25</p> <p>1 you stay there in that role?</p> <p>2 A Until March 2013.</p> <p>3 Q Okay. So from 2011 to 2013, while you</p> <p>4 were the director of the office, did you continue</p> <p>5 to report to Ms. Mills and Patrick Kennedy?</p> <p>6 A Correct.</p> <p>7 Q Okay. All right.</p> <p>8 Can you just provide in general</p> <p>9 background what -- I mean, obviously the name</p> <p>10 provides some understanding as to what the office</p> <p>11 did. But if you can provide in your own words as</p> <p>12 to what the office did.</p> <p>13 A Yeah. Of course. So our office was</p> <p>14 primarily responsible for the recruitment,</p> <p>15 vetting, hiring, paperwork flow and process,</p> <p>16 onboarding of political appointees at the</p> <p>17 department.</p> <p>18 That ranged from Senate-confirmed</p> <p>19 positions to Schedule C's, to appointments at</p> <p>20 advisory boards.</p> <p>21 We also served as a general point of</p> <p>22 contact to the White House on other matters, as</p>	<p>27</p> <p>1 the time?</p> <p>2 A No.</p> <p>3 Q Okay. Do you know Brian Pagliano?</p> <p>4 A I do.</p> <p>5 Q Okay. When did you first know</p> <p>6 Mr. Pagliano?</p> <p>7 A So I -- sorry.</p> <p>8 Q That's okay.</p> <p>9 A I've actually known Brian since I was a</p> <p>10 teenager. We went to camp together.</p> <p>11 Q Okay. We're not going to go that far</p> <p>12 back.</p> <p>13 Did you know Mr. Pagliano while you were</p> <p>14 on the transition team?</p> <p>15 A I did.</p> <p>16 Q Okay. And were you aware of his role</p> <p>17 with respect to providing IT services and</p> <p>18 assistance to Secretary Clinton at that time?</p> <p>19 A I knew he provided IT services to the</p> <p>20 campaign. I did not know he provided IT services</p> <p>21 to Secretary Clinton personally at that time.</p> <p>22 Q Okay. And Mr. Pagliano came on board to</p>
<p>26</p> <p>1 needed.</p> <p>2 Q Okay. Now, you also said you were</p> <p>3 involved in Secretary Clinton's transition team?</p> <p>4 A That's correct.</p> <p>5 Q And when did you become -- when did you</p> <p>6 become involved on the transition team?</p> <p>7 A I believe -- again, this is a very long</p> <p>8 time ago at this point. But I believe it was</p> <p>9 sometime in late November, early December 2008.</p> <p>10 Q Okay. Thank you.</p> <p>11 And briefly, what was -- what was your</p> <p>12 role, again, on the transition team?</p> <p>13 A I didn't have a formal title, that I can</p> <p>14 remember. I might have. I just don't remember</p> <p>15 it. But I handled, again, appointments and</p> <p>16 nominations.</p> <p>17 Q Okay. While you were on the transition</p> <p>18 team, was there any -- were there any discussions</p> <p>19 with respect to Secretary Clinton's use of e-mail</p> <p>20 while she was going to become Secretary of State?</p> <p>21 A Not that I was involved in.</p> <p>22 Q Were you aware of any such discussions at</p>	<p>28</p> <p>1 the State Department as well. Is that right?</p> <p>2 A That's correct.</p> <p>3 Q Okay. Did you -- were you involved in</p> <p>4 his hiring as a Schedule C?</p> <p>5 A I was involved in all Schedule C hirings</p> <p>6 as the White House liaison.</p> <p>7 Q So were you involved in the hiring of</p> <p>8 Mr. Pagliano as well?</p> <p>9 A Yes.</p> <p>10 Q Did you, during your time in the -- well,</p> <p>11 let's focus on the early tenure of Secretary</p> <p>12 Clinton at the State Department.</p> <p>13 Between transition time, from transition</p> <p>14 time to, you know, first year of her tenure.</p> <p>15 Did you often -- or what was your</p> <p>16 interaction with Mr. Pagliano?</p> <p>17 MR. BREWSTER: Objection. Vague.</p> <p>18 Q You may answer.</p> <p>19 A Could you -- could you ask that question</p> <p>20 again?</p> <p>21 Q Sure. From the time period from when you</p> <p>22 started on the transition team for Secretary</p>

29

1 Clinton through her first year into Secretary
2 Clinton's tenure at the State Department, how
3 often would you interact with Mr. Pagliano?
4 **A So you're asking from December 2008 to**
5 **December 2009?**
6 Q Let's say November, December 2008 to the
7 end of 2009. Correct.
8 **A So the only interaction I recall having**
9 **with him was his onboarding.**
10 Q And what do you mean by "onboarding"?
11 **A Oh, sorry. So as -- it would be the**
12 **hiring process.**
13 Q Okay. And then what about throughout the
14 remainder, remaining tenure of Secretary Clinton
15 through 2013; did you have any other interactions
16 with Mr. Pagliano that you recall today?
17 MR. BREWSTER: Objection. Relevance.
18 Q You can answer.
19 **A I'm sure I did. I'm sure I did. He was**
20 **a Schedule C at the department. I'm sure I**
21 **interacted with him. But I could not recall**
22 **specific instances.**

30

1 Q Okay. Was there any interaction or
2 discussions with Mr. Pagliano in reference to
3 Secretary Clinton's e-mail or Huma Abedin's e-mail?
4 MR. BREWSTER: Objection. Vague. Calls
5 for speculation.
6 **A I did not have any conversations with him**
7 **about that.**
8 Q Okay. Were you aware during this time
9 period of any involvement that he had with respect
10 to Secretary Clinton's e-mail or Huma Abedin's
11 e-mail?
12 **A Could you ask that question again?**
13 Q I'll read it back.
14 Were you aware during this time period of
15 any involvement that he had with respect to
16 Secretary Clinton's e-mail or Huma Abedin's
17 e-mail?
18 **A No, I was not aware at the time of any --**
19 **of any involvement he had.**
20 Q Okay. Mr. Pagliano was hired as a
21 Schedule C to do what for the State Department?
22 **A My recollection is that he was an advisor**

31

1 **in the IRM bureau. I have to look up, see what**
2 **that stands for. I think it's information and**
3 **resource management.**
4 Q Correct. And information resource
5 management dealt with IT-type services for the
6 State Department. Is that right?
7 **A That's correct.**
8 Q Okay. I just want to talk about what
9 your interaction was with Secretary Clinton while
10 you were an assistant, while you were first an
11 assistant to the White House liaison's office.
12 Did you have much interaction with
13 Secretary Clinton during that time frame?
14 **A I did not.**
15 Q You did not.
16 So I understand that Ms. Mills would have
17 been your point of contact?
18 **A That's correct.**
19 Q Okay. And what about, then, when you
20 became the director of the White House liaison's
21 office; did you -- did you begin to have any more
22 interaction with Secretary Clinton at that point?

32

1 MR. BREWSTER: Objection. Vague.
2 **A I had more interaction with her, but it**
3 **was still infrequent.**
4 Q Okay. That would have been from 2011 to
5 2013. Correct?
6 **A Correct.**
7 Q Okay. And when you say it was
8 infrequent, can you describe what you mean by
9 that?
10 **A It was mainly in person, if I would see**
11 **her in the halls.**
12 Q Okay. Did you ever see Secretary Clinton
13 carry a BlackBerry with her?
14 **A Not that I recall.**
15 **I'm sorry. Ever, or during my time at**
16 **the State Department?**
17 Q During your time. We're focusing on your
18 time at the State Department.
19 **A Okay. So, no, not during my time at the**
20 **State Department, that I can recall.**
21 Q Thank you for clarifying.
22 Okay. So I want to go, again, through

Conducted on June 13, 2019

<p>33</p> <p>1 your background, because you served in different 2 capacity that are relevant here. 3 So you left the White House liaison's 4 office you said in March of 2013? 5 A I did. 6 Q Okay. And where did you go from there? 7 A I went to White House counsel's office. 8 Q Okay. And who was the White house 9 counsel at the time? 10 MR. BREWSTER: Objection. Relevance. 11 Q You may answer. 12 A Kathy Ruemmler. 13 Q And what was your position in the 14 counsel's -- in the White House counsel's office? 15 MR. BREWSTER: Same objection. 16 A I was assistant counsel. 17 Q You were assisting which counsel? 18 A I didn't have a specific counsel. That 19 was just my title, assistant counsel. 20 Q Assistant counsel. Okay. 21 So then if you could describe, what did 22 you do as assistant counsel?</p>	<p>35</p> <p>1 Q I think that would have been March 11, 2 2013. 3 MR. BREWSTER: Objection. Misstates 4 evidence. 5 No, I'm wrong about the year. Forgive 6 me. Objection withdrawn. 7 MS. COTCA: I did actually pull up the 8 calendar to figure out the date. 9 Q And then in April of 2014 when you left 10 the White House counsel, employment-wise where did 11 you go after that? 12 A In May 2014 I became one of the 13 Secretary's personal counsels. 14 Q Okay. And who hired you as her personal 15 counsel? 16 And when you say "personal counsel," you 17 are mean an attorney? 18 A Correct. Sorry. 19 Q That's okay. And who hired you? 20 A Cheryl Mills. 21 Q And did you have a retainer agreement -- 22 MR. BREWSTER: Objection.</p>
<p>34</p> <p>1 MR. BREWSTER: Objection. Outside the 2 scope of permissible discovery. 3 I will permit the witness to answer. 4 A I continued working on vetting of 5 nominations, as well as had an ethics and 6 compliance portfolio. 7 Q And who did you report to in the White 8 House counsel's office? 9 MR. BREWSTER: Same objection. 10 MR. PEZZI: Same objection. 11 A I reported to the deputy counsel. 12 Q And was that Caroline Shank at the time? 13 A It was not. 14 Q Who was the deputy counsel? 15 A It was Leslie Kiernan. 16 Q And how long did you remain at the White 17 House counsel's office? 18 A Until April of 2014. 19 Q Did you begin at the White House 20 counsel's office in March of 2013, right after you 21 left the State Department? 22 A Yes. That following Monday.</p>	<p>36</p> <p>1 Q -- when you were hired? 2 MR. BREWSTER: Objection. Relevance. 3 Q You may answer. 4 A I did. 5 Q Okay. And you still have, the retainer 6 agreement, it's still current? 7 MR. BREWSTER: Same objection. 8 A Correct. 9 Q And when you were hired by Ms. Mills to 10 serve as personal counsel for Secretary Clinton, 11 obviously we understand that you served in that 12 capacity with respect to e-mails that Secretary 13 Clinton returned to the State Department. 14 Is that correct? 15 I don't -- I don't want to go into any 16 other matters that you represented or that you 17 were hired to represent Secretary Clinton. I just 18 want to establish your role with respect to 19 reviewing her e-mails and the return of her 20 e-mails to the State Department. 21 MR. BREWSTER: Objection. Vague. 22 Could you restate the question? I'm not</p>

<p>37</p> <p>1 entirely understanding what you're -- you're 2 getting at here. 3 Q In what legal matter were you hired by 4 Ms. Mills to represent Secretary Clinton -- 5 MR. BREWSTER: Objection. 6 Q -- in May of 2014? 7 MR. BREWSTER: Objection. May call for 8 privileged information. 9 But you can answer, if you can do so 10 without divulging privileged information. 11 A I was hired to work on a number of 12 matters in May 2014. 13 Q Okay. 14 A I think what you're asking, this matter, 15 was not one of them in 20 -- in May 2014. 16 Q Okay. Did you begin working for 17 Secretary Clinton as her attorney for purposes of 18 returning e-mails to the Secretary -- to the State 19 Department? 20 A No. I was already working for her as 21 personal attorney prior to that. 22 Q Correct. But did you begin working on</p>	<p>39</p> <p>1 With respect to Secretary Clinton's 2 e-mails and also what your involvement may have 3 been at the State Department with respect to 4 certain FOIA requests that pertained to Secretary 5 Clinton's e-mails, did you give any interviews to 6 the Benghazi Select Committee? 7 MR. BREWSTER: Objection. Form. 8 A I was not interviewed personally by the 9 Benghazi Select Committee. 10 Q What do you mean by you personally? 11 A Oh, I mean I represented Secretary 12 Clinton in her interview with the Benghazi 13 committee. That was very public. I was not 14 interviewed by the Benghazi committee. 15 Q Okay. I'm just asking about -- 16 A Yeah. Yes. 17 Q -- interviews of you, personally. Okay? 18 Was there a request by the committee that 19 they interview you? 20 MR. BREWSTER: Objection. Relevance. 21 Calls -- or calls for testimony outside the scope 22 of permissible discovery.</p>
<p>38</p> <p>1 that while you were her attorney? 2 A Oh, yes. Yes. 3 Q Okay. And when did you -- 4 A Sorry. I misunderstood your question. 5 Q No problem. 6 And when did you begin working 7 specifically with respect to the Secretary's 8 return of her e-mails to the State Department? 9 A I believe that was in August 2014. 10 Q For your appearance in this case, is 11 Secretary Clinton paying your legal fees or any 12 person or entity associated with Secretary Clinton 13 or former President Clinton or the Clinton 14 Foundation? 15 MR. BREWSTER: Objection. Vague. 16 Relevance. Outside the scope of permissible 17 discovery. 18 You may answer, if you know. 19 A No. 20 Q And we'll get back to the work that you 21 started doing in August of 2014. I just wanted to 22 get through the background here.</p>	<p>40</p> <p>1 MR. PEZZI: Same objection. 2 Q You may answer. 3 A I don't recall or know if they had a 4 specific request to interview me. 5 Q Okay. You did provide -- you were 6 interviewed by the FBI on May 24, 2016, with 7 respect to Secretary Clinton's e-mail. Correct? 8 MR. BREWSTER: Objection. Outside the 9 scope of permissible discovery. 10 A I was interviewed by the FBI. That date 11 sounds correct. 12 Q Okay. Was there only one interview that 13 the -- that you gave to the FBI? 14 MR. BREWSTER: Same objection. 15 A Yes. 16 Q Okay. Then what about, are you familiar 17 with State Department Office of Inspector General, 18 state OIG? 19 MR. BREWSTER: Objection. Relevance. 20 A I'm familiar with the office. 21 Q Okay. Great. You're aware that the OIG 22 for the State Department investigated the State</p>

Conducted on June 13, 2019

41

1 Department's processing of FOIA, FOIA requests,
 2 and came out with a report in January of 2016.
 3 Are you aware of that report?
 4 MR. BREWSTER: Objection. Vague.
 5 If you know.
 6 **A I'm aware of the report, but it's been a**
 7 **very long time since I've read it.**
 8 Q Sure. And that's fair.
 9 Was -- did the state OIG office request
 10 for an interview -- for your interview in doing
 11 that investigation?
 12 MR. BREWSTER: Objection. Outside the
 13 scope of permissible discovery.
 14 MR. PEZZI: Same objection.
 15 Q You may answer.
 16 **A I do not believe they do. I don't**
 17 **remember them asking for an interview.**
 18 Q Okay. If you know, if they would have
 19 asked for an interview, would that have been to
 20 you directly or to your attorneys, the request?
 21 MR. BREWSTER: Objection. Calls for
 22 speculation.

42

1 Q If you know.
 2 **A I don't know.**
 3 Q Okay. And then the State Department's
 4 OIG office also did an investigation into
 5 specifically Secretary Clinton's e-mails, and that
 6 report came out in May of 2016.
 7 Are you familiar with that report?
 8 MR. BREWSTER: Objection. Relevance.
 9 Q You may answer.
 10 **A I am. I may be conflating the two**
 11 **reports, but I do recall a report on that as well.**
 12 Q Okay. Well, with respect to the May
 13 report specific to Secretary Clinton's e-mail use
 14 at the State Department, do you -- do you know if,
 15 did the state OIG contact you requesting your
 16 interview for that investigation?
 17 MR. BREWSTER: Objection. Relevance.
 18 Out -- outside the scope of permissible discovery.
 19 **A I don't remember.**
 20 (Samuelson Deposition Exhibit 3 marked
 21 for identification, retained by counsel.)
 22 Q Ms. Samuelson --

43

1 **A Yes.**
 2 Q -- you have what's been marked as Exhibit
 3 2.
 4 No. I just want you to have an
 5 opportunity to just review it.
 6 **A Okay. I think this is Exhibit 3.**
 7 Q Oh, it's Exhibit 3. Thank you.
 8 MR. PEZZI: Was Exhibit 1 the subpoena?
 9 MS. COTCA: Exhibit 1 was the subpoena.
 10 MR. PEZZI: So the org chart is Exhibit
 11 2?
 12 MS. COTCA: Yes.
 13 BY MS. COTCA:
 14 Q I don't want to interrupt you, but I'm
 15 not going to ask you specific questions about the
 16 conversation between Secretary Clinton and General
 17 Petraeus. I just have more of a broader question.
 18 **A Okay.**
 19 Q Do you see as -- well, just for the
 20 record, so the record is clear, I'll describe this
 21 as an e-mail chain between Secretary Clinton and
 22 General David Petraeus beginning on January 10,

44

1 2009, through January 28, 2009.
 2 Is that a fair representation of what's
 3 been marked as Exhibit 3?
 4 **A Could you repeat that? I'm sorry. I got**
 5 **distracted reading it.**
 6 Q That's okay.
 7 Just so the record is clear, I'll
 8 describe this exhibit as an e-mail chain between
 9 Secretary Clinton and General David Petraeus
 10 beginning on January 10, 2009, through January 28,
 11 2009.
 12 Is that a fair description of the
 13 document marked as Exhibit 3?
 14 **A Yes.**
 15 Q Okay. Thank you.
 16 I want to point you to the first e-mail
 17 from Secretary Clinton to General Petraeus at the
 18 top of the exhibit, dated January 29 -- 28, 2009,
 19 at 9:33 p.m. And I'll -- I'll read the points
 20 that I'm referring you to.
 21 She writes, "David, Sorry to be so tardy
 22 in responding. I've had BlackBerry blues. I

Conducted on June 13, 2019

<p>45</p> <p>1 can't use mine all day since my whole office is a 2 skiff. I don't yet have a computer, and I had to 3 change my address and lost some of my e-mail 4 traffic." 5 Do you see that? 6 A I do. 7 Q Okay. And in all the e -- and do you see 8 the e-mail address that Secretary Clinton used to 9 communicate with General Petraeus? 10 A I do. 11 Q Okay. And what's that e-mail address? 12 A It's hdr22@clintonemail.com. 13 Q Okay. And then do you see Secretary 14 Clinton used a different e-mail address in all of 15 the earlier e-mail messages -- 16 A Yes. 17 Q -- reflected in this document. 18 Is that right? 19 A Correct. 20 Q Okay. And what's that e-mail address? 21 A HR15@ATT.BlackBerry.net. 22 Q Okay. So I want to ask you first with</p>	<p>47</p> <p>1 A Am I aware that she changed -- 2 Q Were you aware at that time? 3 A At that time? 4 Q During this time frame, yes. 5 Not specifically that day, but during 6 this time period. 7 A I was not. 8 MS. COTCA: And, counsel, I would just 9 ask that you know that speaking objections are not 10 permitted. 11 You may object for the record, and that's 12 fine. The transcript will speak for itself. But 13 speaking objections and coaching the witness is 14 not permitted. 15 MR. BREWSTER: The objection was more for 16 you. And I'm well within my rights to object. 17 MS. COTCA: You're within your rights to 18 object, but not speaking objections. 19 Q Ms. Samuelson, when did you first become 20 aware that Secretary Clinton used the e-mail 21 address hdr22@clintonemail.com while she was at 22 the State Department?</p>
<p>46</p> <p>1 respect to the e-mail -- the BlackBerry.net e-mail 2 address in these earlier e-mails, was that 3 Secretary Clinton's e-mail address prior to coming 4 to the State Department? 5 MR. BREWSTER: Objection. Vague. 6 If you know. 7 A I believe so. 8 Q Okay. And then Secretary Clinton said 9 that she changed her e-mail address to the Clinton 10 e-mail.com. 11 Were you aware of Secretary Clinton 12 changing her e-mail address by January 28, 2009, 13 to the Clintonemail.com? 14 MR. BREWSTER: Objection. Question 15 mischaracterizes the document. She hasn't said 16 she changes it to Clintonemail.com. 17 MS. COTCA: She said she changed her 18 e-mail address, and that top e-mail is a different 19 e-mail address. 20 Q Are you aware of Secretary Clinton 21 changing her e-mail address from ATTBlackBerry.net 22 to Clintonemail.com?</p>	<p>48</p> <p>1 A I believe I first became aware when 2 either she e-mailed me on personal matters, such 3 as wishing me happy birthday, or when I 4 infrequently would receive e-mails forwarded to me 5 from others at the department that had that e-mail 6 address listed elsewhere in the document. 7 Q Okay. And when -- I'm trying to gauge 8 the time frame of when that was. Either the 9 personal e-mail wishing you happy birthday, and 10 then I want to move into the other e-mails. 11 A It was later on in her tenure, but I 12 couldn't tell you exactly when. 13 Q And how about, you said that you 14 infrequently received e-mails that were forwarded 15 on to you from other State Department officials. 16 Is that right? 17 A Correct. 18 Q Okay. And who were the State Department 19 officials? 20 A I recall Cheryl Mills, but it could have 21 been others. 22 Q Okay. Do you recall anybody else</p>

<p>49</p> <p>1 specifically other than Ms. Mills, sitting here 2 today? 3 A Not sitting here today. 4 Q Okay. And can you provide the time frame 5 of when Ms. Mills had forwarded you e-mails from 6 Secretary Clinton? 7 A Again, it was really infrequent, and I 8 couldn't -- I couldn't tell you when. 9 Q Okay. But it was while you were at the 10 State Department? 11 A Correct. 12 Q Okay. And it was for State Department 13 business. Correct? 14 A Correct. 15 Q Okay. When you were at the State 16 Department, did you have a BlackBerry issued? 17 A I did. 18 Q Okay. And you were provided a state.gov 19 e-mail account? 20 A I was. 21 Q Okay. Did you ever use any other e-mail 22 account for State Department business when you</p>	<p>51</p> <p>1 MS. COTCA: She said she may have. 2 MR. STEKLOFF: Okay. But, I mean, you 3 have to ask questions that aren't just assuming 4 facts that haven't been testified to. 5 MS. COTCA: And I'm not. 6 MR. STEKLOFF: Okay. 7 Q Let's clarify your testimony, 8 Ms. Samuelson. 9 You -- your practice was to use your 10 state.gov e-mail account? 11 A That's correct. 12 Q Okay. Did you ever use a personal e-mail 13 account for State Department business during your 14 entire tenure at the State Department? 15 MR. BREWSTER: Objection. Relevance. 16 Outside the scope of permissible discovery. 17 MR. PEZZI: Same objection. 18 A I don't want to say never. I may have. 19 Q Okay. So in those situations -- 20 A I don't have a recollection of it. 21 Q Okay. 22 A If I did, I would have -- I would have</p>
<p>50</p> <p>1 were at the State Department? 2 MR. BREWSTER: Objection. Relevance. 3 Outside the scope of permissible discovery. 4 MR. PEZZI: Same objection. 5 A My recollection is I conducted my State 6 Department business on my state.gov account. 7 Q Okay. Do you recall ever using a 8 personal e-mail account for State Department 9 business? 10 MR. BREWSTER: Same objection. 11 MR. PEZZI: Same objection. 12 A I don't recall. I may have. But my 13 practice was to use my state.gov e-mail account. 14 Q Okay. And when you used your personal 15 e-mail account, what was your practice with 16 respect to how to retain those e-mails for State 17 Department? 18 MR. BREWSTER: Same objection. 19 MR. PEZZI: Objection. Form. 20 MR. STEKLOFF: I mean, I'm not trying to 21 give a speaking objection, but she didn't say that 22 she used her personal e-mail for state purposes.</p>	<p>52</p> <p>1 likely forwarded it to my state.gov account or 2 cc'd my state.gov account. 3 Q Thank you. 4 A But I don't have a specific recollection. 5 Q Okay. But your practice would have been, 6 if you did, to cc or to forward the e-mail to your 7 state.gov e-mail account? 8 A Correct. Correct. 9 Q Okay. Thank you. 10 Why was that your practice? 11 MR. BREWSTER: Objection. 12 MR. STEKLOFF: Then you're assuming -- I 13 just -- 14 MS. COTCA: I have your objection on the 15 record. 16 I mean, go ahead and put your objection 17 on the record. 18 MR. STEKLOFF: She's giving you a 19 hypothetical because you're asking questions about 20 hypotheticals. So then if you say, why was that 21 your practice, it assumes that it happened. 22 MS. COTCA: No.</p>

Conducted on June 13, 2019

<p>53</p> <p>1 MR. STEKLOFF: So I think you can ask if</p> <p>2 that happened, why would that have been your</p> <p>3 practice. But I don't think you can say why was</p> <p>4 that your practice and assume that it took place</p> <p>5 based on the testimony she just gave you.</p> <p>6 MS. COTCA: Okay.</p> <p>7 BY MS. COTCA:</p> <p>8 Q Why would that have been your practice?</p> <p>9 A So it would be captured in the State</p> <p>10 Department system, and my own organizational</p> <p>11 purposes.</p> <p>12 Q How about Justin Cooper; do you know who</p> <p>13 Justin Cooper is?</p> <p>14 A I do.</p> <p>15 Q Okay. And when did you start -- when did</p> <p>16 you first know Mr. Cooper?</p> <p>17 A I don't remember when I first interacted</p> <p>18 with Justin.</p> <p>19 Q Was it before Secretary Clinton became</p> <p>20 Secretary of State?</p> <p>21 A It may have been. I just don't recall.</p> <p>22 Q Okay. Did you interact with Mr. Cooper</p>	<p>55</p> <p>1 don't recall if you attended?</p> <p>2 A I don't recall a workshop.</p> <p>3 Q Okay. During your time at the White</p> <p>4 House liaison's office at the State Department,</p> <p>5 what role did you have with respect to Freedom of</p> <p>6 Information Act requests?</p> <p>7 A Our office was from time to time tasked</p> <p>8 with searching our own records in response to</p> <p>9 Freedom of Information Act requests.</p> <p>10 Q Okay. And can you tell me what the</p> <p>11 process was when you were tasked?</p> <p>12 A So when we received a task, we would look</p> <p>13 through our e-mails, we would look through our</p> <p>14 office share drive, and any paper files that we</p> <p>15 had in the office.</p> <p>16 Q And who would task the office to do the</p> <p>17 search?</p> <p>18 MR. BREWSTER: Objection. Relevance.</p> <p>19 A We'd receive a tasker from the State</p> <p>20 Department FOIA office.</p> <p>21 Q Okay. Was that Clarence Finney and</p> <p>22 Jonathon Wasser?</p>
<p>54</p> <p>1 while you were at the State Department?</p> <p>2 A I don't recall any interactions with him.</p> <p>3 Q Okay. Ms. Samuelson, when you were at</p> <p>4 the White House liaison office, did you receive</p> <p>5 any training that was provided by Clarence</p> <p>6 Finney's office, who was the director, or deputy</p> <p>7 director, of S/ES-IRM with respect to records</p> <p>8 management?</p> <p>9 MR. BREWSTER: Objection. Form.</p> <p>10 MR. PEZZI: Objection. Form.</p> <p>11 A I don't recall receiving training.</p> <p>12 Q Okay. Did you receive training with</p> <p>13 respect to FOIA when you were at the State</p> <p>14 Department?</p> <p>15 A I may have, but I don't recall.</p> <p>16 Q Did you attend any records management</p> <p>17 workshops that Mr. Finney provided to the</p> <p>18 principal's office on the seventh floor while --</p> <p>19 while you were at the State Department?</p> <p>20 MR. BREWSTER: Objection. Form.</p> <p>21 A I don't recall those.</p> <p>22 Q You don't recall the workshop, or you</p>	<p>56</p> <p>1 MR. BREWSTER: Objection. Calls for</p> <p>2 speculation.</p> <p>3 If you know.</p> <p>4 A I don't recall.</p> <p>5 Q Okay. Are you familiar with the IRM</p> <p>6 office for the seventh floor principals, which is</p> <p>7 labeled as S/ES-C?</p> <p>8 MR. PEZZI: Objection. Form.</p> <p>9 MR. BREWSTER: Objection. Form.</p> <p>10 Q Let me rephrase that.</p> <p>11 A Okay.</p> <p>12 Q Are you -- were you aware with the office</p> <p>13 who handled FOIA requests and correspondences</p> <p>14 coming into the Secretary's office and other</p> <p>15 principals on the seventh floor that's labeled</p> <p>16 S/ES-C?</p> <p>17 MR. PEZZI: Objection. Form.</p> <p>18 A I'm not familiar with that acronym.</p> <p>19 Q Okay. Do you know Clarence Finney?</p> <p>20 A I don't recall knowing him when I was at</p> <p>21 the State Department. I have since seen his name</p> <p>22 in the press.</p>

Conducted on June 13, 2019

<p>57</p> <p>1 Q Okay. How about Jonathon Wasser?</p> <p>2 A No.</p> <p>3 Well, I should say I don't recall. I</p> <p>4 mean, it was a long time ago.</p> <p>5 Q Sure. That's fair.</p> <p>6 I'm just trying to understand where the</p> <p>7 tasker -- where the task came from with respect to</p> <p>8 FOIA requests that came to your office.</p> <p>9 When you say "the FOIA office," can you</p> <p>10 tell me more what you mean by that?</p> <p>11 A So I thought it was within the A bureau.</p> <p>12 Q Okay. And would that have been from IPS</p> <p>13 within the A bureau?</p> <p>14 A That's -- is that information --</p> <p>15 Q Program services, I believe.</p> <p>16 A I -- I think that's correct. I don't</p> <p>17 remember.</p> <p>18 Q Okay.</p> <p>19 A It was a sheet that was sent. It was</p> <p>20 something that was sent to us.</p> <p>21 Q Okay. All right. Okay. Thank you for</p> <p>22 that.</p>	<p>59</p> <p>1 Then what about with respect to your</p> <p>2 involvement with FOIA requests; what involvement</p> <p>3 did you have with FOIA requests asking for records</p> <p>4 from Secretary Clinton's office?</p> <p>5 A None.</p> <p>6 Q Are you familiar with a FOIA request that</p> <p>7 came in to the State Department on December 6,</p> <p>8 2012, from an organization, the acronym is CREW,</p> <p>9 it stands for Citizens and -- for Responsibility</p> <p>10 and Ethics in Washington, I believe, that asks for</p> <p>11 records pertaining to Secretary Clinton's e-mails?</p> <p>12 MR. BREWSTER: Objection. Vague.</p> <p>13 If you know.</p> <p>14 A I am familiar with it.</p> <p>15 Q Okay.</p> <p>16 A Mainly from the prep for this process.</p> <p>17 Q "For this process," you mean for this</p> <p>18 deposition?</p> <p>19 A Yes, for this deposition.</p> <p>20 Q Okay. Yes. That's right. We have -- we</p> <p>21 have e-mails that show that you participated in</p> <p>22 the processing of that FOIA request at the State</p>
<p>58</p> <p>1 And when you received the task, if the</p> <p>2 request pertained to your e-mails, would you</p> <p>3 conduct your own search of your own e-mails in</p> <p>4 response to the FOIA request?</p> <p>5 MR. BREWSTER: Objection. Relevance.</p> <p>6 Outside the scope of permissible discovery.</p> <p>7 A We never received a request for my</p> <p>8 personal e-mails, or my state.gov e-mails, I</p> <p>9 should say, while I was there.</p> <p>10 Q Okay. So how -- so let's back up.</p> <p>11 The tasker would send -- would ask to</p> <p>12 search e-mails. How would the office go about</p> <p>13 searching e-mails?</p> <p>14 MR. BREWSTER: Same objection.</p> <p>15 A So if we got in a tasker that was related</p> <p>16 to, for example, the hiring of a particular</p> <p>17 appointee --</p> <p>18 Q Okay.</p> <p>19 A -- me and my office would look through</p> <p>20 our own e-mails to see if we had anything related</p> <p>21 to that.</p> <p>22 Q Okay. Thank you.</p>	<p>60</p> <p>1 Department.</p> <p>2 And I want to ask you -- I want to move</p> <p>3 my questioning in asking you about your role with</p> <p>4 respect to that request.</p> <p>5 MR. PEZZI: Objection. Form.</p> <p>6 Q What do you recall about the request?</p> <p>7 MR. BREWSTER: Objection. Vague.</p> <p>8 A Could you be more specific?</p> <p>9 Q Well, do you recall -- you recall being</p> <p>10 made aware that the request came in.</p> <p>11 Do you recall how you were made aware of</p> <p>12 the request?</p> <p>13 MR. PEZZI: Objection. Form.</p> <p>14 MR. BREWSTER: Objection. Assumes facts</p> <p>15 not in evidence.</p> <p>16 Q Let me ask you, do you recall being made</p> <p>17 aware of the CREW request after it came in to the</p> <p>18 State Department?</p> <p>19 A I -- I recall it, but my recollection --</p> <p>20 I don't recall at the time being made -- if, when,</p> <p>21 how I was made aware of that request.</p> <p>22 Q Okay. All right. Why don't ...</p>

61

1 MR. BREWSTER: Ramona, I'm assuming this
2 is going to be a long colloquy, and we've been
3 going for 55 minutes. Would this be a good time
4 for a break?
5 MS. COTCA: Sure.
6 VIDEO SPECIALIST: We are going off the
7 record at 11:05.
8 (A recess was taken.)
9 VIDEO SPECIALIST: We are back on the
10 record at 11:20.
11 BY MS. COTCA:
12 Q Ms. Samuelson, prior to the break I
13 believe you testified that you reviewed some
14 documents in regards to this CREW request
15 pertaining to Secretary Clinton.
16 Is that right?
17 MR. PEZZI: Objection. Form.
18 **A I -- I do not believe I testified that I**
19 **reviewed documents prior to the break.**
20 Q Prior to the deposition. For in
21 preparation for your deposition, I understood your
22 testimony to be that you had reviewed some

62

1 documents pertaining to CREW's FOIA request
2 relating to Secretary Clinton's e-mails.
3 **A That's correct.**
4 Q Is that correct?
5 MR. BREWSTER: Objection.
6 MR. PEZZI: Objection.
7 MR. BREWSTER: Objection. Form.
8 Q Okay. Thank you. Based on your review
9 of the documents, what did you come to learn with
10 respect to what your involvement was pertaining to
11 that FOIA request?
12 MR. BREWSTER: Objection. Potentially
13 calls for privileged information.
14 If you can answer without divulging
15 attorney-client communications.
16 **A What was your question again?**
17 Q Based on your review of the documents,
18 what did you come to learn with respect to what
19 your involvement was pertaining to that FOIA
20 request?
21 MR. BREWSTER: Same objection.
22 **A I saw that I was on e-mail traffic with**

63

1 **Sheryl Walter.**
2 Q Okay. And did that refresh at all your
3 recollection with respect to -- well, let me reask
4 it this way: And what were your discussions or
5 communications with Sheryl Walter about, in
6 regards to this FOIA request?
7 MR. BREWSTER: Objection. Form.
8 **A So I reviewed e-mails showing that she**
9 **had been communicating with me on the request.**
10 Q Okay. Do you -- and what were those
11 specific communications about pertaining to the
12 request?
13 MR. BREWSTER: Objection.
14 Is there a document you want to show her?
15 MS. COTCA: I will. I just want to
16 understand what her general understanding is with
17 respect to her role after reviewing the documents.
18 **A I'm happy to look at a particular**
19 **document, if that's what you want to discuss.**
20 Q Well, I have some specific questions with
21 respect to some of the e-mails. But I just want
22 to understand what your understanding is as to

64

1 your role generally with respect to the CREW FOIA
2 request.
3 MR. BREWSTER: Objection. Form.
4 **A So I -- I see from the traffic that she**
5 **had communicated with me about this. I don't**
6 **recall the specifics of our conversation.**
7 Q Okay. Do you recall any requests for you
8 to track this request for purposes of
9 communicating with the White House about the
10 request?
11 MR. PEZZI: Objection. Form.
12 MR. BREWSTER: Same objection.
13 **A I don't recall that.**
14 (Samuelson Deposition Exhibit 4 marked
15 for identification, retained by counsel.)
16 Q I show you what's been marked as Exhibit
17 4. If you can take a look at that and let me know
18 once you've had a chance to review it. You don't
19 need to review it line by line.
20 **A Okay.**
21 Q But I just have a couple of questions
22 about that.

Conducted on June 13, 2019

65

1 Did you review this document prior to
 2 your deposition today?
 3 MR. BREWSTER: Objection. Calls for
 4 privileged information.
 5 MS. COTCA: Are you instructing her not
 6 to answer?
 7 MR. BREWSTER: I am, yes.
 8 MS. COTCA: Okay.
 9 Q I'm sorry, what was this marked as?
 10 MR. BREWSTER: Exhibit 4.
 11 Q Exhibit 4. Okay. Ms. Samuelson, have
 12 you ever seen this e-mail chain before?
 13 MR. BREWSTER: Objection.
 14 Q You may answer.
 15 **A Yes, I have.**
 16 Q Okay. And just so the record is clear,
 17 this appears to be e-mail traffic between State
 18 Department officials about the CREW request that
 19 we're talking about, requesting records sufficient
 20 to show the number of e-mail accounts of or
 21 associated with Secretary Hillary Rodham Clinton
 22 and the extent to which those e-mail accounts are

66

1 identifiable as those of or associated with
 2 Secretary Clinton. And that request was forwarded
 3 on to Ms. Mills on December 11, 2012, by Brock A.
 4 Johnson.
 5 Is that a fair representation?
 6 MR. BREWSTER: Objection. Form.
 7 **A Yes.**
 8 Q Okay. Thank you.
 9 Do you know who Brock Johnson is?
 10 **A I do.**
 11 Q Okay. Who is he?
 12 **A He worked at the State Department.**
 13 Q And what was his role at the State
 14 Department?
 15 **A So he started off in the special envoy's**
 16 **office for the closure of Guantanamo Bay. And**
 17 **then towards the end of Secretary's tenure he**
 18 **moved into the Secretary's office.**
 19 Q When did he move into the Secretary's
 20 office?
 21 **A I don't remember the exact date.**
 22 Q Was it in 2012, the year before?

67

1 **A I believe it was in 2012.**
 2 Q 2012. Okay. And what was his position
 3 once he moved into the Secretary's office?
 4 **A I don't recall his exact position. He**
 5 **was a special assistant in the office.**
 6 **Sorry. I'm trying to speak up.**
 7 Q I should do the same.
 8 And he was a special assistant to whom?
 9 To whom did he report, if you know?
 10 MR. BREWSTER: Objection. Form.
 11 **A I believe he reported to Cheryl Mills,**
 12 **though I -- I'm not sure.**
 13 Q Okay. And were you involved in the
 14 hiring of Mr. Johnson by the State Department in
 15 2009?
 16 **A I was.**
 17 Q Okay. And --
 18 **A As I was with all Schedule C appointees.**
 19 Q Okay. So he was also a Schedule C
 20 appointee?
 21 **A Correct.**
 22 Q Okay. So were you aware that Doug Band,

68

1 senior official at the Clinton Foundation,
 2 referred Mr. Brock to Cheryl Mills and Huma
 3 Abedin, asking that the State Department find a
 4 placement for him back in April of 2009?
 5 MR. BREWSTER: Objection. Form. Outside
 6 the scope of permissible discovery.
 7 If you know.
 8 MR. PEZZI: Same objection. And
 9 objection, foundation.
 10 **A I may have known he was recommended by**
 11 **Mr. Band at the time. I don't -- I don't recall.**
 12 Q Okay.
 13 **A He was somebody I -- I interviewed, and**
 14 **he also interviewed with his supervisor.**
 15 Q Who was his supervisor?
 16 **A When he was in the special envoy for the**
 17 **office of -- I'm going to mispronounce this. The**
 18 **office of closure for Guantanamo Bay, it -- I'm**
 19 **blanking on his name. He's a long-time**
 20 **ambassador. I'm blanking on his name.**
 21 Q That's okay.
 22 **A He -- he's a great guy.**

69

1 Q Fair enough. And were you aware that
2 Mr. Band asked Ms. Mills and Ms. Abedin that it's
3 important to take care of him back in April of
4 2009?
5 MR. BREWSTER: Objection. Outside the
6 scope.
7 MR. PEZZI: Same objection. And
8 objection, foundation.
9 **A I don't recall that. We had a process by**
10 **10 which we interviewed and hired everybody.**
11 Q And are you aware that Ms. Abedin
12 responded on April 22nd, 2009, saying, We have all
13 had him on our radar. Personnel has been sending
14 him options?
15 MR. BREWSTER: Same objections.
16 Q Are you aware of that?
17 MR. PEZZI: Same objections.
18 **A No. I mean, it was ten years ago. I**
19 **19 don't recall.**
20 Q And in the reference that personnel has
21 been sending him options, would that personnel
22 have included you?

70

1 MR. BREWSTER: Objection. Form.
2 MR. PEZZI: Same objection. And
3 objection, foundation.
4 **A Yes. It likely would have been either me**
5 **5 or somebody in my office that he would have been**
6 **6 communicating with.**
7 Q Okay. And at that time, just so we're
8 clear, you were an assistant in the White House
9 liaison office. Correct?
10 **A That's correct.**
11 Q Okay. Thank you. Back to Exhibit 4.
12 Do you know why Mr. Johnson forwarded
13 this request to Cheryl Mills on December 11 of
14 2012? And I'm referring to the Secretary e-mail
15 from the top of the e-mail chain.
16 MR. BREWSTER: Objection. Form.
17 **A I do not.**
18 Q Did you have any discussions with Ms. --
19 with Ms. Mills after she received this request?
20 **A I don't recall having discussions with**
21 **21 her. I may have, but I don't recall.**
22 Q Okay. Did Ms. Mills then forward this

71

1 request over to you and ask you to do anything
2 with respect to the request?
3 MR. BREWSTER: Objection. Form.
4 **A I don't recall her doing so.**
5 (Samuelson Deposition Exhibit 5 marked
6 for identification, retained by counsel.)
7 Q I'll show you what's been marked as
8 Exhibit 5:
9 You can take a minute to just look at it.
10 Let me know once you've had a chance to review it.
11 And I see that you're on the right page.
12 On Page 2 is where I'm going to point you to, and
13 just have some questions about.
14 **A Sorry. It's a long letter.**
15 Q That's okay. I'm only going to actually
16 ask you questions from -- that would pertain to
17 the second and third paragraph --
18 **A Okay.**
19 Q -- of -- actually, just the second
20 paragraph on the second page, in which your name
21 appears.
22 **A Okay.**

72

1 Q Have you had a chance to review that?
2 **A Yes, I've read those paragraphs.**
3 Q Okay. Have you seen this -- well, so the
4 record is clear, this is a letter from Chairman
5 Charles Grassley for the committee on the
6 judiciary, dated January 27, 2016, to then
7 Secretary of State, Secretary Kerry.
8 Is that an accurate representation?
9 **A That's correct.**
10 Q Okay. In specific, on the second page of
11 this letter -- well, have you seen this letter
12 before?
13 MR. BREWSTER: Objection. Form.
14 **A I have.**
15 Q Okay. And particularly to the second
16 paragraph of the second page, Senator Grassley
17 states that, in regards to this CREW FOIA request,
18 that Mr. Brock Johnson e-mailed the CREW request
19 to Ms. Mills, and afterwards Ms. Mills, after she
20 received the request, she transmitted it to
21 Ms. Heather Samuelson, a senior advisor and White
22 House liaison at the department.

<p>73</p> <p>1 Do you see that?</p> <p>2 A I do.</p> <p>3 Q Okay. When did Ms. Mills transmit a copy</p> <p>4 of this request to you?</p> <p>5 MR. BREWSTER: Objection. Form.</p> <p>6 Foundation.</p> <p>7 MR. PEZZI: Same objections.</p> <p>8 A Again, I don't recall her transmitting</p> <p>9 this to me.</p> <p>10 Q I understand you reported to Ms. Mills</p> <p>11 during this time period, in December of 2012.</p> <p>12 How was your mode of communication with</p> <p>13 Ms. Mills? Was it in person, via e-mail, by</p> <p>14 telephone?</p> <p>15 MR. BREWSTER: Objection. Form.</p> <p>16 A All of the above.</p> <p>17 Q Fair enough. And how often would you</p> <p>18 interact with Ms. Mills during this time frame?</p> <p>19 A Very regularly.</p> <p>20 Q Okay. So would you say daily?</p> <p>21 A Yes, daily.</p> <p>22 I mean, there might have been days we</p>	<p>75</p> <p>1 outside of the CREW request we're talking about</p> <p>2 today?</p> <p>3 A Well, again, I don't recall her asking me</p> <p>4 to track the FOIA -- this FOIA request.</p> <p>5 Q Okay.</p> <p>6 A I don't recall her asking me to track any</p> <p>7 FOIA request.</p> <p>8 Q Right. So I just want to know, did</p> <p>9 she -- do you have any recollection of her asking</p> <p>10 you to track any other FOIA requests?</p> <p>11 MR. BREWSTER: Objection. Form.</p> <p>12 A She may have. I just don't recall.</p> <p>13 Q Okay. And then Senator Grassley also</p> <p>14 goes on to say that after Ms. Mills transmitted</p> <p>15 the request to you, that then you tasked it to</p> <p>16 Mr. Josh Dorosin, a State Department attorney.</p> <p>17 Do you know who Josh Dorosin is?</p> <p>18 A I remember that he was an attorney at the</p> <p>19 State Department.</p> <p>20 Q Anything else?</p> <p>21 A No.</p> <p>22 Q Okay. Did you task it to Mr. Josh</p>
<p>74</p> <p>1 didn't communicate. I'm on the record here.</p> <p>2 Q I understand. I understand.</p> <p>3 Do you recall Ms. Mills asking you to</p> <p>4 make queries as to the status of this CREW request</p> <p>5 at any point?</p> <p>6 A I do --</p> <p>7 MR. BREWSTER: Objection. Form.</p> <p>8 A Can you ask your question again?</p> <p>9 I'm sorry.</p> <p>10 Q Sure. Do you recall Ms. Mills</p> <p>11 instructing you to make queries as to the status</p> <p>12 of the CREW request?</p> <p>13 A I do not.</p> <p>14 Q And my question is not necessarily just</p> <p>15 in December of 2012, but at any point from</p> <p>16 December 6, 2012, until you left the State</p> <p>17 Department. If you recall Ms. Mills asking you to</p> <p>18 follow or to track this FOIA request.</p> <p>19 A I don't recall. She may have. I just</p> <p>20 don't recall it.</p> <p>21 Q Okay. Did Ms. Mills, as you recall</p> <p>22 today, ask you to track any other FOIA requests</p>	<p>76</p> <p>1 Dorosin?</p> <p>2 A I don't know what the word "task" means.</p> <p>3 I didn't have the authority to task anything to</p> <p>4 Mr. Dorosin.</p> <p>5 Q Did you have conversations with</p> <p>6 Mr. Dorosin with respect to following or keeping</p> <p>7 you up to date about the CREW FOIA request?</p> <p>8 MR. BREWSTER: Objection. Form.</p> <p>9 A I may have. I just don't recall.</p> <p>10 Q Okay. Did you interact often with</p> <p>11 Mr. Josh Dorosin when you were at the State</p> <p>12 Department?</p> <p>13 A No, I don't believe so.</p> <p>14 (Samuelson Deposition Exhibit 6 marked</p> <p>15 for identification, retained by counsel.)</p> <p>16 A Okay.</p> <p>17 Q I've shown you what's been marked as</p> <p>18 Exhibit 6, which is a -- an e-mail chain, again,</p> <p>19 among State Department officials that include you.</p> <p>20 You're not on all of the e-mails, but</p> <p>21 you're on this e-mail chain about the CREW</p> <p>22 request. And that starts off on December 20th,</p>

Conducted on June 13, 2019

77

1 2012, from Ms. Sheryl Walter, ending on March 5th,
 2 2013, from Jonathan Davis to you, and then cc'ing
 3 other individuals.
 4 Is that a fair representation of what's
 5 been marked as Exhibit 6?
 6 **A Yes.**
 7 Q Okay. Prior to asking specific questions
 8 about this, other than Ms. Walter, do you recall
 9 if you spoke with any other State Department
 10 officials about this CREW request?
 11 MR. PEZZI: Objection. Form.
 12 MR. BREWSTER: Objection. Form.
 13 **A I don't recall.**
 14 Q Do you recall speaking with anybody at
 15 the White House about this request?
 16 **A I don't recall.**
 17 Q Did you often communicate with the White
 18 House about FOIA requests during your tenure at
 19 the State Department?
 20 **A I don't recall ever speaking to them**
 21 **about FOIA requests. As we talked about earlier,**
 22 **I was the White House liaison, so I was in regular**
 1 **communication with the Office of Presidential**
 2 **Personnel, the Office of White House Counsel, the**
 3 **Office of Cabinet Affairs. But I don't recall**
 4 **speaking with them about this FOIA request or any**
 5 **FOIA request.**
 6 Q Okay. You said you were in regular
 7 communication with the White House Counsel's
 8 Office. Who was your point of contact in the
 9 White House Counsel's Office?
 10 MR. BREWSTER: Objection. Form. Outside
 11 the scope of permissible discovery.
 12 **A I had multiple points of contact.**
 13 Q Okay. Who were they?
 14 **A I can't remember them today. I worked**
 15 **with the vetting team. I worked -- I had multiple**
 16 **points of contact there.**
 17 Q And I'm asking specific for the Office of
 18 White House Counsel's office. Is that correct?
 19 **A Right.**
 20 Q Okay. So we're speaking just about with
 21 respect to your points of contact for the White
 22 House Counsel's Office?

79

1 **A Correct.**
 2 Q Based on your interactions with the
 3 office, who would -- who do you believe now you
 4 would have communicated at the White House
 5 Counsel's Office about a FOIA request?
 6 **A I don't know.**
 7 (A discussion was held off the record.)
 8 VIDEO SPECIALIST: We are going off the
 9 record at 11:42.
 10 (A recess was taken.)
 11 VIDEO SPECIALIST: Please stand by. We
 12 are back on the record at 11:46.
 13 BY MS. COTCA:
 14 Q Ms. Samuelson, when you were serving --
 15 during this time frame of December 2012 through
 16 March of 2013, you were in regular contact with
 17 the White House Counsel's Office. Is that a fair
 18 understanding of your testimony?
 19 **A Correct.**
 20 Q Okay. And would that -- would it be fair
 21 to say that you were in regular contact with the
 22 office on a weekly basis?
 1 **A Yes.**
 2 Q Okay. On a daily basis?
 3 **A Weekly, probably.**
 4 Q Okay. Give or take days?
 5 **A Give or take.**
 6 Q Okay. Fair enough.
 7 How big was the office during this time
 8 frame, the White House Counsel's Office?
 9 **A I couldn't tell you how big it was during**
 10 **that period.**
 11 Q Okay. How many different -- how many
 12 individuals did you regularly communicate with
 13 during this time period?
 14 **A Multiple.**
 15 Q Okay. A handful?
 16 **A I -- I couldn't say. This was -- again,**
 17 **this was six years ago. I just couldn't say.**
 18 Q Okay. And I'm not asking for a specific
 19 number. I'm just trying to get about how many
 20 individuals -- a -- a general account as to how
 21 many different people you spoke with within the
 22 office, to see if we can maybe narrow down the

80

81

1 names of who you may have spoken with at the White
2 House in regards to this FOIA request.
3 MR. BREWSTER: Ramona, can I just have a
4 running objection to outside the scope to this
5 line of questioning, just with respect to -- just
6 so I don't keep interrupting you?
7 MS. COTCA: Sure.
8 **A I do not recall who I spoke with**
9 **regarding this FOIA request. I do not recall who**
10 **I would have spoken with regarding this FOIA**
11 **request.**
12 Q And that's -- and I understand that. And
13 there's been some time that's passed since this
14 FOIA request. So that's why I'm asking, my
15 question is, who you normally communicated with
16 during this time frame.
17 So would you have communicated with
18 dozens of people at the White House Counsel, or
19 would it be fewer during this time frame?
20 **A Fewer than dozens. But the other thing I**
21 **would say is that there was a lot of transition**
22 **within that office. So I -- I don't even recall**

82

1 **who I would have been speaking with or who was in**
2 **the office at that time.**
3 Q Okay. Would you have communicated with
4 Deputy Counsel Leslie Kiernan during this time
5 frame?
6 **A I may have. I just don't recall.**
7 Q Okay. How about with White House Counsel
8 Kathryn Ruemmler, would you have communicated with
9 her during this time frame?
10 **A No. I never communicated with her**
11 **directly during this time frame.**
12 Q Okay.
13 **A At least that I recall.**
14 Q Sure. That's fair.
15 Was Caroline Chang ever in the office
16 serving in the White House Counsel's Office from
17 December 2012 to March of 2013, if you know?
18 **A I don't know.**
19 Q Okay. Did you ever communicate with
20 Ms. Chang during this time frame?
21 MR. BREWSTER: Objection. Form.
22 Q Still within the White House Counsel's

83

1 Office?
2 **A I believe I met with her when I was**
3 **interviewing for a position there myself, but I do**
4 **not recall speaking with her about anything work**
5 **related.**
6 Q Okay. And when did you interview with
7 her for the position?
8 MR. BREWSTER: Objection. Outside the
9 scope.
10 MR. PEZZI: Same objection.
11 **A I don't recall. I started there in March**
12 **2013, so it obviously would have been before that**
13 **time. But I don't recall exactly when.**
14 Q Okay. Okay. So if you can look at
15 Exhibit 6.
16 Have you had a chance to review it?
17 **A I have.**
18 Q Okay. And I want to point you to the
19 first e-mail that appears on the e-mail chain,
20 which is actually the last appearing in the
21 document, from Sheryl Walter, dated December 20th,
22 2012, at 12:38 p.m.

84

1 She says there to -- or she wrote to
2 Patrick Scholl and Rosemary Reid that White House
3 called. Had we received a FOIA request from CREW
4 on the topic of personal use of e-mail by senior
5 officials.
6 Do you know if Ms. Walter spoke with the
7 White House in regards to the FOIA request either
8 on December 20th, 2012, or prior?
9 MR. BREWSTER: Objection. Form.
10 Foundation.
11 **A I don't know.**
12 Q Okay. Did you ever speak with the White
13 House on December 20th, 2012, or prior --
14 **A December 20th, 2012?**
15 Q That's the date of the e-mail.
16 **A I spoke with them regularly, but --**
17 Q I'm sorry. I didn't finish my question.
18 Let me -- let me reask it.
19 Did you speak with the White House either
20 on December 20th, 2012, or prior, about CREW's
21 FOIA request on the topic of personal use of
22 e-mail by senior officials?

Conducted on June 13, 2019

<p>85</p> <p>1 A I don't recall doing so.</p> <p>2 Q Do you recall this request being</p> <p>3 discussed in your office during this time frame?</p> <p>4 MR. PEZZI: Objection. Form.</p> <p>5 Foundation.</p> <p>6 MR. BREWSTER: Same objections.</p> <p>7 A My office being the White House liaison's</p> <p>8 office?</p> <p>9 Q Yes.</p> <p>10 A No.</p> <p>11 Q Okay.</p> <p>12 A This was not something I would have</p> <p>13 discussed with the others in the office.</p> <p>14 Q Okay. Why? Why do you say that?</p> <p>15 A They just had different responsibilities.</p> <p>16 I just don't think this is something I would have</p> <p>17 discussed with them.</p> <p>18 Q Okay. And by "them" you mean the other</p> <p>19 assistants with -- well, actually, you were</p> <p>20 director at the time.</p> <p>21 A Right.</p> <p>22 Q All right. Do you know -- do you</p>	<p>87</p> <p>1 Q Did you answer?</p> <p>2 A As far as I know, she did.</p> <p>3 Q Okay. And do you know who her point of</p> <p>4 contact would have been in the White House Counsel</p> <p>5 during this time, if you know?</p> <p>6 MR. BREWSTER: Same objection.</p> <p>7 MR. PEZZI: Same objection.</p> <p>8 A I don't know.</p> <p>9 Q Okay.</p> <p>10 Okay. And then if I can point you to</p> <p>11 what appears as the second e-mail from the top on</p> <p>12 the third page of Exhibit 6. If you can -- and</p> <p>13 that's an e-mail from Ms. Walter to you, dated</p> <p>14 December 20th, 2012. Just a little bit over an</p> <p>15 hour and a half after the first e-mail appearing</p> <p>16 on this e-mail chain.</p> <p>17 Do you see that?</p> <p>18 A I do.</p> <p>19 Q Okay. And Ms. Walter wrote to you</p> <p>20 saying, you know, informing you that this CREW</p> <p>21 request came on our significant weekly FOIA report</p> <p>22 that her office sends to L and S/ES also.</p>
<p>86</p> <p>1 remember how many people worked under you in the</p> <p>2 office?</p> <p>3 A I don't.</p> <p>4 Q Okay.</p> <p>5 A The number varied over time.</p> <p>6 Q Okay. If the White House had called</p> <p>7 with -- would that call have gone through you as</p> <p>8 the director of the White House Liaison's Office?</p> <p>9 MR. BREWSTER: Objection. Form.</p> <p>10 MR. PEZZI: Same objection. And</p> <p>11 objection, foundation.</p> <p>12 A So our office was the point of contact</p> <p>13 for a number of White House offices, if they had</p> <p>14 things -- matters they wanted to bring before the</p> <p>15 department.</p> <p>16 That being said, others in the department</p> <p>17 communicated with the White House regularly, too,</p> <p>18 on policy or other matters.</p> <p>19 Q Okay. Did Ms. Mills communicate with the</p> <p>20 White House regularly, as far as you know?</p> <p>21 A Yes.</p> <p>22 MR. BREWSTER: Objection. Form.</p>	<p>88</p> <p>1 Do you know what the L refers to?</p> <p>2 A I believe the L refers to the legal</p> <p>3 advisor's office.</p> <p>4 Q Okay. And what about S/ES; what does</p> <p>5 that refer to?</p> <p>6 A I believe that refers to the Executive</p> <p>7 Secretariat of the Department of State.</p> <p>8 Q Okay. And do you know what is</p> <p>9 significant -- what she refers to as significant</p> <p>10 weekly FOIA report?</p> <p>11 MR. BREWSTER: Objection. Form.</p> <p>12 Foundation.</p> <p>13 A Oh, is that a question? I'm sorry.</p> <p>14 Q Yes. Do you know what -- what it is?</p> <p>15 A No.</p> <p>16 Q Okay. And she asked you if you wanted to</p> <p>17 be on that list.</p> <p>18 Had Ms. Walter ever asked you if you</p> <p>19 wanted to receive her office's significant weekly</p> <p>20 FOIA report prior to December 20th, 2012?</p> <p>21 A She might have. I just -- I don't</p> <p>22 recall.</p>

<p>89</p> <p>1 Q Okay.</p> <p>2 MR. STEKLOFF: And, Heather, only because</p> <p>3 you have a pen out, don't write on -- I know</p> <p>4 you're using it to track, but don't write on the</p> <p>5 exhibits.</p> <p>6 THE WITNESS: Okay. I'll put it aside.</p> <p>7 MR. STEKLOFF: Yeah. Unmarked is better.</p> <p>8 MS. COTCA: Yes. Thank you.</p> <p>9 MR. STEKLOFF: Yeah.</p> <p>10 Q Do you recall Ms. Walter asking you to be</p> <p>11 put on -- to receive this significant weekly FOIA</p> <p>12 report?</p> <p>13 A I mean, I see she did in this e-mail. I</p> <p>14 don't recall her doing that prior to. She might</p> <p>15 have.</p> <p>16 Q Okay.</p> <p>17 A I just don't recall.</p> <p>18 Q Okay. And do you recall how you</p> <p>19 respond -- whether you did ask to be put on the</p> <p>20 e-mail or not in response to Ms. Walter's e-mail</p> <p>21 on December 20th, 2012?</p> <p>22 A I believe I did, but I'm not -- I'm not</p>	<p>91</p> <p>1 Ms. Walter was referring to?</p> <p>2 MR. BREWSTER: Objection. Form.</p> <p>3 A I don't.</p> <p>4 Q Okay. And after reading this, does this</p> <p>5 at all refresh your recollection about this</p> <p>6 communication and conversations you may have had</p> <p>7 with Ms. Walter during this time frame?</p> <p>8 A It didn't.</p> <p>9 Q Did not.</p> <p>10 A It's -- it's a long time ago. It's over</p> <p>11 six years ago at this point.</p> <p>12 Q And I understand that it's been quite</p> <p>13 some time since this FOIA request. But was it</p> <p>14 normal practice for the director of IPS to inform</p> <p>15 you about FOIA requests pertaining to Secretary</p> <p>16 Clinton?</p> <p>17 MR. BREWSTER: Objection. Form.</p> <p>18 MR. PEZZI: Same objection.</p> <p>19 A I don't recall her doing so. She may</p> <p>20 have in the past. I just don't recall it.</p> <p>21 Q All right. Okay. Isn't this the type of</p> <p>22 request, if it wasn't done in a normal routine,</p>
<p>90</p> <p>1 sure.</p> <p>2 Q Okay. Further down in the same e-mail</p> <p>3 Ms. Walter stated, "More details below regarding</p> <p>4 this request. As a practical matter, given our</p> <p>5 workload, it won't be processed for some months."</p> <p>6 Do you see that?</p> <p>7 A I do.</p> <p>8 Q Okay. And when did Secretary Clinton's</p> <p>9 tenure end at the State Department?</p> <p>10 A February 1st, 2013.</p> <p>11 Q Okay. Was there any discussion that you</p> <p>12 had with Ms. Walter about needing to process this</p> <p>13 request prior to Secretary Clinton's departure</p> <p>14 from the State Department?</p> <p>15 MR. BREWSTER: Objection. Form.</p> <p>16 A No. That's just -- that's not something</p> <p>17 I would have discussed with her.</p> <p>18 Q Okay. And then she wrote, "Let me know</p> <p>19 if there are any particular sensitivities."</p> <p>20 Do you see that?</p> <p>21 A I do.</p> <p>22 Q Do you know what particular sensitivities</p>	<p>92</p> <p>1 that would stand out?</p> <p>2 MR. BREWSTER: Objection. Form.</p> <p>3 MR. PEZZI: Same objection.</p> <p>4 A That would stand out to me?</p> <p>5 Q Yes.</p> <p>6 A No. I -- I received hundreds of e-mails</p> <p>7 a day. This was a busy time of the department</p> <p>8 because I was working on the transition to</p> <p>9 Secretary Kerry. So I -- I don't believe this is</p> <p>10 something that would have stuck out to me.</p> <p>11 Q Was it normal routine for your office and</p> <p>12 the IPS office or the Secretary's office to be in</p> <p>13 contact with the White House about FOIA requests</p> <p>14 pertaining to Secretary Clinton's e-mail during</p> <p>15 her tenure at the State Department?</p> <p>16 MR. PEZZI: Objection.</p> <p>17 MR. BREWSTER: Objection. Form.</p> <p>18 MR. PEZZI: Same objection. And</p> <p>19 objection, foundation.</p> <p>20 A No, I -- like I said before, I don't</p> <p>21 recall speaking to them about this FOIA request.</p> <p>22 I don't recall speaking to them about other FOIA</p>

Conducted on June 13, 2019

<p>93</p> <p>1 requests. It doesn't mean it didn't happen; I</p> <p>2 just don't recall it today.</p> <p>3 Q Okay. But you specifically followed up</p> <p>4 on this request. Correct?</p> <p>5 MR. PEZZI: Objection. Form.</p> <p>6 A What do you mean by "followed up"?</p> <p>7 Q You followed up with Ms. Walter after</p> <p>8 December 20th, 2012.</p> <p>9 A I mean, I see that from the e-mail chain.</p> <p>10 Q Right. So you did follow up on this</p> <p>11 request with Ms. Walter and others at the State</p> <p>12 Department. Correct?</p> <p>13 MR. PEZZI: Objection. Form.</p> <p>14 A That's what the document shows.</p> <p>15 Q Are you disputing that the documents are</p> <p>16 incorrect or --</p> <p>17 A No. I -- I'm not disputing it. I'm just</p> <p>18 saying I don't have a -- I don't have a</p> <p>19 contemporaneous recollection of it. I see it in</p> <p>20 the document; I just don't recall it.</p> <p>21 Q Okay. Did you, if you recall, did you</p> <p>22 communicate with Ms. -- with Ms. Walter as to any</p>	<p>95</p> <p>1 request for Secretary Clinton's e-mail accounts?</p> <p>2 MR. BREWSTER: Objection. Form.</p> <p>3 Foundation.</p> <p>4 MR. PEZZI: Same objections.</p> <p>5 A My recollection is the request did go to</p> <p>6 a number of agencies. But I don't -- but why they</p> <p>7 were following up with DHS, I don't know.</p> <p>8 Q Okay. So can you tell me about this</p> <p>9 recollection that you're having about the request</p> <p>10 going to a number of agencies?</p> <p>11 A Oh, it was in the e-mail track that ...</p> <p>12 Q Okay.</p> <p>13 A It was right here. Apparently other</p> <p>14 agencies have.</p> <p>15 Q In Ms. Walter's initial e-mail from</p> <p>16 December 20th?</p> <p>17 A Yeah.</p> <p>18 Q Okay. Do you know why Ms. Walter or</p> <p>19 anybody else at the State Department was</p> <p>20 interested with respect to how other agencies</p> <p>21 responded to a similar request, but separate since</p> <p>22 it wasn't for Secretary Clinton's e-mail account?</p>
<p>94</p> <p>1 particular sensitivities for the department in</p> <p>2 responding to CREW's FOIA request?</p> <p>3 MR. BREWSTER: Objection. Form.</p> <p>4 MR. PEZZI: Same objection.</p> <p>5 A No, I don't -- I don't know what she</p> <p>6 meant by "particular sensitivities." I don't -- I</p> <p>7 don't know.</p> <p>8 Q Okay. All right. On -- on the first</p> <p>9 page of Exhibit 6, again, there is an e-mail from</p> <p>10 February 14, 2013, from Ms. Walter to you and</p> <p>11 Joshua Dorosin.</p> <p>12 Do you see that?</p> <p>13 A I do.</p> <p>14 Q Okay. And in there she wrote, "I believe</p> <p>15 we're still waiting to hear/see what DHS actual</p> <p>16 response was in the requester."</p> <p>17 Is DHS Department of Homeland Security?</p> <p>18 MR. BREWSTER: Objection. Form.</p> <p>19 A I assume so, but I don't know.</p> <p>20 Q Okay. Do you know why the Department of</p> <p>21 Homeland Security's response to a separate FOIA</p> <p>22 request was relevant to responding to CREW's</p>	<p>96</p> <p>1 MR. BREWSTER: Objection. Form.</p> <p>2 Foundation.</p> <p>3 MR. PEZZI: Same objection.</p> <p>4 A I -- I don't know. I don't ...</p> <p>5 Q Why was the White House interested in</p> <p>6 this request?</p> <p>7 MR. BREWSTER: Objection. Form.</p> <p>8 Foundation.</p> <p>9 MR. PEZZI: Same objection.</p> <p>10 A Sitting here today, I could not tell you</p> <p>11 why they -- why -- if or why they would be</p> <p>12 interested, or if or why she -- Sheryl would reach</p> <p>13 out to DHS.</p> <p>14 Q Okay. Did you reach out to DHS about</p> <p>15 this request?</p> <p>16 A I did not.</p> <p>17 Q Okay. You have specific memory of the</p> <p>18 fact that you didn't reach out to DHS about this</p> <p>19 request?</p> <p>20 A I do. Only because I don't know who at</p> <p>21 DHS I would have reached out to.</p> <p>22 Q All right. And then further up the</p>

Conducted on June 13, 2019

97

1 e-mail chain on March 4, 2013, from you to Joshua
2 Dorosin, Sheryl Walter, and Jonathan Davis, cc'ing
3 Brock Johnson, do you see that e-mail?
4 **A I do.**
5 Q Okay. You say that, "As Friday will be
6 my last day, I'm adding Brock Johnson here who
7 will track this request in my stead."
8 At this point Mr. Johnson, where -- which
9 office was he working in?
10 **A So I don't know where he was as of March**
11 **2013. He was in the Secretary's office while**
12 **Secretary Clinton was there. But I do not know**
13 **where he -- where he was on paper after March**
14 **2013 -- after February 2013.**
15 Q Okay. Do you know how long he continued
16 to work for the State Department?
17 **A I do not.**
18 Q Okay. Why did you add Brock Johnson to
19 follow this FOIA request back in March of 2013?
20 **A So my recollection is, as it says here,**
21 **is that I was leaving, I was departing to go to**
22 **White House Counsel's Office. I was likely trying**

98

1 to wrap up a lot of things that were still in my
2 Inbox and make sure things didn't fall through the
3 cracks. And Brock was somebody who I must have
4 known was staying on board.
5 Q So did you ask Mr. Johnson to keep
6 following this request, then?
7 **A I don't have a specific recollection of**
8 **it. But based on this e-mail traffic, I must**
9 **have.**
10 Q Okay. Then once I believe on March 11
11 you started at -- or somewhere around that time
12 frame --
13 **A Somewhere around that time.**
14 Q -- you started at the White House
15 Counsel's Office.
16 Did you communicate with anybody at the
17 State Department about this FOIA request, whether
18 it was Brock Johnson or anybody else?
19 **A I don't recall doing so, no.**
20 Q Do you know what Department of Homeland
21 Security's actual response was to the request that
22 it received from CREW during this time?

99

1 MR. BREWSTER: Objection. Form.
2 Foundation.
3 MR. PEZZI: Same objections.
4 **A I don't.**
5 Q Okay.
6 (Samuelson Deposition Exhibit 7 marked
7 for identification, retained by counsel.)
8 MR. BREWSTER: Is this Exhibit 7?
9 COURT REPORTER: It is Exhibit 7.
10 MR. BREWSTER: Is this one document or a
11 collection of documents?
12 MS. COTCA: It's actually two documents.
13 It's an e-mail chain and then also a -- it looks
14 like an Outlook calendar entry.
15 Q Ms. Walter -- Ms. Samuelson, have you had
16 a chance to look at what's been marked as Exhibit
17 8?
18 **A Just give me one more second.**
19 Q No problem.
20 MR. PEZZI: Sorry. Just for the record,
21 it's Exhibit 7. Right?
22 MS. COTCA: Exhibit 7. I'm sorry. Thank

100

1 you.
2 Q You've had a chance to review it?
3 **A Yes.**
4 Q Okay. Great. And again just so the
5 record is clear, this is two documents; an e-mail
6 chain between you and Sheryl Walter in December of
7 2012. And some of the e-mails are from Ms. Walter
8 to other State Department officials.
9 And then the second document is a
10 conference call entry in regards to the CREW FOIA
11 request.
12 Is that an accurate description?
13 **A That's accurate.**
14 Q Okay. Thank you.
15 Have you seen any of these documents
16 before?
17 MR. BREWSTER: Objection. Privilege.
18 Calls for privileged information.
19 MS. COTCA: I'm just asking if she's ever
20 seen it. I'm not asking what she's seen in the
21 presence of counsel.
22 MR. BREWSTER: You can answer if you can

Conducted on June 13, 2019

<p>101</p> <p>1 divulge it with -- if you can answer without</p> <p>2 divulging privileged information.</p> <p>3 Q Have you ever seen the document before?</p> <p>4 A I --</p> <p>5 MR. STEKLOFF: I'm not trying -- can we</p> <p>6 just -- I mean, if she's on the document, I think</p> <p>7 you can ask her if she saw it in that time. But</p> <p>8 then -- we're just trying to obviously avoid a</p> <p>9 dispute about whether or not she saw it in prep</p> <p>10 for the deposition.</p> <p>11 MS. COTCA: Fair enough.</p> <p>12 MR. STEKLOFF: So I think -- I'm --</p> <p>13 that's why we're just trying to be careful, so</p> <p>14 there's no --</p> <p>15 MS. COTCA: Fair.</p> <p>16 MR. STEKLOFF: -- dispute about whether</p> <p>17 something is being waived.</p> <p>18 MS. COTCA: Sure. Not a problem.</p> <p>19 BY MS. COTCA:</p> <p>20 Q Did you see this document back in 2012?</p> <p>21 A I mean, I'm obviously on the e-mail</p> <p>22 chain, so I -- and responding to it. So I must</p>	<p>103</p> <p>1 Who were the other agencies that also</p> <p>2 received the CREW request?</p> <p>3 MR. BREWSTER: Object. Objection. Form.</p> <p>4 MR. PEZZI: Same objection.</p> <p>5 A I don't recall.</p> <p>6 The -- the only thing I do recall about</p> <p>7 this is that the FOIA request was sent sometime</p> <p>8 around when it was in the press that a different</p> <p>9 cabinet Secretary was using an alias government</p> <p>10 e-mail account. And that a request had been sent</p> <p>11 to other agencies besides State.</p> <p>12 I don't know who those other agencies</p> <p>13 were. I just remember that it had some broad</p> <p>14 distribution.</p> <p>15 And again, I don't know if I'm</p> <p>16 remembering that from 2012 or, because this has</p> <p>17 been in the press for some time, if I'm</p> <p>18 remembering it because I read that at a later</p> <p>19 date.</p> <p>20 Q Did you receive any general guidance or</p> <p>21 thoughts from any of the other agencies in regards</p> <p>22 to the requests from CREW?</p>
<p>102</p> <p>1 have seen it.</p> <p>2 Q Okay. And what about the conference call</p> <p>3 entry in regards to the CREW FOIA request?</p> <p>4 MR. BREWSTER: And you're asking in 2013?</p> <p>5 MS. COTCA: Yes. In January of 2013.</p> <p>6 Thank you.</p> <p>7 A I mean, that I can't be as certain of</p> <p>8 whether I saw it or not. But I do see I'm on it.</p> <p>9 Q Okay. Let's go to the e-mail chain. I</p> <p>10 have a couple of questions.</p> <p>11 Do you see your e-mail from December 24,</p> <p>12 2012, on Monday, from you to Ms. Walter, time</p> <p>13 stamped 11:54?</p> <p>14 Do you see that?</p> <p>15 A I do.</p> <p>16 Q Okay. And you say, "If you could add me</p> <p>17 to that list, that would be great."</p> <p>18 And then there's some redacted</p> <p>19 information, "As I understand that other agencies</p> <p>20 received similar request, I will let you know if I</p> <p>21 receive any general guidance/thoughts from them on</p> <p>22 this request."</p>	<p>104</p> <p>1 MR. BREWSTER: Objection. Form.</p> <p>2 Foundation.</p> <p>3 A I don't recall. I don't -- I don't</p> <p>4 recall.</p> <p>5 Q And then further up the e-mail chain</p> <p>6 Ms. Walter writes to you on -- wrote to you on</p> <p>7 December 27, 2012, asking if you could have a</p> <p>8 quick conversation with her and Karen Finnegan,</p> <p>9 her new division chief in charge of FOIA programs</p> <p>10 and FOIA litigation, on the CREW request.</p> <p>11 Do you recall having a conversation with</p> <p>12 Sheryl Walter and Karen Finnegan about the CREW</p> <p>13 request following this e-mail?</p> <p>14 A I do remember them calling me. I just</p> <p>15 don't remember the specifics of the conversation.</p> <p>16 Again, it was -- it was six-and-a-half years ago.</p> <p>17 Q And I understand that time has passed. I</p> <p>18 guess that's why my question is, if there are</p> <p>19 requests going to the various agencies in the</p> <p>20 federal government about high-level officials</p> <p>21 using alias e-mail accounts or other e-mail for</p> <p>22 government business, isn't that the sort of thing</p>

Conducted on June 13, 2019

105

1 that would stand out to you and in your memory?

2 MR. BREWSTER: Objection. Form.

3 MR. PEZZI: Same objection.

4 **A I think as I described before, I got -- I**

5 **got a lot of e-mails when I was in government.**

6 **And this was a particularly busy time because we**

7 **were transitioning from Secretary Clinton to**

8 **Secretary Kerry. Or at least I should say a**

9 **particularly busy time for me.**

10 **I -- this is not necessarily something**

11 **that would have stood out to me.**

12 Q Okay. Then you said you -- you do recall

13 Ms. Walter and Karen Finnegan calling you? Is

14 that -- is that accurate?

15 **A I don't know about Karen Finnegan.**

16 Q Okay.

17 **A I'm not sure who that is.**

18 Q Okay. You recall Ms. Walter calling you

19 about the request?

20 **A I do recall having a conversation with**

21 **her. I just don't recall the specifics or even**

22 **why she was calling me.**

106

1 Q Okay. And how many conversations do you

2 recall having with Ms. Walter about the FOIA

3 request from CREW?

4 **A Only one. There could have been others.**

5 **I just don't remember.**

6 Q On the last page of Exhibit 7 is a

7 conference call entry on CREW FOIA request dated

8 for January 7, 2013, and the organizer was Sheryl

9 Walter, and required attendees is listed as Karen

10 Finnegan, yourself, and Ms. Walter listed herself

11 as that.

12 Do you see that?

13 **A I do.**

14 Q Okay. With respect to the phone call

15 that you recall, is it this time frame, or do you

16 have any specific recollection as to the time

17 frame for that call?

18 MR. BREWSTER: Objection. Form.

19 **A I -- again, this is six-and-a-half years**

20 **ago. I don't recall.**

21 Q Okay. Did you often interact with

22 Ms. Walter while you were at the State Department?

107

1 **A I wouldn't say often. She had in the**

2 **past reached out to me, as I said before, about**

3 **our office searching our records in response to**

4 **FOIA requests.**

5 Q Okay. When you would communicate -- or

6 when you would interact with Ms. Walter, was there

7 a mode of communication that was more commonly

8 used either by phone or in person, or did it vary?

9 **A I don't remember having that many**

10 **interactions with her, to be honest.**

11 MR. BREWSTER: Ramona, we've been going

12 for about an hour. Are you staying on the same

13 topic, or are you moving on to a different one?

14 MS. COTCA: I am. There are a few more

15 documents relating to the request.

16 MR. BREWSTER: Is it going to be lengthy.

17 MS. COTCA: I want to ask some specific

18 questions about them.

19 MR. BREWSTER: Okay. Is it going to

20 be -- can you estimate how much more time it's

21 going to be?

22 MS. COTCA: Fifteen minutes.

108

1 Do you want to take a break or --

2 MR. BREWSTER: Do you -- how are you

3 feeling?

4 THE WITNESS: I'm okay.

5 MS. COTCA: If you want to take a break,

6 we can.

7 MR. BREWSTER: If you -- if you think

8 it's going to be 15 minutes, let's keep going.

9 MS. COTCA: Okay. Don't hold me to it.

10 THE WITNESS: Actually, maybe I'll take a

11 quick snack break, because my stomach is growling.

12 VIDEO SPECIALIST: We're going off the

13 record at 12:18.

14 (A recess was taken.)

15 VIDEO SPECIALIST: We are back on the

16 record at 12:30.

17 (Samuelson Deposition Exhibit 8 marked

18 for identification, retained by counsel.)

19 MR. PEZZI: And just to be clear for the

20 record about something we discussed off the

21 record. I just wanted just to be clear that we've

22 made a supplemental document production in

Conducted on June 13, 2019

<p>109</p> <p>1 response to Judge Lamberth's order of yesterday 2 evening on Judicial Watch's motion to compel. And 3 the State Department believes that production 4 completes State's response to -- with respect to 5 the records at issue in the motion to compel. 6 MS. COTCA: Yes. And we received it. 7 Thank you. 8 MR. BREWSTER: And then just since 9 we're -- the production was made prior to lunch, 10 if there's anything you want to ask questions 11 about Ms. Samuelson, we would just ask that review 12 occur over lunch so we don't have to come back for 13 a second day. 14 MS. COTCA: Oh, absolutely. Yes. 15 BY MS. COTCA: 16 Q Ms. Samuelson, you've been shown what's 17 been marked as Exhibit 8, which is an e-mail chain 18 between you and Sheryl Walter, and it includes 19 other State Department officials, spanning from 20 January 10, 2013, to January 26 of 2013. 21 Is that a fair representation? 22 A Yes.</p>	<p>111</p> <p>1 respect to this FOIA request? 2 A I don't recall receiving any intel. 3 Q Okay. Do you know -- did you have 4 discussions with Ms. Walter with respect to her 5 notation that the State Department would interpret 6 the CREW request for official accounts only, 7 rather than personal e-mail accounts? 8 MR. BREWSTER: Objection. Foundation. 9 A I don't recall talking with her about 10 that. 11 Q Did you have any concerns when you 12 received this e-mail on January 10, 2013, about 13 Ms. Walter's interpretation of the CREW request to 14 ask for official accounts only of Secretary 15 Clinton, even though Ms. Walter and others 16 referred to the request internally as a request 17 for Secretary's personal e-mail? 18 MR. BREWSTER: Objection. Form. 19 MR. PEZZI: Same objection. And 20 objection, foundation. 21 A I'm not sure I understand your question. 22 What do you mean by "concerns"?</p>
<p>110</p> <p>1 Q Okay. Have you had a chance to look at 2 it? 3 A I have. 4 Q Okay. I have a few questions about this. 5 Again, beginning at the bottom of the 6 e-mail chain, which would be the first e-mail 7 chronologically, from January 10, 2013, from 8 Ms. Walter to you. And she cc'd Karen Finnegan, 9 Jonathan Davis, and Gene Smilansky. 10 Ms. Walter wrote to you if 11 you received -- asked you if you "received any 12 intel regarding what other agencies are doing 13 regarding this FOIA request that seeks records 14 about a number of e-mail accounts associated with 15 the Secretary." 16 Then she wrote, in open paren, "but isn't 17 specifying personal e-mail accounts so we are as 18 official accounts only," close paren? 19 Do you see that? 20 A I do. 21 Q Okay. Did you receive any intel 22 regarding what other agencies were doing with</p>	<p>112</p> <p>1 Q Well, did you -- did it cause you pause 2 or to question why Ms. Walter wrote in her e-mail 3 to you that they are going -- that the State 4 Department would interpret the CREW request for 5 e-mail accounts as official accounts only, when 6 Ms. Walter and other State Department officials in 7 the e-mail traffic about the CREW request referred 8 to the request as a request for Secretary's 9 personal e-mail? 10 MR. BREWSTER: Objection. Form. 11 MR. PEZZI: Same objection. And 12 objection, foundation. 13 A I -- I don't recall having any -- to use 14 your word, "concerns," or "pause." 15 Q Further down, Ms. Walter wrote -- well, 16 following what I just read, "We're considering 17 contacting the requester to find out exactly what 18 it is they're looking for. Do you have any 19 concerns about that approach?" 20 Do you know if Ms. Walter or anybody else 21 at the State Department contacted Anne Weismann or 22 anybody at CREW about the CREW request from</p>

Conducted on June 13, 2019

<p>113</p> <p>1 December of 2012?</p> <p>2 MR. BREWSTER: Objection. Foundation.</p> <p>3 MS. COTCA: Same objection.</p> <p>4 A I don't know, nor would I have had any</p> <p>5 concerns about them doing so.</p> <p>6 Q Okay. Did you have any concerns about</p> <p>7 the top portion -- well, I think you just answered</p> <p>8 that, so I'll withdraw that question.</p> <p>9 Oh. Still on the same exhibit, Exhibit</p> <p>10 8. In a January 10, 2013, e-mail from you to</p> <p>11 Ms. Walter, which is on the first page, do you see</p> <p>12 that e-mail?</p> <p>13 A I do.</p> <p>14 Q Okay. It says, starting with, "Hi,</p> <p>15 Sheryl. White House Counsel was" look -- it's</p> <p>16 typed "locking." I believe it meant to be written</p> <p>17 as "looking into this for me."</p> <p>18 Do you see that?</p> <p>19 A I do. It does look like a typo.</p> <p>20 Q Okay. "I will circle back with them now</p> <p>21 to see if they have further guidance. Thanks,</p> <p>22 Heather."</p>	<p>115</p> <p>1 MR. BREWSTER: Objection. Form.</p> <p>2 MR. PEZZI: Same objection.</p> <p>3 A I don't. I don't have any recollection</p> <p>4 of this.</p> <p>5 Q When you communicated with White House</p> <p>6 Counsel, if you would have done so by e-mail,</p> <p>7 would that have been from your state.gov e-mail</p> <p>8 account?</p> <p>9 A Yes.</p> <p>10 Q How about when calling the White House</p> <p>11 Counsel's Office during this time frame, December</p> <p>12 through March of 2013, December '12 -- 2012</p> <p>13 through March of 2013; is there a telephone log or</p> <p>14 any other recordkeeping that would have existed</p> <p>15 when calls were made from your office to White</p> <p>16 House Counsel's office?</p> <p>17 MR. BREWSTER: Objection. Form. Outside</p> <p>18 the scope.</p> <p>19 Q If you know.</p> <p>20 A I don't know. My office did not</p> <p>21 personally keep a telephone log, if that's what</p> <p>22 you're asking.</p>
<p>114</p> <p>1 Again, if you recall now, who at the</p> <p>2 White House Counsel was looking into this for you?</p> <p>3 A I don't recall speaking with them about</p> <p>4 it.</p> <p>5 Q Well, do you know who at the White House</p> <p>6 Counsel was looking into it for you?</p> <p>7 A I don't. I don't recall speaking with</p> <p>8 anyone there about it, so I don't know what I'm</p> <p>9 referring to here.</p> <p>10 Q Do you know of anybody at the White House</p> <p>11 Counsel in January of 2013 who was looking into</p> <p>12 the CREW FOIA request sent to the State Department</p> <p>13 in December of 2012?</p> <p>14 MR. BREWSTER: Objection. Form.</p> <p>15 A I -- I don't. I wasn't at the White</p> <p>16 House at the time.</p> <p>17 Q Well, either -- whether you knew directly</p> <p>18 by speaking with anybody at the White House</p> <p>19 Counsel or in conversations with or learning from</p> <p>20 other third parties with respect to who was</p> <p>21 looking into this for you at the White House</p> <p>22 Counsel?</p>	<p>116</p> <p>1 Q I'm just asking if you're aware of any</p> <p>2 telephone logs keeping track of phone calls</p> <p>3 between White House Counsel's office and your</p> <p>4 office during this time frame.</p> <p>5 MR. BREWSTER: Objection. Form.</p> <p>6 A No, there was no call log.</p> <p>7 Q Okay. When you started at the White</p> <p>8 House Counsel's office in March of 2013, was the</p> <p>9 CREW FOIA request an issue within the office?</p> <p>10 MR. BREWSTER: Objection. Form.</p> <p>11 Foundation.</p> <p>12 Q And the office I'm specifying is White</p> <p>13 House Counsel's office.</p> <p>14 MR. PEZZI: Same objection.</p> <p>15 A Not to my knowledge, I don't remember</p> <p>16 anybody raising it with me or speaking about it.</p> <p>17 Q Okay. And then further up the e-mail</p> <p>18 chain, still on Exhibit 8, you wrote to</p> <p>19 Ms. Walter, Sorry we keep missing each other last</p> <p>20 week -- or we kept missing each other last week.</p> <p>21 I heard back from WHC. Can we find time to talk</p> <p>22 on Monday.</p>

Conducted on June 13, 2019

<p>117</p> <p>1 What does WHC stand for?</p> <p>2 A I'm assuming, based on the e-mail</p> <p>3 traffic, that it stands for White House Counsel's</p> <p>4 office.</p> <p>5 Q Was it your regular practice to keep any</p> <p>6 notes when you spoke with anybody in the White</p> <p>7 House Counsel's office back in January of 2013?</p> <p>8 A I don't recall keeping any notes, no.</p> <p>9 That wasn't my practice.</p> <p>10 Q Do you recall the call that you had or a</p> <p>11 conversation that you had with somebody in the</p> <p>12 White House Counsel's office, either on January</p> <p>13 26, 2013, or before up through January 10, 2013?</p> <p>14 MR. BREWSTER: Objection. Form.</p> <p>15 MR. PEZZI: Same objection.</p> <p>16 A I don't. I don't recall any</p> <p>17 conversations on this topic.</p> <p>18 Q Do you recall any conversations with</p> <p>19 White House Counsel's office at all during this</p> <p>20 time period between January 10, 2013, and January</p> <p>21 26, 2013?</p> <p>22 MR. BREWSTER: Objection. Form.</p>	<p>119</p> <p>1 the version we produced about an hour ago.</p> <p>2 MS. COTCA: You know, thank you, Steve.</p> <p>3 Why don't we put this aside. And I'll</p> <p>4 get a copy printed out of what was just produced</p> <p>5 last night, and then we -- I'll ask questions</p> <p>6 based on that one. Okay.</p> <p>7 THE WITNESS: Okay. Sounds good.</p> <p>8 MS. COTCA: And we'll do that after</p> <p>9 lunch.</p> <p>10 THE WITNESS: Okay.</p> <p>11 Q All right.</p> <p>12 MR. BREWSTER: So this is, are we</p> <p>13 striking this as Exhibit 9?</p> <p>14 MS. COTCA: No, I think we'll just</p> <p>15 replace it. We'll put the sticker -- is that</p> <p>16 Exhibit 8?</p> <p>17 MR. BREWSTER: Exhibit 9.</p> <p>18 MS. COTCA: Exhibit 9? Okay. So we'll</p> <p>19 put the -- we'll replace the other one for sticker</p> <p>20 Number 9, for Exhibit 9. Okay.</p> <p>21 (Samuelson Deposition Exhibit 10 marked</p> <p>22 for identification, retained by counsel.)</p>
<p>118</p> <p>1 A That's a two-week period from</p> <p>2 six-and-a-half years ago. I -- I regularly talk</p> <p>3 to White House Counsel's office. I couldn't tell</p> <p>4 you if I talked to them in those two weeks.</p> <p>5 Q Okay.</p> <p>6 (Samuelson Deposition Exhibit 9 marked</p> <p>7 for identification, retained by counsel.)</p> <p>8 Q Ms. Samuelson, I'm showing you what's</p> <p>9 been marked as Exhibit 9. If you can take a look.</p> <p>10 Let me know once you've had a chance to review it.</p> <p>11 A Do you want me to review the full thing?</p> <p>12 It's pretty long.</p> <p>13 Q No. Just generally, if you can take a</p> <p>14 quick look through it.</p> <p>15 MR. PEZZI: And I'll just note for the</p> <p>16 record that the State Department about an hour ago</p> <p>17 produced a less redacted version of this document.</p> <p>18 The only difference between the document -- the</p> <p>19 May 6 version, which is what this is, my</p> <p>20 understanding, is the April 4, 2013, e-mail from</p> <p>21 Karen Finnegan, to Sheryl Walter and Jonathan</p> <p>22 Davis, I believe that redaction has been lifted on</p>	<p>120</p> <p>1 MR. BREWSTER: So we're making this</p> <p>2 Exhibit 10, then?</p> <p>3 MS. COTCA: Yes.</p> <p>4 BY MS. COTCA:</p> <p>5 Q Ms. Samuelson, if you can take a look at</p> <p>6 what's been marked as Exhibit 10. Again, it's an</p> <p>7 e-mail chain relating to the CREW request. Let me</p> <p>8 know once you've had a chance to review it.</p> <p>9 A Sorry, just trying to look at what was</p> <p>10 the new sections.</p> <p>11 Q Oh, sure.</p> <p>12 A Okay.</p> <p>13 Q And I want to point you to the last</p> <p>14 e-mail, or the first e-mail in the e-mail chain,</p> <p>15 which appears last on this document, on Page 4 of</p> <p>16 the exhibit. Dated March 27, 2013, from State</p> <p>17 Department official Edgar Jaramillo to Patrick</p> <p>18 Scholl and Terry Gordon.</p> <p>19 MR. BREWSTER: Yeah, so where are you?</p> <p>20 MS. COTCA: What is at the bottom of the</p> <p>21 document Exhibit 10?</p> <p>22 MR. BREWSTER: It says Joshua, Jonathon.</p>

Conducted on June 13, 2019

<p>121</p> <p>1 MS. COTCA: No. That's the wrong one.</p> <p>2 Let me see that e-mail.</p> <p>3 This is 899. Okay.</p> <p>4 Can we go off the record for a minute.</p> <p>5 VIDEO SPECIALIST: We are going off</p> <p>6 record at 12:46.</p> <p>7 (A recess was taken.)</p> <p>8 VIDEO SPECIALIST: We are back on the</p> <p>9 record at 12:47.</p> <p>10 BY MS. COTCA:</p> <p>11 Q Ms. Samuelson, have you had a chance to</p> <p>12 look at what's been marked as Exhibit 10?</p> <p>13 A I have.</p> <p>14 Q Okay. And this is a four-page e-mail</p> <p>15 chain, again about the CREW FOIA request between</p> <p>16 State Department officials, spanning from December</p> <p>17 20, 2012, through April 19, 2013.</p> <p>18 Is that a fair representation?</p> <p>19 A From December 20, 2012, to April 19.</p> <p>20 Q Nineteen, 2013, yes.</p> <p>21 A Yes.</p> <p>22 Q Thank you.</p>	<p>123</p> <p>1 in touch with Brock Johnson on any other matter?</p> <p>2 A I'm trying to remember because it was so</p> <p>3 long ago. And he is somebody that I communicated</p> <p>4 with more recently. But I don't -- I can't tell</p> <p>5 you if I did during that period.</p> <p>6 Q Okay. When did you last communicate with</p> <p>7 Mr. Johnson?</p> <p>8 MR. BREWSTER: Objection. Outside the</p> <p>9 scope.</p> <p>10 MR. PEZZI: Same objection.</p> <p>11 A Probably a year ago or so.</p> <p>12 Q Was it in regards at all to any of the</p> <p>13 subject matter that we're discussing here today?</p> <p>14 A No. It was personal in nature.</p> <p>15 Q And I just want to point you to the</p> <p>16 second e-mail from the top on the first page, from</p> <p>17 Mr. Johnson to Jonathan Davis and Ms. Walter, and</p> <p>18 then cc'ing Karen Finnegan, Joshua Dorosin and</p> <p>19 Gene Smilansky on April 19, 2013.</p> <p>20 Do you see here where he says, "Do we</p> <p>21 have a draft response I could review or a copy of</p> <p>22 the DHS letter yet?"</p>
<p>122</p> <p>1 And during this time frame in April of</p> <p>2 2013, you were in the White House Counsel's</p> <p>3 office?</p> <p>4 A I was.</p> <p>5 Q Okay. Did you have any interaction with</p> <p>6 any of the individuals on this e-mail chain,</p> <p>7 whether with Brock Johnson or Ms. Walter or</p> <p>8 Jonathan Davis, in regards to the CREW FOIA</p> <p>9 request?</p> <p>10 MR. BREWSTER: Objection. Form.</p> <p>11 A No, I don't recall any interactions with</p> <p>12 them.</p> <p>13 Q Okay. After you --</p> <p>14 A On this request.</p> <p>15 Q Sorry. I want to make sure you complete</p> <p>16 the answer.</p> <p>17 After you left the State Department and</p> <p>18 moved over to White House Counsel's office, did</p> <p>19 you keep in touch with Brock Johnson in regards to</p> <p>20 CREW's FOIA request?</p> <p>21 A I don't recall doing so, no.</p> <p>22 Q Did you at all during the time frame keep</p>	<p>124</p> <p>1 Did you at any point see or review any</p> <p>2 letter from DHS in response to a similar request</p> <p>3 from CREW?</p> <p>4 A No. I don't recall seeing a DHS letter.</p> <p>5 Q Okay. Do you recall reviewing CREW's</p> <p>6 request to DHS?</p> <p>7 A No.</p> <p>8 Q Do you recall ever reviewing -- do you</p> <p>9 recall reviewing the CREW request to the State</p> <p>10 Department?</p> <p>11 A So I've obviously seen that more</p> <p>12 recently, now that it's been in the press. I</p> <p>13 don't recall whether I saw the actual request back</p> <p>14 in 2012 or 2013 when these e-mails were sent.</p> <p>15 Q Okay. I believe you left the State</p> <p>16 Department on March 8 or around that time frame?</p> <p>17 A That sounds around right.</p> <p>18 Q 2013.</p> <p>19 By the time you -- when you left the</p> <p>20 State Department, did you have an understanding as</p> <p>21 to how the State Department was going to respond</p> <p>22 to CREW's request?</p>

Conducted on June 13, 2019

<p>125</p> <p>1 A No, I don't -- no.</p> <p>2 Q Did Ms. Walter communicate with you in</p> <p>3 any conversation -- during any conversations as to</p> <p>4 whether the State Department would respond to CREW</p> <p>5 that it had -- that it has no responsive records?</p> <p>6 A I don't recall that, no.</p> <p>7 MS. COTCA: One more.</p> <p>8 (Samuelson Deposition Exhibit 11 marked</p> <p>9 for identification, retained by counsel.)</p> <p>10 Q Ms. Walter, you've been shown what's been</p> <p>11 marked as Exhibit 11.</p> <p>12 MR. BREWSTER: I think you mean --</p> <p>13 Q I'm sorry, Ms. Samuelson.</p> <p>14 And what's marked -- you've been shown</p> <p>15 what's marked as Exhibit 11. And again, this is</p> <p>16 an e-mail chain amongst State Department officials</p> <p>17 in August of 2013 about FOIA requests submitted to</p> <p>18 the State Department, including the CREW request.</p> <p>19 A Yes. Sorry.</p> <p>20 Q Sure. Let me know once you've had a</p> <p>21 chance to look at it.</p> <p>22 A Yeah, just a lot of pages you've given</p>	<p>127</p> <p>1 communications with anybody else in White House</p> <p>2 Counsel's office?</p> <p>3 A Not that I know of.</p> <p>4 Q Okay.</p> <p>5 MS. COTCA: Okay. I think we can go off</p> <p>6 the record.</p> <p>7 THE WITNESS: Okay.</p> <p>8 VIDEO SPECIALIST: We are going off the</p> <p>9 record at 12:55.</p> <p>10 (A recess was taken.)</p> <p>11 VIDEO SPECIALIST: We are back on the</p> <p>12 record at 13:52.</p> <p>13 BY MS. COTCA:</p> <p>14 Q Ms. Samuelson, before you is the</p> <p>15 corrected copy with the new unredacted information</p> <p>16 in Exhibit 9. And we'll go to that in just a</p> <p>17 minute.</p> <p>18 A Okay.</p> <p>19 Q Beforehand, can I have you look at</p> <p>20 Exhibit 6 for just a minute?</p> <p>21 A Okay. I've got it.</p> <p>22 Q Which is the e-mail chain that begins</p>
<p>126</p> <p>1 me.</p> <p>2 Q It's five pages, I believe.</p> <p>3 A Okay, I've reviewed it.</p> <p>4 Q Okay. Thank you.</p> <p>5 Did anybody from the State Department</p> <p>6 contact you in regards to the CREW request or keep</p> <p>7 you up to date with respect to the CREW request</p> <p>8 during this time frame in August of 2013?</p> <p>9 A No.</p> <p>10 Q Do you know if anybody from the State</p> <p>11 Department communicated with anybody in White</p> <p>12 House Counsel's office, other than you, about the</p> <p>13 CREW request or any of the other FOIA requests in</p> <p>14 this e-mail?</p> <p>15 MR. BREWSTER: Objection. Foundation.</p> <p>16 MR. PEZZI: Same objection. And</p> <p>17 objection, form.</p> <p>18 A They didn't communicate with me about</p> <p>19 this while I was in White House Counsel's office.</p> <p>20 Or at least I don't recall any communications</p> <p>21 about it.</p> <p>22 Q Right. Do you know if there was any</p>	<p>128</p> <p>1 with an e-mail from Jonathan Davis to you, on</p> <p>2 March 5th, 2013.</p> <p>3 Are we looking at the same one?</p> <p>4 A We are.</p> <p>5 Q Okay. Great. That first e-mail,</p> <p>6 Mr. Jonathan Davis wrote to you asking -- well,</p> <p>7 about the CREW request, thanking you for following</p> <p>8 up and saying, "I understand the next steps is for</p> <p>9 IPS to," and the remaining of the information is</p> <p>10 redacted.</p> <p>11 (A discussion was held off the record.)</p> <p>12 BY MS. COTCA:</p> <p>13 Q Did you have an opportunity to review</p> <p>14 this e-mail in unredacted form for your deposition</p> <p>15 today?</p> <p>16 MR. BREWSTER: Objection. Calls for</p> <p>17 privileged. I'm going to direct her not to</p> <p>18 answer.</p> <p>19 MS. COTCA: I'm just asking if she</p> <p>20 reviewed it in unredacted. I'm not asking about</p> <p>21 the content of the information in the e-mail.</p> <p>22 MR. BREWSTER: You're asking if -- you're</p>

Conducted on June 13, 2019

<p style="text-align: right;">129</p> <p>1 asking if she saw an unredacted version of this</p> <p>2 e-mail?</p> <p>3 MS. COTCA: Yes.</p> <p>4 MR. BREWSTER: When?</p> <p>5 MS. COTCA: In preparation for her</p> <p>6 deposition today.</p> <p>7 MR. BREWSTER: I'm going to ask her --</p> <p>8 I'm going to instruct her not to answer that</p> <p>9 question.</p> <p>10 MS. COTCA: Okay.</p> <p>11 BY MS. COTCA:</p> <p>12 Q Sitting here today, do you recall what</p> <p>13 the next steps for IPS were that Mr. Davis</p> <p>14 referred to in Exhibit 6?</p> <p>15 MR. PEZZI: Objection. Calls for</p> <p>16 information subject to the attorney-client</p> <p>17 privilege and the attorney work product doctrine.</p> <p>18 I instruct the witness not to answer except to the</p> <p>19 extent she can answer with a yes or no as to</p> <p>20 whether or not she recalls.</p> <p>21 MS. COTCA: Well, the question was just</p> <p>22 if she recalls. There was nothing about the</p>	<p style="text-align: right;">131</p> <p>1 During this time, who from the White</p> <p>2 House -- well, let me direct you to the last</p> <p>3 e-mails in this e-mail chain on page -- fourth</p> <p>4 page. It's back in -- front and back sided here.</p> <p>5 From Patrick Scholl to Sheryl Walter, dated March</p> <p>6 28, 2013, where Mr. Scholl wrote to Ms. Walter, "I</p> <p>7 believe that the White House was tracking these</p> <p>8 cases."</p> <p>9 Do you see that?</p> <p>10 A I do.</p> <p>11 Q Okay. And then, actually, that's in</p> <p>12 response to an earlier e-mail to Mr. Scholl from</p> <p>13 Edgar Jaramillo, who we understand -- well, it</p> <p>14 says right here he's within IPS office. His</p> <p>15 e-mail dated March 27, 2013, where he's informing</p> <p>16 State Department officials that he tasked S/ES-CR</p> <p>17 and IRM with the attached request regarding</p> <p>18 S/Clinton's private e-mails.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q And then which the White House has</p> <p>22 also -- also had an interest in knowing about from</p>
<p style="text-align: right;">130</p> <p>1 substance in the e-mail.</p> <p>2 MR. PEZZI: And if she limits her answer</p> <p>3 to whether or not she recalls, she may answer.</p> <p>4 A I do not recall.</p> <p>5 Q Thank you.</p> <p>6 Okay. You can put that aside. We can</p> <p>7 look at Exhibit 9 now.</p> <p>8 Have you had a chance to review it?</p> <p>9 A I did. I looked through it.</p> <p>10 Q Okay.</p> <p>11 A Before we were on the record.</p> <p>12 Q Okay. And just so the record is clear,</p> <p>13 this is an e-mail chain between State Department</p> <p>14 officials spanning from March 27, 2013, through</p> <p>15 May 1, 2013, about the CREW request. And in the</p> <p>16 subject line it says "WH and S/Clinton's e-mail."</p> <p>17 Is that an accurate representation?</p> <p>18 A I believe all these individuals are State</p> <p>19 Department officials, but I don't know that.</p> <p>20 Q Okay. Well, we -- I'll represent to you</p> <p>21 that we received this document from the State</p> <p>22 Department in the discovery in this case, so ...</p>	<p style="text-align: right;">132</p> <p>1 us at FOIA.</p> <p>2 Do you know who from the White House had</p> <p>3 an interest in knowing about this at FOIA in March</p> <p>4 of 2013?</p> <p>5 A I don't.</p> <p>6 MR. BREWSTER: Objection. Form.</p> <p>7 Foundation.</p> <p>8 MR. PEZZI: Same objection.</p> <p>9 A I do not.</p> <p>10 Q Okay. Do you know who Mr. Scholl was</p> <p>11 referring to in his March 28, 2013, e-mail above,</p> <p>12 when he said the White House was tracking these</p> <p>13 cases? Who from the White House he was referring</p> <p>14 to?</p> <p>15 MR. BREWSTER: Same objection.</p> <p>16 A I do not. Nor do I know who Mr. Scholl</p> <p>17 is.</p> <p>18 Q Okay. During your time at White House</p> <p>19 Counsel's office from March of 2013 through, I</p> <p>20 believe you said May of 2014?</p> <p>21 A April.</p> <p>22 Q April. Sorry. Thank you.</p>

Conducted on June 13, 2019

<p>133</p> <p>1 April of 2014. Were you aware of the</p> <p>2 White House tracking or following any FOIA</p> <p>3 requests from any of the other agencies?</p> <p>4 MR. BREWSTER: Object.</p> <p>5 Q Including the State Department?</p> <p>6 MR. BREWSTER: Objection. Form. Outside</p> <p>7 the scope.</p> <p>8 MR. PEZZI: Same objection.</p> <p>9 A Not, not to -- not that I can think of</p> <p>10 here today.</p> <p>11 Q And I want to point you back to Exhibit</p> <p>12 8.</p> <p>13 A Got it. Sorry. They were out of order.</p> <p>14 Q No problem.</p> <p>15 And again looking at Ms. Walter's e-mail</p> <p>16 to you on January 10, 2013, where she's informing</p> <p>17 you that the State Department is going to be</p> <p>18 interpreting the CREW FOIA request for official</p> <p>19 e-mail accounts rather than personal e-mail</p> <p>20 accounts.</p> <p>21 Did you at that point, or at any point</p> <p>22 during all of this e-mail traffic about the CREW</p>	<p>135</p> <p>1 A I think as we discussed earlier, I don't</p> <p>2 remember speaking with Cheryl with this request.</p> <p>3 Q Well, then, focusing then on your</p> <p>4 discussions with Ms. Walter. Wouldn't that have</p> <p>5 been a logical piece of information for you to</p> <p>6 raise to Ms. Walter when discussing the CREW --</p> <p>7 CREW's FOIA request, and how the State Department</p> <p>8 was going to respond to CREW?</p> <p>9 MR. BREWSTER: Objection. Form.</p> <p>10 MR. PEZZI: Same objection.</p> <p>11 A I don't know the extent to which I knew</p> <p>12 about the -- the details of the FOIA request. I</p> <p>13 don't know the extent. Nor do I recall the extent</p> <p>14 of my conversations with Ms. Walter.</p> <p>15 Q Okay. But you read -- was it your</p> <p>16 practice to read the e-mails that you received?</p> <p>17 A Yes.</p> <p>18 Q Okay. So we're looking at --</p> <p>19 A I hope so.</p> <p>20 Q Okay. Good. I mean, especially since</p> <p>21 you responded to --</p> <p>22 A Yes.</p>
<p>134</p> <p>1 request, raise to Ms. Walter, or anybody else who</p> <p>2 you may have discussed with at the State</p> <p>3 Department about the CREW request, the e-mail</p> <p>4 address that you were aware of that Secretary</p> <p>5 Clinton used for State Department business?</p> <p>6 MR. BREWSTER: Objection. Form.</p> <p>7 Foundation.</p> <p>8 MR. PEZZI: Same objections.</p> <p>9 A I didn't know the extent she was using it</p> <p>10 for State Department business at the time. I -- I</p> <p>11 may have raised it, but I don't recall.</p> <p>12 Q Did you recall -- I mean, excuse me. Did</p> <p>13 you raise the e-mail account that Secretary</p> <p>14 Clinton used for State Department business, which</p> <p>15 you were aware of -- and again during the time</p> <p>16 span of all this e-mail traffic about the CREW</p> <p>17 request -- during any conversations that you had</p> <p>18 with Ms. -- with Ms. Cheryl Mills about the CREW</p> <p>19 request?</p> <p>20 MR. BREWSTER: Objection. Form.</p> <p>21 Foundation.</p> <p>22 MR. PEZZI: Same objections.</p>	<p>136</p> <p>1 Q -- Ms. Walter's e-mail. So --</p> <p>2 A So I would hope I read it.</p> <p>3 Q Okay. So we're speaking to about the</p> <p>4 e-mail from January 10, 2013, and this e-mail</p> <p>5 chain. And my question is, wouldn't it at that</p> <p>6 point, when Ms. Walter informed you in writing</p> <p>7 that the State Department was going to interpret</p> <p>8 CREW's FOIA request to ask for official accounts</p> <p>9 rather than personal e-mail accounts, wouldn't it</p> <p>10 have been a logical piece of information for you</p> <p>11 to inform Ms. Walter with respect to the e-mail</p> <p>12 account that you were aware of that Secretary</p> <p>13 Clinton was using for state business?</p> <p>14 MR. BREWSTER: Objection. Form.</p> <p>15 Foundation.</p> <p>16 MR. PEZZI: Objection. Form.</p> <p>17 A So I don't recall what conversations we</p> <p>18 had prior to this e-mail chain. I don't recall</p> <p>19 what was the impetus for her sending this to me.</p> <p>20 So I can't tell you today whether it</p> <p>21 would have been logical or not. And I can't tell</p> <p>22 you today, you know, whether I raised it with her</p>

<p>137</p> <p>1 or not. I just don't recall.</p> <p>2 Q If you -- if you recall, I mean, we've</p> <p>3 looked through all these e-mail chains that speak</p> <p>4 about or talk -- refer to the CREW request.</p> <p>5 Was Ms. Walter your main point of</p> <p>6 contact, who you dealt with, with respect to what</p> <p>7 the status of the request was from the State</p> <p>8 Department?</p> <p>9 MR. BREWSTER: Objection. Foundation.</p> <p>10 A This just wasn't a big part of my job</p> <p>11 responsibilities. I don't recall having these</p> <p>12 conversations.</p> <p>13 Q And you don't recall who --</p> <p>14 A Yeah.</p> <p>15 Q -- your point of contact was, if you</p> <p>16 wanted to know the status?</p> <p>17 A I mean, it -- I -- I don't.</p> <p>18 Q Okay. The fact that this wasn't -- what</p> <p>19 did you say, that this wasn't part of your job</p> <p>20 responsibilities?</p> <p>21 A I did not say that. I said it wasn't a</p> <p>22 big part of my job responsibilities.</p>	<p>139</p> <p>1 Q Okay. Are you aware that the State</p> <p>2 Department's OIG office, in part of its</p> <p>3 investigations as to how the State Department</p> <p>4 responded to FOIA requests during Secretary</p> <p>5 Clinton's tenure, looked at this particular FOIA</p> <p>6 request? Are you aware of that?</p> <p>7 A I -- I recall either reading it in the</p> <p>8 report or reading it later on in the press.</p> <p>9 Q Does it surprise you to learn that the</p> <p>10 state OIG found that State Department staff</p> <p>11 advised the OIG of their belief that the State</p> <p>12 Department's response to CREW was incorrect, and</p> <p>13 that it should have been revised to include the</p> <p>14 former Secretary's personal e-mail account to</p> <p>15 conduct official government business?</p> <p>16 MR. BREWSTER: Objection. Form.</p> <p>17 Foundation.</p> <p>18 MR. PEZZI: Same objections.</p> <p>19 A I -- I don't know, because I don't have</p> <p>20 the specific request in front of me. I don't know</p> <p>21 what went into State Department's decision to --</p> <p>22 to release the response they did.</p>
<p>138</p> <p>1 Q Thank you.</p> <p>2 The fact that it wasn't a big part of</p> <p>3 your job responsibilities, and there was all this</p> <p>4 e-mail traffic about this FOIA request, wouldn't</p> <p>5 that have been more memorable for you to recall</p> <p>6 during this time frame, when you were at the State</p> <p>7 Department?</p> <p>8 MR. BREWSTER: Objection. Form.</p> <p>9 MR. PEZZI: Same objection.</p> <p>10 A Again, I got hundreds of e-mails when I</p> <p>11 was at the State Department. And during this time</p> <p>12 is when I was very much focused on Secretary</p> <p>13 Kerry's transition to the department.</p> <p>14 Q In 2013 were you aware that the State</p> <p>15 Department responded to CREW that it had no</p> <p>16 records responsive to its request?</p> <p>17 A No.</p> <p>18 MR. BREWSTER: Objection. Foundation.</p> <p>19 A I did not become aware of it until it was</p> <p>20 in the press.</p> <p>21 Q Okay.</p> <p>22 A A couple of years later, I think.</p>	<p>140</p> <p>1 Q Okay. Well, I'll represent to you that</p> <p>2 the State Department responded to CREW on May 10,</p> <p>3 I believe, of 2013, that it had no records</p> <p>4 responsive to its request. And that is the</p> <p>5 request we're speaking here about today.</p> <p>6 So based on that representation that I</p> <p>7 made to you, are you surprised to learn that State</p> <p>8 Department officials informed OIG during its</p> <p>9 investigation of their belief that the</p> <p>10 department's response to CREW was incorrect, and</p> <p>11 that it should have been revised to include the</p> <p>12 former Secretary's personal e-mail account used to</p> <p>13 conduct official government business?</p> <p>14 MR. BREWSTER: Objection. Form.</p> <p>15 Foundation.</p> <p>16 MR. PEZZI: Same objections.</p> <p>17 A Am I surprised, sitting here today?</p> <p>18 Q Yes.</p> <p>19 A I'm not sure I understand what you're</p> <p>20 asking. I'm sorry.</p> <p>21 Q Are you surprised to learn that State</p> <p>22 Department officials informed OIG that State</p>

<p>141</p> <p>1 Department's response to CREW was incorrect?</p> <p>2 MR. BREWSTER: Same objections.</p> <p>3 MR. PEZZI: Same objections.</p> <p>4 A Again, I do not understand. I'm sorry, I</p> <p>5 don't understand your question. I'm surprised?</p> <p>6 Q I'm sorry. What part of the question</p> <p>7 don't you understand?</p> <p>8 A What do you mean by am I surprised? I</p> <p>9 don't know who the State Department officials were</p> <p>10 that you were referring to. I have read that.</p> <p>11 If -- if the OIG found that this response was</p> <p>12 incorrect, I have no reason to doubt that.</p> <p>13 Q Are you surprised to learn that State</p> <p>14 Department officials -- not the OIG, but State</p> <p>15 Department officials -- believed that State</p> <p>16 Department's response to CREW was incorrect and</p> <p>17 that it should have been revised to include</p> <p>18 Secretary Clinton's e-mail?</p> <p>19 MR. BREWSTER: Objection. Form.</p> <p>20 Foundation.</p> <p>21 MR. PEZZI: Same objections.</p> <p>22 A I'm not surprised or unsurprised. I ...</p>	<p>143</p> <p>1 process?</p> <p>2 A I -- so I was her personal counsel later,</p> <p>3 though I'm sure we're getting to that.</p> <p>4 Q Okay. I'm speaking about January to</p> <p>5 February 1st of 2013. Okay.</p> <p>6 So the answer is you were not involved.</p> <p>7 A Correct.</p> <p>8 Q Okay. Thank you.</p> <p>9 Did you ever e-mail Cheryl Mills to her</p> <p>10 personal e-mail account for State Department</p> <p>11 business?</p> <p>12 MR. BREWSTER: Objection. Foundation.</p> <p>13 It's outside the scope.</p> <p>14 MR. PEZZI: Same objections.</p> <p>15 A I may have. I just don't recall.</p> <p>16 Q How about Jacob Sullivan?</p> <p>17 MR. BREWSTER: Same.</p> <p>18 Q Did you ever e-mail him for State</p> <p>19 Department business to his personal e-mail</p> <p>20 account?</p> <p>21 MR. BREWSTER: Same objections.</p> <p>22 MR. PEZZI: Same objections.</p>
<p>142</p> <p>1 Q Okay. I want -- so I want to move to the</p> <p>2 time when you were departing the State Department.</p> <p>3 A Okay.</p> <p>4 Q Was there a procedure in place, when you</p> <p>5 were leaving the State Department, with respect to</p> <p>6 reviewing any personal material that you were to</p> <p>7 take with you from the State Department?</p> <p>8 MR. BREWSTER: Objection. Outside the</p> <p>9 scope.</p> <p>10 A I'm trying to remember. I did not take</p> <p>11 any material with me outside the State Department.</p> <p>12 I left everything for my successor.</p> <p>13 Q Okay. Were you at all involved in the</p> <p>14 process in sorting Secretary Clinton's papers and</p> <p>15 what she took and what she left at the State</p> <p>16 Department prior to her departure?</p> <p>17 MR. BREWSTER: Objection. Foundation.</p> <p>18 A Not prior to her departure, no.</p> <p>19 Q Well, at the time of her departure from</p> <p>20 the State Department?</p> <p>21 A Not at the time of her departure, either.</p> <p>22 Q Were you at any point involved in that</p>	<p>144</p> <p>1 A Again, I may have. I just don't recall.</p> <p>2 Q And then the same question for Huma</p> <p>3 Abedin, if you ever e-mailed her to her</p> <p>4 Clintonemail.com e-mail account or any other</p> <p>5 personal e-mail account for State Department</p> <p>6 business?</p> <p>7 A I may have.</p> <p>8 Q Okay.</p> <p>9 Okay. So I want to now move into the</p> <p>10 summer of 2014, when you began working for</p> <p>11 Secretary Clinton as her attorney. And just so</p> <p>12 the record is clear, I'm only asking you about the</p> <p>13 work you did for Secretary Clinton in relation to</p> <p>14 collecting and reviewing her e-mails for purposes</p> <p>15 of returning to the State Department. Okay?</p> <p>16 A Okay.</p> <p>17 Q Okay. When did you become first aware</p> <p>18 about a review for Secretary Clinton's e-mails for</p> <p>19 purposes of returning them to the State</p> <p>20 Department?</p> <p>21 A What do you mean by "a review"?</p> <p>22 Q Well, when -- when were you first made</p>

Conducted on June 13, 2019

<p>145</p> <p>1 aware that, either by Cheryl Mills or by Secretary 2 Clinton, about retaining you to assist in the 3 process to collect Secretary Clinton's e-mails and 4 any review that may be entailed in that process 5 for purposes of returning them to the State 6 Department?</p> <p>7 A So I believe it was -- 8 MR. BREWSTER: One second. 9 You can answer to the extent that you're 10 not divulging any attorney-client privileged 11 communications. 12 Q I'm just asking for the time frame, the 13 date. 14 MR. BREWSTER: Okay. 15 A I believe it was late summer 2014. 16 Q Okay. And I believe your testimony was 17 that Ms. Mills hired you as -- to come on board to 18 represent Secretary Clinton? 19 A That's correct. 20 Q Okay. Can you narrow it down other than 21 the summer of 2014, as by month? 22 A August, I would say. That's my best </p>	<p>147</p> <p>1 Who's David Wade? 2 A My recollection is he was serving as 3 Secretary Kerry's Chief of Staff at the State 4 Department at the time. 5 Q Okay. And do you know Richard Visek? 6 A Yes. He's in the legal advisor's office. 7 I believe he was deputy counsel at the time, but I 8 don't know for certain. 9 Q And what about Philip Reines? 10 A He was an advisor to the Secretary. 11 Q Okay. And in this e-mail, Ms. Mills 12 wrote to Mr. Wade and to Mr. Visek, "I wanted to 13 follow up on your request last month about getting 14 hard copies of Secretary Clinton's e-mails to/from 15 accounts ending in, '.gov,' for the tenure at the 16 department." 17 Do you see that? 18 A I do. 19 Q Okay. So based on this e-mail, I read it 20 to mean that Ms. Mills was in touch with Mr. Wade 21 in July of 2014. 22 Is that fair -- </p>
<p>146</p> <p>1 guess. 2 Q Okay. 3 (Samuelson Deposition Exhibit 12 marked 4 for identification, retained by counsel.) 5 Q Ms. Samuelson, please look at what's been 6 marked as Exhibit 12. And let me know once you've 7 had a chance to review it. 8 Have you had a chance to review it? 9 A I have. Thank you. 10 Q Are you familiar with this document? 11 A I am not. 12 Q Okay. So just so the record is clear, it 13 is an e-mail chain between State Department 14 officials, but which begins with an e-mail from 15 Cheryl Mills to David Wade, and a copy to Richard 16 Visek and Philip Reines, subject Following Up, 17 dated August 22, 2014. 18 Is that a fair representation? 19 A Yes. 20 Q Okay. Thank you. And I want to point 21 you to that first e-mail in that e-mail chain, 22 from Cheryl Mills to David Wade. </p>	<p>148</p> <p>1 MR. BREWSTER: Objection. 2 Q -- interpretation? 3 MR. BREWSTER: Objection. Foundation. 4 A I can't testify that it was in July. 5 Q I'm just asking is that a fair read by 6 me? I'm reading it as meaning July, if she's 7 referring to it as last month. 8 A It's an interpretation. 9 Q Okay. July comes before August, doesn't 10 it? 11 A It does. 12 Q Okay. 13 MR. BREWSTER: Objection. 14 Q Were you in -- at the time that Ms. Mills 15 first reached out to Mr. Wade about returning hard 16 copies of Secretary Clinton's e-mails to or from 17 accounts ending in .gov during her tenure, were 18 you at that point retained to assist in that 19 process? 20 A I don't know the answer to that. I don't 21 know exactly when I was asked to help in this 22 process. </p>

149

1 Q Okay. Do you know why Ms. Mills copied
2 Philip Reines onto this e-mail dated August 22nd,
3 2014?
4 MR. BREWSTER: Objection. Form.
5 Foundation.
6 **A I don't.**
7 Q Okay. Did Mr. Reines have any role in --
8 with respect to the State Department's request for
9 Secretary Clinton to return her e-mails to the
10 State Department?
11 MR. BREWSTER: Objection. Foundation.
12 **A Did he have any role?**
13 Q Uh-huh. Was he involved in any way?
14 **A Sorry, I'm just trying to think back. It**
15 **was -- it was a while ago.**
16 **He may have been somebody that when we**
17 **were determining whether items were work or**
18 **personal, which I assume we'll get to later, that**
19 **we consulted. But I don't -- I'm not sure.**
20 Q Okay.
21 Okay. And is that the only involvement
22 that you recall with respect to Mr. Reines during

150

1 this process?
2 **A He was -- he handled communications and**
3 **press for the Secretary, so he may have been**
4 **involved later on with communications and press**
5 **around it. But that's -- that's my only**
6 **recollection.**
7 Q Okay. And when you're speaking about
8 communications and press, are you referring to
9 after the March 2015 reports --
10 **A Correct.**
11 Q -- that came out?
12 **A Correct.**
13 Q Okay. So I want to -- I want to focus
14 just on this time frame of summer of 2014.
15 So during this time period of summer 2014
16 through the end of 2014, is that the only aspect
17 in which Mr. Reines was involved, going back to
18 your testimony with respect to seeking his counsel
19 or advice in determining personal versus business
20 record?
21 **A That's my recollection.**
22 Q Okay. And how did -- well, I'll withdraw

151

1 that.
2 And what was the process -- after you
3 were retained to assist in this process, what did
4 you do as a result of collecting Secretary
5 Clinton's e-mails?
6 MR. BREWSTER: To the extent you can
7 answer without divulging attorney work -- work
8 product or attorney-client privilege.
9 **A So my recollection is, the first step i,**
10 **we asked Platte River for the universe of e-mails**
11 **from January 2009 until February 2013, which was**
12 **the time that she served at the State Department.**
13 **My recollection is that we first asked**
14 **for those that are to and from a .gov account, as**
15 **is -- seems to be referenced here.**
16 Q And when? When was that time frame, if
17 you recall?
18 **A I believe it was in August of 2014.**
19 Q Okay. And when you said "we made a
20 request," who's "we"?
21 **A It was --**
22 Q Who were you referring to? Sorry.

152

1 **A It was myself and Cheryl Mills. It was**
2 **one of us.**
3 Q Okay. And did Platte River Networks, is
4 that who you said you contacted?
5 **A That's correct.**
6 Q Okay. And I believe I've seen the
7 acronym PRN for them. If I refer to it as PRN,
8 can we agree --
9 **A Yes.**
10 Q -- that we're speaking about the same
11 thing?
12 **A Yes.**
13 Q Okay. Thank you.
14 And did PRN provide a set of Secretary
15 Clinton's e-mails to you as a -- in response to
16 your request?
17 **A They did.**
18 Q Okay. Now, I've seen that referenced in
19 some of the FBI's interview notes of certain
20 individuals as them referring to it as the July
21 export.
22 Are you familiar with that term or have

Conducted on June 13, 2019

<p>153</p> <p>1 you seen that term used to describe the process</p> <p>2 that they undertook in response to your initial</p> <p>3 request?</p> <p>4 MR. BREWSTER: Objection. Form.</p> <p>5 Foundation.</p> <p>6 A I don't believe I have. I may have. I</p> <p>7 just -- I don't recall.</p> <p>8 Q Okay. Okay. And what did you do once</p> <p>9 they provided a set of the e-mails from</p> <p>10 Secretary -- from or to Secretary Clinton from</p> <p>11 January 2009 to February of 2013 with .gov e-mail</p> <p>12 accounts?</p> <p>13 A So when we received those, we reviewed</p> <p>14 those for what was work related and what was</p> <p>15 personal.</p> <p>16 There was a decision to be overinclusive</p> <p>17 in terms of what was work related. And,</p> <p>18 therefore, almost all of those .gov e-mails,</p> <p>19 frankly, potentially all -- I want to be careful.</p> <p>20 I think almost all went -- were provided to the</p> <p>21 State Department as work related, even though some</p> <p>22 were arguably not.</p>	<p>155</p> <p>1 So after receiving the e-mails from --</p> <p>2 either from or to Secretary Clinton with .gov, did</p> <p>3 you make any other requests to PRN for any other</p> <p>4 e-mails to be provided as part of your review?</p> <p>5 A I did.</p> <p>6 Q Okay. And can you tell me about those</p> <p>7 requests?</p> <p>8 A So I -- I -- it was either myself or</p> <p>9 Cheryl went to Platte River and asked if we could</p> <p>10 have the full e-mail box for Secretary Clinton</p> <p>11 dating January 2009 to February 20 -- to February</p> <p>12 2013.</p> <p>13 Q So did that request include e-mails with</p> <p>14 .gov accounts, as well as any other e-mails?</p> <p>15 A It did.</p> <p>16 Q Okay. And when you said "the full e-mail</p> <p>17 box," what do you mean by that?</p> <p>18 A Sorry. I just didn't know how to</p> <p>19 categorize it.</p> <p>20 We just asked for any e-mails that Platte</p> <p>21 River had that could -- that Platte River -- let</p> <p>22 me back up. That Platte River could pull for us</p>
<p>154</p> <p>1 Q Okay. Let me back up a little bit.</p> <p>2 How many e-mails did you receive from</p> <p>3 Platte River Networks in response to your request</p> <p>4 for Secretary Clinton's e-mails either to or from</p> <p>5 .gov accounts?</p> <p>6 A I don't recall. I know that they made up</p> <p>7 a large portion of the work-related e-mails that</p> <p>8 were provided to the department. I think</p> <p>9 somewhere around 90 percent, but I don't -- I</p> <p>10 don't recall the exact number.</p> <p>11 Q How do you know that it was somewhere</p> <p>12 around 90 percent?</p> <p>13 A Because in preparation for this I</p> <p>14 reviewed the material that used to be on the</p> <p>15 campaign's website. And I -- I recalled that it</p> <p>16 said it was around 90 percent. I have no reason</p> <p>17 to doubt that.</p> <p>18 Q Okay. You didn't actually go and try to</p> <p>19 figure out the percentage and the math to figure</p> <p>20 out if it was about 90 percent?</p> <p>21 A Today? No.</p> <p>22 Q Yes. Thank you.</p>	<p>156</p> <p>1 that was from January 2009 to February 2013.</p> <p>2 Q Okay. And were these e-mails that Platte</p> <p>3 River pulled from you from Secretary Clinton's,</p> <p>4 like, Inbox and Sent folder?</p> <p>5 A Yes. I -- well, I should say I believe</p> <p>6 so, the way they -- they were sent to me, they</p> <p>7 were both sent and received.</p> <p>8 Q Okay. What about, did you receive any</p> <p>9 e-mails from Draft folder or box from Secretary</p> <p>10 Clinton's e-mail account?</p> <p>11 MR. BREWSTER: Objection. Form.</p> <p>12 If you know.</p> <p>13 A I'm sorry, I'm just trying to think.</p> <p>14 This was a really long time ago.</p> <p>15 I -- I don't recall. There might have</p> <p>16 been, but I don't recall, sitting here today.</p> <p>17 Q Okay. And you testified earlier that you</p> <p>18 were interviewed by the FBI in regards to this</p> <p>19 process. Correct?</p> <p>20 A Correct.</p> <p>21 Q Okay. Is that information that you would</p> <p>22 have disclosed if you would have received e-mails</p>

157

1 from Secretary Clinton's draft folder, that you
2 would have disclosed to the FBI?
3 MR. BREWSTER: Objection. Form.
4 If you can answer without divulging
5 attorney-client privilege, you may answer.
6 MR. STEKLOFF: Could I just clarify, are
7 you asking if the FBI asked her about it?
8 MS. COTCA: I'm just asking if that's the
9 type of information that she would have disclosed
10 to the FBI.
11 MR. STEKLOFF: I'm not sure I understand
12 that question, but she can answer if she
13 understands.
14 Q Let me --
15 **A I mean, of course. I mean ...**
16 Q Let me back up.
17 Did the FBI ask you whether you received
18 from Platte River e-mails from Secretary Clinton's
19 Draft folder?
20 MR. BREWSTER: Objection. Form.
21 Foundation.
22 **A They may have. I don't -- I don't**

158

1 **recall.**
2 Q Okay.
3 **A If they -- and if they did, I would have**
4 **answered truthfully to the best of my recollection**
5 **at the time.**
6 Q Okay. I'm not trying to trick you. I'm
7 just trying to understand what the information is.
8 MR. STEKLOFF: That's what I assumed. I
9 was just trying to clarify because it was a
10 confusing question.
11 MS. COTCA: That's fine. Thank you.
12 MR. BREWSTER: Yeah.
13 Q Okay. And then when did you make
14 the second -- when was the second request made to
15 PRN for the full e-mail box with the e-mails from
16 the Inbox and the Sent folder?
17 **A So the .gov also had the Inbox and the**
18 **Sent folder, just to be clear.**
19 Q Oh, sure.
20 **A But the -- when I requested the full --**
21 **sorry I keep using the word "full." I just don't**
22 **know how else to describe it. We requested the --**

159

1 **all of the e-mails that they had in their**
2 **possession. That was maybe a month or so later.**
3 **I just don't recall.**
4 Q And how many e-mails did you receive from
5 PRN in response to the second request?
6 **A My recollection was that it was just over**
7 **60,000.**
8 Q That's 60,000 e-mails, just to be clear.
9 Correct?
10 **A Correct.**
11 Q Okay. Because there was also reference
12 to 55,000 pages, so ...
13 **A Oh, yeah.**
14 Q 60,000 e-mails.
15 **A Correct.**
16 Q Okay. Thank you. Okay.
17 Now, I want to focus on the first
18 request.
19 **A Sorry.**
20 Q When -- that's okay.
21 When the initial request was made for the
22 .gov e-mails, had you already begun the process of

160

1 reviewing those e-mails to determine what may be
2 relevant in response to the State Department's
3 request?
4 MR. BREWSTER: Objection. Form.
5 Foundation.
6 Q Let me reask it --
7 **A Okay.**
8 Q -- if that's okay.
9 Prior to making the second request for
10 all of Secretary Clinton's e-mails from the Inbox
11 or the Sent folder, at that point had you already
12 done the review of the .gov e-mails that you
13 received a month before?
14 **A I believe so, yes.**
15 Q Okay. And can you explain how that
16 review -- what the process was for that review?
17 **A For the .gov?**
18 Q Yes.
19 **A Because most -- the majority, vast**
20 **majority of them were work related, because that's**
21 **how she would -- if she was e-mailing about**
22 **something work related, she would typically e-mail**

Conducted on June 13, 2019

161

1 on her personal .gov account, so that review was
 2 relatively quicker than the other review that I'm
 3 sure we'll talk about.
 4 Because it was just looking for things
 5 that were purely personal. And then as I kind of
 6 mentioned before, we were overinclusive. And so,
 7 therefore, a lot of material that was produced to
 8 and from a .gov account was arguably personal in
 9 nature.
 10 I'm just saying we were over -- I'm just
 11 saying we were overinclusive. I'm sorry. That
 12 was a complicated way to say it. We were -- I was
 13 overinclusive in terms of what was produced from
 14 the .gov subsection.
 15 Q Okay. And who did the review of those
 16 e-mails, the .gov section?
 17 A I did.
 18 Q Okay. Were -- anybody else do the
 19 initial review of the .gov e-mails?
 20 A I consulted with Sheryl and David on it.
 21 Q And who is David?
 22 A I'm sorry, David Kendall.

162

1 Q And who is David Kendall?
 2 A He is one of her other personal counsels.
 3 Q That's okay. We just need to make it
 4 clear for the record.
 5 A Sorry about that.
 6 Q That's okay.
 7 So was it that you just consulted with
 8 either Ms. Mills or Mr. Kendall when you had
 9 particular questions, or were they -- did you
 10 consult with them on a regular basis, like, This
 11 is what I reviewed today?
 12 MR. BREWSTER: Objection, to the extent
 13 you can answer without divulging attorney work
 14 product or attorney-client privilege.
 15 A I don't recall it being day-to-day basis.
 16 I did consult with them. I couldn't tell you how
 17 often.
 18 Q Okay.
 19 Okay. And now I want to get to the
 20 review of the other e-mails. The .gov, but also
 21 the batch that included .mil and other e-mails
 22 that were either sent to or from Secretary

163

1 Clinton.
 2 Can you explain -- well, for the record,
 3 you nodded your head when I said .mil.
 4 Do you know what that refers to, the
 5 .mil?
 6 A I do.
 7 Q Okay. Can you explain that?
 8 A It's e-mail addresses with the Department
 9 of Defense.
 10 Q Okay. And the .mil stands for military?
 11 A I assume so.
 12 Q Okay. Can you explain how that process
 13 of the review took place?
 14 A Yes. So first -- so as I said, we had
 15 asked Platte River to provide us with all e-mails
 16 from January 2009 to March 2013.
 17 We had already reviewed those that went
 18 to and from a .gov. So this part of the review
 19 was very -- was looking for any e-mails that she
 20 may have that are work related that would be with
 21 individuals who did not have a .gov address, or
 22 were not -- or may not have used a .gov address

164

1 for the particular correspondence.
 2 So that could have included members of
 3 Congress, it could have included other department
 4 officials, it could have included advisory board
 5 members. Anyone she may have corresponded with on
 6 work-related matters.
 7 So the first thing that I did -- again,
 8 this was a long time ago, so it's really just the
 9 best of my recollection today -- is we sorted her
 10 Inbox by to and from, to see who she was
 11 corresponding with. And I would review the names.
 12 And if it was somebody that she would be
 13 corresponding with on work-related matters, I
 14 would -- and it appeared to be work related, I
 15 would put it in the -- I'll call it the
 16 work-related pile.
 17 If I didn't recognize a name, I would
 18 look it up.
 19 Q Okay. And then?
 20 A The next piece that I did was to make
 21 sure that I had caught everything. I did some
 22 keyword searches, which included the names of

Conducted on June 13, 2019

165

1 department officials, assistant Secretaries, Under
 2 Secretaries that she may have corresponded with.
 3 And then I also did other keyword
 4 searches, such as -- which I know is relevant to
 5 this case -- Libya and Benghazi.
 6 Q Okay. And then?
 7 A And for any -- and then for -- once I had
 8 the batch that were work related, I printed those
 9 pages.
 10 Q Okay.
 11 MR. BREWSTER: Ramona, would it be okay
 12 to take a break? I know we've only been going for
 13 45 minutes. But I want to have a quick
 14 conversation with my client.
 15 MS. COTCA: About privilege issues?
 16 MR. BREWSTER: Yes.
 17 MS. COTCA: Sure.
 18 MR. BREWSTER: Okay. Thank you.
 19 THE WITNESS: Thank you.
 20 VIDEO SPECIALIST: We are going off the
 21 record at 14:37.
 22 (A recess was taken.)

166

1 VIDEO SPECIALIST: We are back on the
 2 record at 14:44.
 3 THE WITNESS: Sorry. So I realize I was
 4 a bit inarticulate before when you asked me about
 5 the .gov subsection. And I believe I
 6 inadvertently said that the majority of the .gov
 7 were personal in nature. That is obviously
 8 incorrect. The majority of e-mails she sent to
 9 and from a .gov e-mail address were work related.
 10 MS. COTCA: Okay. Thank you for the
 11 clarification.
 12 BY MS. COTCA:
 13 Q I want to just back up a little bit to
 14 your testimony about the 90 percent figure that
 15 you had mentioned.
 16 Who came up with that 90 percent figure?
 17 MR. BREWSTER: Objection. To the extent
 18 you can divulge -- without divulging
 19 attorney-client privilege.
 20 A It was just math. So we took the number
 21 of total e-mails that were provided to the
 22 department -- well, I guess it's the opposite. We

167

1 divided the number of e-mails that were sent to
 2 and from a .gov account, or had a .gov cc'd, by
 3 the total number of e-mails that were provided to
 4 the department.
 5 Q And who did that? Who is "we"?
 6 MR. BREWSTER: Same objection.
 7 A I don't recall. It could have been me.
 8 Q And when you did the initial review with
 9 just the .gov e-mails, you stated that you did a
 10 review and it went fairly quickly, since most of
 11 them were work related.
 12 But were there any during that review
 13 that you deemed were personal in nature?
 14 A There may have been a couple that were
 15 deemed personal in nature, but I don't recall.
 16 Q Okay. And were those removed from the
 17 batch that was provided to the State Department?
 18 A If there were, yes.
 19 Q Okay. And do you recall with whom those
 20 e-mails were, between Secretary Clinton and who?
 21 MR. BREWSTER: Objection. To the extent
 22 you can answer without divulging attorney work

168

1 client privilege -- product, not client.
 2 A I don't recall, sitting here today.
 3 Q And what was the process or what was the
 4 methodology that you used to determine what was
 5 work related and what was personal in nature with
 6 respect to the initial review of the .gov e-mails?
 7 A Like I said, the vast, vast majority were
 8 official. And even if they were something as
 9 simple as her sitting in a meeting and asking for
 10 iced tea, we treated that as official. And that
 11 was provided to the department.
 12 There was -- so the vast majority of
 13 those were -- were work related.
 14 Q Okay. But my question was, what was the
 15 methodology that you used when you were reviewing
 16 the .gov e-mails with respect to determining
 17 whether the e-mail was personal in nature or if it
 18 was related to state business?
 19 MR. BREWSTER: To the extent -- to the
 20 extent you can answer without divulging attorney
 21 work product privilege.
 22 A I read them.

Conducted on June 13, 2019

169

1 Q Did you read every single e-mail?

2 A **I can't --**

3 Q From the initial review with just the

4 state.gov e-mails?

5 A **I can't say that I read every word of**

6 **every e-mail.**

7 **But if it was -- if it was mix of**

8 **personal and work, it was provided as work**

9 **related. If that's your question.**

10 Q Well, that goes to -- that answers part

11 of my question, with respect to mixed documents.

12 Your testimony, as I understand it, is if

13 it had both personal use and state business use,

14 when you reviewed the state dot -- not the state,

15 excuse me, but the .gov e-mails, you determined

16 those e-mails to be work related.

17 A **Correct.**

18 MR. BREWSTER: Objection. Form.

19 Q Okay.

20 A **Like I said, there was only -- and I**

21 **can't even recall, there may have been only been a**

22 **couple in the .gov subsection that were not deemed**

170

1 **work related.**

2 Q Did you review each e-mail from that

3 first batch of e-mails that you reviewed with the

4 .gov e-mails?

5 MR. BREWSTER: Objection. Form.

6 A **Reviewed, yes. Yes.**

7 Q Did you open every e-mail to review for

8 purposes of determining whether it was

9 responsive -- or whether it was state related or

10 not?

11 A **I printed every e-mail.**

12 Q So let me clarify, then. And again we're

13 speaking just the initial review of just the

14 state -- not the state, I'm sorry, the .gov

15 e-mails that PRN sent either in July or August of

16 2014.

17 When you did an initial search to

18 determine which ones are responsive, are you --

19 did you print all of them out, whether they were

20 state related or personal in nature?

21 A **My recollection is yes. And my**

22 **recollection is that there were less -- there were**

171

1 **very few, if any, that were deemed personal from**

2 **the .gov batch.**

3 Q Okay. So in the .gov batch, then my

4 understanding is that you did that review on hard

5 copies.

6 MR. BREWSTER: Objection. Form.

7 Q Is that correct?

8 A **So we're -- this was so long ago, I --**

9 **I --**

10 Q It was a pretty significant --

11 A **I printed it.**

12 Q -- process. Right?

13 A **I printed it. What I -- what I'm trying**

14 **to remember today is whether I reviewed it while I**

15 **was in my Outlook or whether I reviewed it when I**

16 **printed it or whether it was both, a combination**

17 **of both. I just don't recall, sitting here today,**

18 **what order it happened in.**

19 Q Okay. And I'm more interested not

20 whether there were printed or not, but rather

21 whether you opened up each e-mail and reviewed

22 each e-mail during that process to determine if it

172

1 was state related or business related.

2 MR. BREWSTER: Objection. Form.

3 A **State related or personal? Not business.**

4 Q Personal, I'm sorry. State related or

5 personal. Thank you.

6 A **Like I said, that -- the .gov, the vast**

7 **majority went to the State Department. There -- I**

8 **don't want to say the whole, because there may**

9 **have been a couple that were pulled because they**

10 **were personal. I just can't remember today.**

11 Q So how did you come to see if the vast

12 majority of --

13 A **Yeah.**

14 Q -- of those e-mails in that batch with

15 the .gov e-mails, the vast majority of those

16 e-mails were state related, how did you come to

17 notice the ones that were personal in nature?

18 A **Because I reviewed them.**

19 Q And what I'm trying to understand is how

20 did that review process occur. Did you read each

21 e-mail or open each e-mail to determine whether it

22 was personal or state related?

Conducted on June 13, 2019

<p>173</p> <p>1 MR. BREWSTER: Objection. Form.</p> <p>2 A So -- did I open? Yes. I printed each</p> <p>3 e-mail. I did not read every line of each e-mail.</p> <p>4 There were certain -- if -- yes, I -- I</p> <p>5 reviewed each e-mail. I'm not -- I'm not sure how</p> <p>6 else to answer your question.</p> <p>7 Q When you say you printed each e-mail, I</p> <p>8 think that's where there's a little bit of -- at</p> <p>9 least on my end I need some clarification.</p> <p>10 When you say you printed each e-mail,</p> <p>11 were those e-mails, the volume of e-mails that</p> <p>12 were at that point determined to be state related,</p> <p>13 or the printed batch, did that include the entire</p> <p>14 universe of the .gov e-mails that PRN sent to you</p> <p>15 in August of 2014?</p> <p>16 MR. BREWSTER: Objection. Form.</p> <p>17 A I reviewed each e-mail. I printed each</p> <p>18 e-mail. And they were provided to the department,</p> <p>19 with the exception of maybe one or two, maybe,</p> <p>20 that were personal in nature from the .gov batch.</p> <p>21 Q So sitting here today, you can't say that</p> <p>22 you opened and read each e-mail from the .gov</p>	<p>175</p> <p>1 she printed them, she reviewed them.</p> <p>2 MS. COTCA: I don't think her testimony</p> <p>3 is actually clear as to which ones she printed.</p> <p>4 MR. BREWSTER: Okay.</p> <p>5 Q Can you clarify which e-mails from the</p> <p>6 .gov batch you printed and when? With respect to</p> <p>7 the review process, not a specific date.</p> <p>8 A Look. I want to answer your question.</p> <p>9 We're talking about something that happened five</p> <p>10 years ago, and you're asking a really level of</p> <p>11 specificity.</p> <p>12 So my -- my recollection is, I reviewed</p> <p>13 the e-mails, I printed the .gov e-mails. If</p> <p>14 you're asking if I printed these potentially one</p> <p>15 or two that were personal in nature?</p> <p>16 Q Yes.</p> <p>17 A Maybe. But they were -- I don't know. I</p> <p>18 probably did. I don't remember.</p> <p>19 Q Okay. And I understand that time has</p> <p>20 passed. But have you ever had any other occasion</p> <p>21 to review government-related e-mails for a</p> <p>22 high-level government official other than</p>
<p>174</p> <p>1 batch in processing -- or in reviewing whether</p> <p>2 they were state related or personal in nature?</p> <p>3 MR. BREWSTER: Objection. Asked and</p> <p>4 answered.</p> <p>5 A They went to the State Department. I</p> <p>6 reviewed the name, I reviewed the subject, I</p> <p>7 reviewed the contents of the e-mail if it was</p> <p>8 questionable as to whether it was personal or work</p> <p>9 related.</p> <p>10 But, again, if we're talking about the</p> <p>11 .gov subsection, with the exception of maybe a</p> <p>12 couple e-mails that were clearly personal in</p> <p>13 nature, they were provided to the department.</p> <p>14 Q Okay. I understand your testimony that</p> <p>15 the vast majority were provided to the State</p> <p>16 Department. I'm trying to get a clear sense as to</p> <p>17 what the methodology was used to do each of these</p> <p>18 reviews. So that's what my questions are focusing</p> <p>19 on.</p> <p>20 A I don't think that --</p> <p>21 MR. BREWSTER: But Ramona, she's answered</p> <p>22 this question now several times. She opened them,</p>	<p>176</p> <p>1 Secretary Clinton?</p> <p>2 MR. BREWSTER: Objection. Foundation.</p> <p>3 Outside the scope.</p> <p>4 A Since I left government?</p> <p>5 Q Ever.</p> <p>6 A I may have done document review while I</p> <p>7 was at the White House Counsel's office.</p> <p>8 Not that I recall.</p> <p>9 Q Okay. I guess I was going to ask you,</p> <p>10 have you ever done document review in any other</p> <p>11 litigation?</p> <p>12 A No, I have not.</p> <p>13 Q Okay. Okay. And moving into -- focusing</p> <p>14 in on the second batch of the e-mails that PRN</p> <p>15 sent.</p> <p>16 And I'm sorry, did I ask you when did</p> <p>17 they send those to you, time frame-wise?</p> <p>18 A It was sometime in the fall of -- early</p> <p>19 fall of 2014.</p> <p>20 Q Okay. Now, I'll just represent to you</p> <p>21 that I've just seen -- I've seen reference to it</p> <p>22 being referred to in some of the FBI's 302 as a</p>

177

1 September export from PRN. So September time
2 frame sounds about right to you?
3 **A That sounds about right.**
4 Q Okay.
5 Okay. Can you walk me through the
6 process as to how you reviewed those e-mails?
7 **A Sure. It's -- so that was the process I**
8 **was speaking of earlier. First we -- first I**
9 **sorted the Inbox or Sent box by to and from.**
10 Q And then you did a keyword search?
11 **A And then after that I did a keyword**
12 **search.**
13 Q Okay.
14 **A Well, I sent -- let me -- I just want to**
15 **make sure my past testimony is clear.**
16 **I sorted it by to and from. I looked at**
17 **the names of the individuals that she had**
18 **corresponded with. If I did not recognize the**
19 **name, I looked it up. If the -- if it was an**
20 **individual that she may correspond with on work**
21 **and personal matters, I reviewed the contents of**
22 **the e-mail. And I also did a keyword search,**

178

1 **again with Libya and Benghazi. And I only name**
2 **those because I know that they're relevant to this**
3 **litigation.**
4 Q Fair. Did you make a list of the keyword
5 searches that you used to review Secretary
6 Clinton's e-mails?
7 MR. BREWSTER: Objection. Calls for
8 privileged information.
9 I'll ask her not to answer.
10 MS. COTCA: What's the privilege that
11 you're --
12 MR. BREWSTER: You're asking for her
13 mental processes on how she conducted it?
14 MS. COTCA: No. My question is whether
15 she created a list of the keyword searches that
16 she used during this process.
17 MR. BREWSTER: Okay. Can we have a quick
18 conversation outside?
19 MS. COTCA: Sure.
20 VIDEO SPECIALIST: We are going off the
21 record at 14:58.
22 (A recess was taken.)

179

1 VIDEO SPECIALIST: We are back on the
2 record at 15:05.
3 MR. BREWSTER: Ms. Cotca, I just want to
4 make a representation to you. So we are trying to
5 get through this without asserting privilege and
6 withholding testimony at any point. So we're
7 trying to give as fulsome -- have the witness
8 testify as, you know, as broadly as she can
9 without waiving privilege. So as I stated at the
10 beginning, we're not -- none of our answers here
11 are an intentional waiver of privilege.
12 There is no exhaustive list of the search
13 terms. But if you want to ask her about certain
14 search terms, she will be able to tell you whether
15 or not she recalls searching for them.
16 BY MS. COTCA:
17 Q Okay. But I guess my question will be, I
18 mean, you used the term "exhaustive list." I
19 just -- I want to ask if you or Ms. Mills or
20 Mr. Kendall created a list of any kind that would
21 have included the search terms that were going to
22 be used for the review of these e-mails.

180

1 MR. BREWSTER: And so there is -- there
2 is no list that is comprehensive. There --
3 MS. COTCA: Is there an incomplete list
4 of the search terms that were used? And I guess I
5 would ask the witness to answer if there is such
6 an incomplete list.
7 MR. BREWSTER: If you can answer that
8 without divulging privileged information.
9 MR. STEKLOFF: Well, are we -- we're on
10 the record. Okay.
11 MR. BREWSTER: Yeah.
12 MR. STEKLOFF: For the methodology -- if
13 you're trying to get to the methodology, maybe
14 doing it timing-wise can avoid privilege. So if
15 you can -- if you want to ask like -- I think your
16 question sounds like you want to know beforehand
17 whether any of those lawyers that you listed
18 created a list before the review. I think she
19 can -- I think she can answer that question
20 without -- I think, as long as you -- without
21 divulging privilege.
22 BY MS. COTCA:

Conducted on June 13, 2019

<p>181</p> <p>1 Q Can you answer that?</p> <p>2 A Can -- whether we created a list at the</p> <p>3 beginning of the review process?</p> <p>4 MR. STEKLOFF: Yeah. I don't -- if you</p> <p>5 can answer that without divulging privilege, you</p> <p>6 can answer it.</p> <p>7 A We discussed the review process, but I do</p> <p>8 not believe a list was created at the beginning of</p> <p>9 the process.</p> <p>10 Q Was a list created at any point during</p> <p>11 the review process with the search terms that were</p> <p>12 used during the review process of Secretary</p> <p>13 Clinton's e-mails?</p> <p>14 A I don't recall a list being created at</p> <p>15 any time during the process, no.</p> <p>16 Q Was a list created, after the process was</p> <p>17 completed, of the search terms that were used</p> <p>18 during the review of Secretary Clinton's e-mails?</p> <p>19 A Not a complete list.</p> <p>20 Q Okay. So there was -- there is an</p> <p>21 incomplete list?</p> <p>22 Is that what I understand your testimony</p>	<p>183</p> <p>1 So we're happy to have you answer if she</p> <p>2 used specific search terms. But we have to</p> <p>3 instruct her not to answer that question.</p> <p>4 MS. COTCA: And that is attorney-client</p> <p>5 privilege that you are asserting?</p> <p>6 MR. STEKLOFF: Yes.</p> <p>7 MR. BREWSTER: And attorney work product.</p> <p>8 MS. COTCA: I don't -- I don't see the</p> <p>9 attorney-client privilege on that one.</p> <p>10 MR. STEKLOFF: Okay.</p> <p>11 I don't think she can answer the question</p> <p>12 without divulging -- like, her -- her answer would</p> <p>13 be based on attorney-client privileged</p> <p>14 information.</p> <p>15 MS. COTCA: Okay.</p> <p>16 BY MS. COTCA:</p> <p>17 Q When was any list, whether incomplete, of</p> <p>18 the search terms that were used to review</p> <p>19 Secretary Clinton's e-mails created?</p> <p>20 MR. BREWSTER: I think that's okay.</p> <p>21 MR. STEKLOFF: You can -- you can answer</p> <p>22 that question.</p>
<p>182</p> <p>1 to be?</p> <p>2 MR. BREWSTER: Objection. Calls for</p> <p>3 privileged information.</p> <p>4 If you can ask for specific search terms,</p> <p>5 I think that's -- we'll be able to answer those</p> <p>6 questions.</p> <p>7 (A discussion was held off the record.)</p> <p>8 BY MS. COTCA:</p> <p>9 Q So, Ms. Samuelson, your answer to my</p> <p>10 earlier question whether a list was created after</p> <p>11 the review process of the search terms used to</p> <p>12 review Secretary Clinton's e-mails is, Not a</p> <p>13 complete list.</p> <p>14 So my followup question to that is, was</p> <p>15 there an incomplete list created of the search</p> <p>16 terms that were used to review Secretary Clinton's</p> <p>17 e-mails after the review was complete?</p> <p>18 MR. BREWSTER: Wait one second before you</p> <p>19 answer.</p> <p>20 MR. STEKLOFF: That -- that question</p> <p>21 can't be answered without -- within -- without</p> <p>22 violating attorney-client privilege.</p>	<p>184</p> <p>1 A I did an after-action memo --</p> <p>2 Q And --</p> <p>3 A -- for lack of a better word.</p> <p>4 Q And the after-action memo, when did</p> <p>5 you -- when did you do that?</p> <p>6 A It was after we provided the e-mails to</p> <p>7 the department.</p> <p>8 Q Okay.</p> <p>9 A So I could memorialize.</p> <p>10 Q Okay. So can you narrow down the time</p> <p>11 frame? Shortly after you provided the e-mails, or</p> <p>12 a year later?</p> <p>13 A I -- it was shortly after, but I don't</p> <p>14 recall the exact date.</p> <p>15 Q Okay. Was it in December of 2014?</p> <p>16 A It may have been.</p> <p>17 Q Okay. I want to ask you, with respect to</p> <p>18 the search terms that you used to review Secretary</p> <p>19 Clinton's e-mails, were there any discussions that</p> <p>20 you, Ms. Mills, or Mr. Kendall had with the State</p> <p>21 Department as to which -- what search terms should</p> <p>22 be used?</p>

Conducted on June 13, 2019

<p>185</p> <p>1 MR. BREWSTER: You're saying with the</p> <p>2 State Department, to be clear?</p> <p>3 MS. COTCA: With the State Department</p> <p>4 officials. Correct.</p> <p>5 MR. BREWSTER: Okay.</p> <p>6 A Again, the search terms that I think</p> <p>7 you're referring to were really just a catch-all</p> <p>8 to make sure that I didn't miss anything along the</p> <p>9 way.</p> <p>10 I don't recall having any conversations</p> <p>11 with the State Department on those.</p> <p>12 Q Do you know if Ms. Mills or Mr. Kendall</p> <p>13 had any discussions with anybody at the State</p> <p>14 Department about what the appropriate search terms</p> <p>15 should be used to review Secretary Clinton's</p> <p>16 e-mails?</p> <p>17 MR. BREWSTER: Objection. Form.</p> <p>18 A I don't think the State Department</p> <p>19 provided us with search terms.</p> <p>20 Q Did you request from the State Department</p> <p>21 for them to provide you with search terms to use</p> <p>22 to review Secretary Clinton's e-mails?</p>	<p>187</p> <p>1 Department in December of 2014? Is that --</p> <p>2 A Correct.</p> <p>3 Q Okay. And what about Ms. Mills or</p> <p>4 Mr. Kendall, if you know, who they were in touch</p> <p>5 with at the State Department during this process</p> <p>6 for purposes of the review of Secretary Clinton's</p> <p>7 e-mails?</p> <p>8 MR. BREWSTER: Objection. Form and</p> <p>9 foundation.</p> <p>10 A I don't know.</p> <p>11 Q Do you know if -- well, let me ask you.</p> <p>12 Were you in contact with Under Secretary Patrick</p> <p>13 Kennedy for purposes of returning the e-mails to</p> <p>14 the State Department?</p> <p>15 MR. BREWSTER: Objection. Form.</p> <p>16 A My recollection is I spoke with</p> <p>17 Mr. Kennedy's chief of staff.</p> <p>18 Q And who was that at the time?</p> <p>19 A Kathleen Austin-Ferguson.</p> <p>20 Q Did you speak with anybody else at the</p> <p>21 State Department during this time frame about</p> <p>22 returning the e-mails to the State Department?</p>
<p>186</p> <p>1 A No. We were informed by the State</p> <p>2 Department that it was each individual's personal</p> <p>3 responsibility to go through their e-mail and make</p> <p>4 the determination of what is personal and what is</p> <p>5 work related, based on guidance in the Foreign</p> <p>6 Affairs manual.</p> <p>7 Q And who from the State Department</p> <p>8 informed you of that?</p> <p>9 A I don't recall.</p> <p>10 Q Was there a point of contact or certain</p> <p>11 individuals who either you, Ms. Mills, or</p> <p>12 Mr. Kendall communicated with at the State</p> <p>13 Department during this process, for purposes of</p> <p>14 the review of Secretary Clinton's e-mails?</p> <p>15 A So I only communicated with -- with</p> <p>16 individuals at the department after the review was</p> <p>17 conducted in my -- in my recollection.</p> <p>18 Q Okay.</p> <p>19 A And that was about providing the</p> <p>20 materials to the department.</p> <p>21 Q Okay. That was when delivery was made of</p> <p>22 the 30-some-thousand e-mails to the State</p>	<p>188</p> <p>1 A I may have. She's just the only person</p> <p>2 that I remember.</p> <p>3 Q So going back to the search terms that</p> <p>4 you used during the review process of Secretary</p> <p>5 Clinton's e-mails. I want to ask you if you used</p> <p>6 specific terms if you recall, sitting here today.</p> <p>7 Did you use the search term "ambassador"?</p> <p>8 A I may have.</p> <p>9 Q Sitting here today, do you know if you</p> <p>10 used the search term "ambassador" or not?</p> <p>11 A I searched a number of ambassadors by</p> <p>12 name, but I -- I can't tell you, sitting here</p> <p>13 today, if I used that search term or not.</p> <p>14 Q So I meant specific -- I'm not asking you</p> <p>15 for specific names who were ambassadors. But the</p> <p>16 term "ambassador," did you use that search term</p> <p>17 during your review of Secretary Clinton's e-mails?</p> <p>18 A I may have.</p> <p>19 Q Do you still have a copy of the</p> <p>20 after-action memo that you created in or around</p> <p>21 December of 2014?</p> <p>22 A In my possession?</p>

189

1 Q Yes. You are still serving as the
2 attorney for Secretary Clinton. Correct?

3 A **Correct.**

4 Q Okay. So do you still have a copy of the
5 after-action memo that you created in or around
6 December of 2014 memorializing the search you did
7 for Secretary Clinton's e-mails?

8 A **I may.**

9 Q Who else has a copy of the after-action
10 memo that you provided to?

11 A **Well, it was -- it was with her**
12 attorneys. I can't speak to who -- who kept the
13 memo.

14 Q Okay. So when you're referring to "her
15 attorneys," are you just referring to Cheryl Mills
16 and David Kendall?

17 A **Yes, I'm referring to David Kendall, yes.**

18 Q Okay. Any -- any other attorneys?

19 A **Not that I can think of for this.**

20 Q Did you review your after-action memo
21 that you created in or around December of 2014 in
22 preparation for today's deposition?

190

1 MR. BREWSTER: Objection. Calls for
2 privileged information.

3 I'll instruct her not to answer.

4 Q Okay. Sitting here today, you're not
5 able to say for sure that you used the term
6 "ambassador" as a key search term to review
7 Secretary Clinton's e-mails. Is that right?

8 A **That's correct. But, again, the keywords**
9 were really just spot checking, to make sure we
10 didn't miss anything in the full review that we
11 already went over.

12 Q And I understand your testimony and what
13 you're saying about that. But I'm trying to get
14 an understanding of specific key -- keyword terms
15 that were used to search Secretary Clinton's
16 e-mails that are relevant to Judicial Watch's FOIA
17 request in this case.

18 Did you use "Rice" --

19 A **I did.**

20 Q -- as a search term?

21 A **I did. She was one of the names that I**
22 searched.

191

1 Q Okay. And how did you search for
2 Ambassador Susan Rice? How did you use that
3 search term?

4 A **Well, first, as I said, I had sorted her**
5 Inbox by to and from so I would look at any
6 e-mails she had between herself and Secretary
7 Rice. And then I also searched for names of
8 senior department officials.

9 Q So when you did this search for the names
10 of senior department officials, did you just
11 use -- use the word "Rice" alone?

12 A **I -- I couldn't tell you today. It was**
13 five years ago.

14 Q Okay. But that is information that you
15 have available that would be contained in the
16 after-action memo that you created in December of
17 2014.

18 MR. BREWSTER: Objection.

19 Q Is that correct?

20 MR. BREWSTER: Calls for privileged
21 information for attorney work product.

22 MS. COTCA: I'm just saying that she has

192

1 the after action -- I'm asking that -- for her to
2 confirm that she has the after-action memo that
3 she created in or around December of 2014.

4 MR. BREWSTER: Your question as phrased
5 is asking for the contents of a privileged memo.

6 MS. COTCA: No. Let me rephrase it,
7 if -- if that's the way that you're understanding
8 the question.

9 BY MS. COTCA:

10 Q My question is, would you be able to
11 determine by looking at your after-action memo
12 that you created in December of 2014 whether you
13 used the term "Rice" alone as part of the keyword
14 search?

15 MR. BREWSTER: Objection. Calls for
16 privileged information. I'm going to instruct her
17 not to answer.

18 MS. COTCA: And, again, what's the
19 privilege that you are asserting for that?

20 MR. BREWSTER: Attorney work product.

21 Q Did you use the search term "U.S.U N/W"?

22 A **Not that I recall.**

Conducted on June 13, 2019

<p>193</p> <p>1 Q Did you use the search term September</p> <p>2 September 11, comma, 2012, as a search term?</p> <p>3 A September 11, comma, 2012?</p> <p>4 Q The date September 11, 2012, did you use</p> <p>5 the date as a search term?</p> <p>6 A Again, I reviewed all e-mails that she</p> <p>7 had on that day. I don't know what -- recall</p> <p>8 whether I used that specific date or any different</p> <p>9 idiosyncrasy of that date.</p> <p>10 Q Okay. You're familiar that the attacks</p> <p>11 in Benghazi occurred on that date, September 11,</p> <p>12 2012, are you not?</p> <p>13 A Oh, of course I am.</p> <p>14 Q Okay. And would you be able to</p> <p>15 determine, by looking at the after-action memo</p> <p>16 that you created in or around December of 2014,</p> <p>17 whether you used the search term "September 11,</p> <p>18 2012" during your review of Secretary Clinton's</p> <p>19 e-mails?</p> <p>20 MR. BREWSTER: Same as prior objections.</p> <p>21 I'll instruct the witness not to answer.</p> <p>22 MS. COTCA: Okay.</p>	<p>195</p> <p>1 answered.</p> <p>2 A I may have. But, again, I don't think</p> <p>3 this is -- again, as I've said many times before,</p> <p>4 this was just one part of the process.</p> <p>5 Q And I understand that. I'm just trying</p> <p>6 to understand if you used the search term or not,</p> <p>7 so we can just do yes or no as far as you recall.</p> <p>8 MR. BREWSTER: And she has answered the</p> <p>9 question now twice, as referring to "attack."</p> <p>10 Q And as I asked before, are you able to</p> <p>11 determine, by looking at the after-action memo</p> <p>12 that you created in or around December of 2014,</p> <p>13 whether you used the search term "attack" to</p> <p>14 review Secretary Clinton's e-mails?</p> <p>15 MR. BREWSTER: Objection. Calls for</p> <p>16 privileged information.</p> <p>17 I'll instruct the witness not to answer.</p> <p>18 MS. COTCA: And again, is that work</p> <p>19 product privilege?</p> <p>20 MR. BREWSTER: That is.</p> <p>21 MS. COTCA: Thank you.</p> <p>22 Q Did you use the search term "talking</p>
<p>194</p> <p>1 Q Did you use the search term "attack" when</p> <p>2 you reviewed Secretary Clinton's e-mails?</p> <p>3 A Again, the search terms were only to spot</p> <p>4 check. I searched by individual, by names. I</p> <p>5 sorted the Inbox. We had a multi-layer process.</p> <p>6 The search terms that you're focused on was really</p> <p>7 just a spot check in one part of the process.</p> <p>8 Q Okay. Did you use that search term?</p> <p>9 A I may have. But, again, it was just one</p> <p>10 part of the process.</p> <p>11 Q Are you aware that the search terms that</p> <p>12 I've mentioned to you, these are the search terms</p> <p>13 that the State Department used to search for</p> <p>14 responsive records in this case that Judicial</p> <p>15 Watch has against the State Department?</p> <p>16 MR. BREWSTER: Objection. Form.</p> <p>17 Foundation.</p> <p>18 A I am not.</p> <p>19 Q Okay. So my question, again, is whether</p> <p>20 you used the search term "attack" during your</p> <p>21 review of Secretary Clinton's e-mails.</p> <p>22 MR. BREWSTER: Objection. Asked and</p>	<p>196</p> <p>1 points" for your review of Secretary Clinton's</p> <p>2 e-mails?</p> <p>3 A Again, these search terms that -- that</p> <p>4 I -- the keywords that I did at the end of the</p> <p>5 process were a spot check.</p> <p>6 Q I'm not asking what they --</p> <p>7 A I sorted the e-mails to and from.</p> <p>8 MR. BREWSTER: She --</p> <p>9 Q Sorry.</p> <p>10 A I reviewed -- I searched individuals'</p> <p>11 names. I had a multi-layer process.</p> <p>12 And that's not even including the .gov</p> <p>13 e-mails that were placed in the work-related bin.</p> <p>14 So I don't -- what -- what word did you</p> <p>15 ask for?</p> <p>16 Q So my question was actually whether -- it</p> <p>17 was very simple, yes or no. Whether you used the</p> <p>18 search term "talking points" for your review of</p> <p>19 Secretary Clinton's e-mails.</p> <p>20 A So what, did I actually put in that word</p> <p>21 in -- in Outlook? I -- I don't recall. But,</p> <p>22 again, like all of these words, they would have</p>

Conducted on June 13, 2019

<p>197</p> <p>1 come up in other e-mails in -- in the review, in</p> <p>2 the other pieces of the review process.</p> <p>3 Q And as I asked before, would you be able</p> <p>4 to determine whether you used the search term</p> <p>5 "talking points" by reviewing the after-action</p> <p>6 memo that you created in or around December of</p> <p>7 2014 for purposes of reviewing Secretary Clinton's</p> <p>8 e-mails?</p> <p>9 MR. BREWSTER: Same objection as before.</p> <p>10 Asks for attorney mental impressions and work</p> <p>11 product.</p> <p>12 I'll instruct the witness not to answer.</p> <p>13 MS. COTCA: Okay.</p> <p>14 Q Did you use the search term "TPs" T --</p> <p>15 for talking points?</p> <p>16 A I don't recall. But, again, as I said</p> <p>17 before, this was only one part of the process. We</p> <p>18 had a multi-layer process that I've described</p> <p>19 multiple times now.</p> <p>20 Q Okay. As I asked before, would you be</p> <p>21 able to determine whether you used the search term</p> <p>22 "TPs" for talking points by looking at the</p>	<p>199</p> <p>1 I'll instruct the witness not to answer.</p> <p>2 Q Do you know if the after-action memo that</p> <p>3 you created in or around December of 2014, if that</p> <p>4 has been provided to anybody else outside of David</p> <p>5 Kendall?</p> <p>6 A Not to my knowledge.</p> <p>7 Q Okay. So I believe your testimony was</p> <p>8 that you received approximately 60,000 e-mails</p> <p>9 from PRN during the second -- the second review</p> <p>10 that you did.</p> <p>11 And how many did -- were determined as a</p> <p>12 result of the review process to be State related?</p> <p>13 A I believe just over 30,000.</p> <p>14 Q Is it 30,490, does that sound right?</p> <p>15 A That's --</p> <p>16 MR. BREWSTER: Objection. Foundation.</p> <p>17 A That number sounds correct to me.</p> <p>18 Q Okay.</p> <p>19 THE WITNESS: Would it be okay if I took</p> <p>20 a break?</p> <p>21 MS. COTCA: Of course.</p> <p>22 THE WITNESS: Sorry. It's a little bit</p>
<p>198</p> <p>1 after-action memo that you created in or around</p> <p>2 December of 2014 for your review of Secretary</p> <p>3 Clinton's e-mails?</p> <p>4 MR. BREWSTER: Objection. Calls for</p> <p>5 attorney work product and mental impressions.</p> <p>6 I'll instruct the witness not to answer.</p> <p>7 Q And one more specific search term that I</p> <p>8 had is whether you used the term "updates" during</p> <p>9 your review of Secretary Clinton's e-mails?</p> <p>10 A "Updates"?</p> <p>11 Q Yes.</p> <p>12 A That would provide quite a number of</p> <p>13 documents, I would think. That's a very common</p> <p>14 word. But I may have. I don't recall. But</p> <p>15 again, it was part of a multi-layer process.</p> <p>16 Q And as before, would you be able to</p> <p>17 determine whether you used the search term</p> <p>18 "updates" to search Secretary Clinton's e-mails by</p> <p>19 reviewing your after-action memo that was created</p> <p>20 in or around December of 2014?</p> <p>21 MR. BREWSTER: Objection. Calls for</p> <p>22 attorney work product and mental impressions.</p>	<p>200</p> <p>1 after lunch.</p> <p>2 MS. COTCA: Of course.</p> <p>3 VIDEO SPECIALIST: We are going off the</p> <p>4 record at 15:28.</p> <p>5 (A recess was taken.)</p> <p>6 VIDEO SPECIALIST: We are back on the</p> <p>7 record at 15:38.</p> <p>8 BY MS. COTCA:</p> <p>9 Q Ms. Samuelson, so during the sorting</p> <p>10 process, I understand you went through the first</p> <p>11 step of looking at to and from, and then you did</p> <p>12 the keyword search?</p> <p>13 A I did to, from, and then I searched</p> <p>14 department officials' names and others that she</p> <p>15 may have corresponded with.</p> <p>16 Q Okay.</p> <p>17 A And then I did keyword searches.</p> <p>18 Q Okay. And so --</p> <p>19 A And that was on the non.gov.</p> <p>20 Q Sorry. Thank you.</p> <p>21 So with respect to the names that you</p> <p>22 searched, did -- does your after-action memo that</p>

Conducted on June 13, 2019

<p>201</p> <p>1 you created in or around December of 2014 contain</p> <p>2 a list of the individuals who you searched for</p> <p>3 during the review of Secretary Clinton's e-mails?</p> <p>4 MR. BREWSTER: Objection. Calls for</p> <p>5 privileged information under the work product</p> <p>6 privilege.</p> <p>7 I'll instruct the witness not to answer.</p> <p>8 MS. COTCA: I'm not asking for any</p> <p>9 specific names. I'm just asking if a list --</p> <p>10 MR. BREWSTER: A list exists?</p> <p>11 MS. COTCA: Exists.</p> <p>12 MR. BREWSTER: Okay. Then I'll allow her</p> <p>13 to answer.</p> <p>14 MS. COTCA: Thank you.</p> <p>15 A There may be. I don't recall.</p> <p>16 Q Okay. And would you be able to determine</p> <p>17 if the list -- lists exists -- exists of the names</p> <p>18 you searched for during the review of Secretary</p> <p>19 Clinton's e-mails by looking or reviewing the</p> <p>20 after-action memo that you created in or around</p> <p>21 December of 2014?</p> <p>22 MR. BREWSTER: Wait one second.</p>	<p>203</p> <p>1 Correct?</p> <p>2 A Correct.</p> <p>3 Q Okay. And after you completed that, what</p> <p>4 was next in the process of the review?</p> <p>5 A I printed out those e-mails that were</p> <p>6 work related.</p> <p>7 Q Okay. So you used that to sort to</p> <p>8 determine what was work related and what was not.</p> <p>9 Correct?</p> <p>10 A Correct.</p> <p>11 Q And do you recall the exact number of the</p> <p>12 e-mails that were contained in the universe of</p> <p>13 e-mails that you initially reviewed?</p> <p>14 MR. BREWSTER: Objection. Form.</p> <p>15 A How many were in the full Inbox?</p> <p>16 Q Yes.</p> <p>17 A Well, what I received from Platte River?</p> <p>18 Q Yes.</p> <p>19 A I -- it was over 60,000. I don't</p> <p>20 remember the exact number.</p> <p>21 Q Okay.</p> <p>22 (Samuelson Deposition Exhibit 13 marked</p>
<p>202</p> <p>1 MR. STEKLOFF: Can we just step out for a</p> <p>2 second?</p> <p>3 MS. COTCA: Sure.</p> <p>4 VIDEO SPECIALIST: Going off the record</p> <p>5 at 15:40.</p> <p>6 (A recess was taken.)</p> <p>7 VIDEO SPECIALIST: We are back on the</p> <p>8 record at 15:44.</p> <p>9 BY MS. COTCA:</p> <p>10 Q Ms. Samuelson, would you be able to</p> <p>11 determine, by reviewing the after-action memo that</p> <p>12 you created in or around December of 2014, whether</p> <p>13 a list is -- was created with the names of the</p> <p>14 individuals you -- you searched for during your</p> <p>15 review of Secretary Clinton's e-mails?</p> <p>16 MR. STEKLOFF: She can answer.</p> <p>17 MR. BREWSTER: Yeah.</p> <p>18 A Yeah, I may. I may be able to.</p> <p>19 Q Okay. So after the -- so this was the</p> <p>20 three-step sorting process, again the review of</p> <p>21 the to's and from's, the searching of specific</p> <p>22 names, and then specific keyword searches.</p>	<p>204</p> <p>1 for identification, retained by counsel.)</p> <p>2 MS. COTCA: That's the only copy.</p> <p>3 Steve, it's a letter from Mr. David</p> <p>4 Kendall to Trey Gowdy, dated March 27, 2015. And</p> <p>5 it is marked Exhibit 13.</p> <p>6 And just for the record, Steve, it's</p> <p>7 marked as DOS-3742 at the bottom, with State</p> <p>8 Department's Bates stamp. Goes all the way from</p> <p>9 one to nine. It's a nine-page letter.</p> <p>10 MR. BREWSTER: Is there a specific part</p> <p>11 of this you're going to direct her to?</p> <p>12 MS. COTCA: Yes.</p> <p>13 Q I just want to direct you, Mr. Samuelson,</p> <p>14 to the second page, the first full paragraph.</p> <p>15 Where it talks about your review of these e-mails</p> <p>16 and the number of e-mails that were reviewed.</p> <p>17 A I see that.</p> <p>18 Q Okay.</p> <p>19 MS. COTCA: And, for the record, this is</p> <p>20 a letter from David Kendall, Secretary Clinton's</p> <p>21 attorney, to Congressman Trey Gowdy, the chair of</p> <p>22 the Select Committee on Benghazi, dated March 27,</p>

205

1 2015.
2 Q Is that an accurate representation of
3 this exhibit?
4 A Yes.
5 Q Okay. Thank you.
6 And Mr. Kendall in this first full
7 paragraph on the second page represents that a
8 total of 62,320 e-mails were reviewed that were
9 from Secretary Clinton's e-mail account
10 hdr22@clintonemail.com.
11 Does that sound like an accurate number
12 as to the e-mails that you reviewed?
13 A It does.
14 Q Okay. Do you have any reason to dispute
15 this number?
16 A No.
17 Q Okay. And then, again, it also states
18 that, "As a result of the review process, 30,490
19 e-mails were identified as work related and
20 potentially work-related e-mails that were
21 provided to the State Department on December 5th,
22 2014."

206

1 Do you see that?
2 A I do.
3 Q Okay. And is that a fair number, as --
4 as you recall, with respect to the number of
5 e-mails that were produced by Secretary Clinton to
6 the State Department in December of 2014?
7 A Yes.
8 Q Okay. Do you have any reason to dispute
9 that this number is not accurate?
10 A No.
11 Q Okay. Thank you. That's all I have with
12 that exhibit.
13 A Oh, okay. It was very long.
14 Q It is. I just wanted to get the numbers
15 right.
16 And then once that sorting process was
17 complete, what -- what was the next process in the
18 review?
19 MR. BREWSTER: Objection. Asked and
20 answered.
21 A I'm sorry, I don't understand your
22 question.

207

1 Q So you went through the three-step
2 process to determine which ones are potentially
3 work related. Correct?
4 A Correct.
5 Q Okay. And then what did you do next with
6 respect to the ones that you identified as
7 potentially work related?
8 A I printed them.
9 Q Okay. And then what did you do once they
10 were printed?
11 A We provided them to department.
12 Q Was there any other review that was done
13 of those records by either Cheryl Mills or David
14 Kendall?
15 MR. BREWSTER: Objection. To the extent
16 you can answer without divulging attorney work
17 product privilege.
18 A I don't -- I don't believe so.
19 Q And I don't want to trick you. So I know
20 some of this is discussed in the FBI's 302, so
21 I'll just show that to you so you can refer to it.
22 A Okay.

208

1 MR. BREWSTER: She's going to mark your
2 copy.
3 (Samuelson Deposition Exhibit 14 marked
4 for identification, retained by counsel.)
5 Q Have you had a chance to review it?
6 A I haven't reviewed the full thing
7 right -- sitting right here, but I have seen this
8 document before.
9 Q Okay. And just for the record, this is
10 Exhibit 14, and it's a copy of the FBI's 302 notes
11 of their interview from you -- of you on May 25th,
12 2016.
13 Is that accurate?
14 A That's correct.
15 Q Okay. And does this at all refresh your
16 recollection as to whether there was any other
17 review done of the 30,490 e-mails after you
18 printed them out?
19 MR. BREWSTER: Objection. Form.
20 Foundation.
21 A So I recall that I provided -- that I
22 shared some e-mails with Sheryl and David. I

Conducted on June 13, 2019

<p>209</p> <p>1 don't know that they reviewed all 32,000 -- or 2 30,000 or however many it was. 3 Q Okay. And of the ones that Mr. Kendall 4 and/or Ms. Mills reviewed, were there any that as 5 a result were determined to be nonresponsive and 6 were shredded? 7 A I don't recall. 8 Q Can I turn you to paragraph -- Page 4 of 9 your -- of the exhibit. The second to the last 10 paragraph. Where it begins with, "Upon completing 11 the review, Samuelson printed all the e-mails she 12 deemed to be relevant. The paper copies were then 13 subsequently reviewed by Mills and Kendall, and 14 anything they deemed not to be work related was 15 shredded." 16 Do you see that? 17 A I do. 18 Q So just trying to understand the paper 19 copies, though, were subsequently reviewed by 20 Ms. Mills and Mr. Kendall, were they just a subset 21 of the ones that you identified as relevant, or 22 was it the entire set of the e-mails that you</p>	<p>211</p> <p>1 MR. BREWSTER: Okay. 2 MS. COTCA: Put it next to you. I may 3 have questions. 4 (Samuelson Deposition Exhibit 15 marked 5 for identification, retained by counsel.) 6 MR. BREWSTER: So, Ramona, again this is 7 a compilation of, or is this one document? 8 MS. COTCA: Well, actually, they were 9 produced by the State Department. And the Bates 10 numbers appear on the bottom. DOS 1024, 1025, and 11 1026. 12 MR. BREWSTER: Okay. 13 MS. COTCA: As to whether it was 14 contained as one document by the State Department, 15 I'm not sure. 16 MR. PEZZI: I don't recall whether this 17 was produced as one document or three documents. 18 But they do appear to have sequential Bates 19 numbers. 20 MS. COTCA: Yes. 21 MR. BREWSTER: Okay. 22 Q Ms. Samuelson, just for the record,</p>
<p>210</p> <p>1 identified as relevant? 2 MR. BREWSTER: One second. 3 I'll object to form. If you understand 4 the question, you may answer. 5 A Again, I'm -- I'm trying to remember, 6 because it was so long ago. 7 I do not know that they reviewed all 8 30,000 that were provided to the department. 9 Q Okay. 10 A I know ... 11 I know they reviewed some, but I do not 12 know if they reviewed all 30,000. 13 Q Okay. And, again, you don't -- do you 14 recall whether any as a result of Ms. Mills' 15 review and/or Mr. Kendall's review, any of the 16 e-mails were as a result deemed not to be work 17 related and were shredded? 18 A I don't recall. 19 Q Okay. 20 MR. BREWSTER: You're done with this, 21 Ramona? 22 MS. COTCA: Yes. For now, I mean.</p>	<p>212</p> <p>1 what's been marked as Exhibit 15 is a letter from 2 Ms. Mills to Patrick Kennedy, dated December 5th, 3 2014. And an acknowledgment of receipt and a 4 transmittal memorandum for the e-mails that were 5 delivered to the State Department also on December 6 5th, 2014. 7 Is that a fair representation? 8 A Yes. 9 Q Okay. Thank you. 10 Is -- I want to ask you about the 11 acknowledgment of receipt. 12 Is this something that was created by you 13 or any of Secretary Clinton's attorneys? 14 A It was not created by me. It may have 15 been created by her other attorneys. 16 Q Okay. Were you -- 17 A Let me back up. I don't recall creating 18 this document five years ago. 19 Q Okay. That's fair. 20 Were -- were you present at the time that 21 the State Department officials picked up the 12 22 boxes of Secretary Clinton's e-mails from</p>

Conducted on June 13, 2019

<p>213</p> <p>1 Williams & Connolly?</p> <p>2 A I was not.</p> <p>3 Q Okay. Did you coordinate with the State</p> <p>4 Department the pickup of the boxes?</p> <p>5 A Yes, I did help facilitate that.</p> <p>6 Q Okay. On the third page of the exhibit,</p> <p>7 in the transmittal memorandum, where it says,</p> <p>8 "Received from Tanya M. Abrams."</p> <p>9 Do you know who Tanya M. Abrams is?</p> <p>10 A I believe she is an associate at</p> <p>11 Williams & Connolly.</p> <p>12 Q And do you recall the fact that there</p> <p>13 were indeed 12 boxes of e-mails that were produced</p> <p>14 to the State Department?</p> <p>15 A Yes.</p> <p>16 Q Was there a discussion at some point</p> <p>17 about there being 14 boxes to be produced?</p> <p>18 A My recollection of this, because I've</p> <p>19 seen it in the press, is that when I was</p> <p>20 facilitating the release, I was still packing them</p> <p>21 in boxes, and I didn't know if it was going to be</p> <p>22 12 or 13 or 14 or more or less. And it ended up</p>	<p>215</p> <p>1 In -- in -- when we provided the e-mails to the</p> <p>2 department in 2014?</p> <p>3 Q Right. But I'm asking with respect to</p> <p>4 the box -- Box Number 10 and 11 -- well, I guess</p> <p>5 and 13. The ones relevant for the time frame of</p> <p>6 2012, did you organize or sort e-mails that were</p> <p>7 specifically related to the Benghazi attack and</p> <p>8 group them together separately from the rest of</p> <p>9 the e-mail from -- e-mails from that time frame?</p> <p>10 A I do not recall doing that.</p> <p>11 Q Do you know if Ms. Mills did that?</p> <p>12 MR. BREWSTER: Objection. Form.</p> <p>13 A I don't believe she would have, but I --</p> <p>14 I don't know.</p> <p>15 Q Okay. How about Mr. Kendall; do you know</p> <p>16 if he did that?</p> <p>17 MR. BREWSTER: Same objection.</p> <p>18 A Again, I don't -- I don't know. I don't</p> <p>19 believe he would, but I don't know.</p> <p>20 Q Do you know if any -- do you know if</p> <p>21 Ms. Abrams or any of the other attorneys or</p> <p>22 employees working at Williams & Connolly would</p>
<p>214</p> <p>1 being 12.</p> <p>2 Q Okay. And according to the</p> <p>3 acknowledgment of receipt, it looks like the boxes</p> <p>4 were -- or the e-mails contained in the boxes were</p> <p>5 organized in chronological order.</p> <p>6 Did you actually pack up the boxes and</p> <p>7 provide the copies of the e-mails in the boxes</p> <p>8 that were produced to the State Department?</p> <p>9 A I did.</p> <p>10 Q Okay. Is that -- well, let me ask you:</p> <p>11 How did you organize and place the e-mails in the</p> <p>12 boxes?</p> <p>13 A By date.</p> <p>14 Q Okay. Did you pull out e-mails that</p> <p>15 related to the Benghazi attacks and provide those</p> <p>16 in a separate batch of documents?</p> <p>17 A Not that I recall.</p> <p>18 Q You don't recall grouping e-mails</p> <p>19 relating to the Benghazi attacks separately from</p> <p>20 the rest of the e-mails in 2012?</p> <p>21 MR. BREWSTER: Objection. Form.</p> <p>22 A I -- I don't understand your question.</p>	<p>216</p> <p>1 have done that?</p> <p>2 A I -- I don't know. I didn't know that it</p> <p>3 was done.</p> <p>4 Q When did you pack the boxes with the</p> <p>5 e-mails?</p> <p>6 A Short -- sorry, I'm just trying to think.</p> <p>7 It was a long time ago.</p> <p>8 It was -- I mean, it was shortly before</p> <p>9 we -- we provided them to the department.</p> <p>10 Q And where did you pack the boxes with</p> <p>11 Secretary Clinton's e-mails?</p> <p>12 A In cdMills Group's office.</p> <p>13 Q And where was that office?</p> <p>14 A It was in Friendship Heights.</p> <p>15 Q Do you remember at what point the boxes</p> <p>16 were transferred from Ms. Mills' office to</p> <p>17 Williams & Connolly?</p> <p>18 A It was shortly before the department</p> <p>19 picked them up, but I don't recall the exact date.</p> <p>20 Q Okay. I'm done with that.</p> <p>21 (A discussion was held off the record.)</p> <p>22 (Samuelson Deposition Exhibit 16 marked</p>

Conducted on June 13, 2019

217

1 for identification, retained by counsel.)
 2 BY MS. COTCA:
 3 Q Ms. Samuelson, if you can look at what's
 4 been marked as Exhibit 16 and let me know once
 5 you've had a chance to review that.
 6 **A Okay.**
 7 Q And just for the record, this is an
 8 e-mail from State Department official William
 9 Fischer, to Margaret Grafeld, cc'ing John Hackett,
 10 Eric Stein -- Eric Stein, Celeste Houser-Jackson,
 11 and the subject matter is "S e-mail dated December
 12 3, 2014." Is that a fair representation?
 13 **A That is. Correct.**
 14 Q Okay. Thanks.
 15 I just want to point you to the last
 16 sentence in that e-mail. Well, the last two
 17 sentences. Where it says, "Clarence said this is
 18 to remove any personal material that may be
 19 included in the collection."
 20 And "the collection" is referring to the
 21 e-mails that Secretary Clinton would be returning
 22 to the State Department.

218

1 And he's seeking instructions explaining
 2 how this process should be carried out in the
 3 event I'm contacted by a representative of a
 4 former Secretary.
 5 Did -- my question to you is, did you
 6 have any discussions with either Mr. Finney or
 7 anybody else from the State Department with
 8 respect to any instructions explaining how --
 9 or -- or the process as to how they would review
 10 whether any of the e-mails being returned were
 11 personal in nature?
 12 MR. PEZZI: Objection to form and
 13 foundation.
 14 MR. BREWSTER: Objection to form. Same
 15 objections.
 16 **A I don't recall speaking to Clarence**
 17 **Finney. I don't -- I don't recall this.**
 18 Q Okay. Do you recall receiving any
 19 explanation from anybody at the State Department
 20 with respect to how they would carry out the
 21 process of determining whether any e-mails would
 22 be considered personal?

219

1 **A No.**
 2 Q Okay. That's all.
 3 MS. COTCA: Can we take a -- can we go
 4 off the record.
 5 VIDEO SPECIALIST: We are going off the
 6 record at 16:07.
 7 (A recess was taken.)
 8 VIDEO SPECIALIST: We are back on the
 9 record at 16:15.
 10 BY MS. COTCA:
 11 Q Ms. Samuelson, just a few more questions.
 12 As part of your review for records to
 13 return to the State Department, are you aware if
 14 Secretary Clinton returned any memos?
 15 **A We did provide attachments to the**
 16 **e-mails, and that sometimes included memos.**
 17 Q Okay. What about notes that would be
 18 saved in the memos app on Secretary Clinton's
 19 BlackBerrys; did you request PRN to provide you
 20 copies of notes contained in that app for your
 21 review as to whether those notes related to State
 22 Department business or not?

220

1 MR. BREWSTER: Objection. Form.
 2 Foundation.
 3 If you know.
 4 **A No, we did not. I only requested her**
 5 **e-mails.**
 6 Q Okay. What about any drafts of e-mails;
 7 did you request any drafts of e-mails from PRN for
 8 review to determine whether they were State
 9 related or not?
 10 MR. BREWSTER: Same objections.
 11 **A I think we discussed this earlier about**
 12 **drafts.**
 13 **I recall asking Platte River Networks for**
 14 **any e-mails from January 2009 to February 2013. I**
 15 **do not believe that there was any drafts in what**
 16 **they provided me, but there could have been.**
 17 Q In 2014, when you did the review, were
 18 you aware that Secretary Clinton used the memos
 19 app on her BlackBerry while she was Secretary of
 20 State?
 21 **A I don't know --**
 22 MR. BREWSTER: Objection. Form.

<p>221</p> <p>1 Foundation.</p> <p>2 A I don't know if she did or didn't use</p> <p>3 that app.</p> <p>4 Q Were there any discussions with respect</p> <p>5 to whether notes contained in such apps on her</p> <p>6 BlackBerry, whether those need to be requested</p> <p>7 from PRN for purposes of reviewing whether they</p> <p>8 need to be returned to the State Department?</p> <p>9 A Discussions with whom?</p> <p>10 Q Well, with anyone. In 2014.</p> <p>11 MR. BREWSTER: Objection.</p> <p>12 To the extent you can answer the question</p> <p>13 without divulging privileged information, you can</p> <p>14 answer.</p> <p>15 A I don't recall having any discussions on</p> <p>16 that.</p> <p>17 Q Okay. Were there any discussions -- and</p> <p>18 you may have touched on this earlier -- with State</p> <p>19 Department officials about the process and the</p> <p>20 parameters that you used to search and review</p> <p>21 Secretary Clinton's e-mails prior to returning</p> <p>22 them to the State Department?</p>	<p>223</p> <p>1 that was made to Secretary Clinton by anybody else</p> <p>2 from the State Department?</p> <p>3 A About search parameters?</p> <p>4 Q Yes. The same question. So let me start</p> <p>5 all over again.</p> <p>6 Are you aware of any request made by</p> <p>7 anybody else from the State Department to</p> <p>8 Secretary Clinton with respect to what search</p> <p>9 parameters were used during the review process of</p> <p>10 Secretary Clinton's e-mails?</p> <p>11 MR. PEZZI: Objection. Form.</p> <p>12 MR. BREWSTER: Same objection.</p> <p>13 A I am not.</p> <p>14 Q Did you know that at least one State</p> <p>15 Department official was, to use his term,</p> <p>16 "emphatic" in his discussions with Patrick Kennedy</p> <p>17 that the State Department needed the search</p> <p>18 parameters that were used for purposes of</p> <p>19 conducting the review process of Secretary</p> <p>20 Clinton?</p> <p>21 MR. BREWSTER: Objection. Form.</p> <p>22 Foundation.</p>
<p>222</p> <p>1 MR. BREWSTER: Objection. Asked and</p> <p>2 answered.</p> <p>3 A I believe I answered this earlier. I</p> <p>4 don't recall having any specific conversations</p> <p>5 with State Department officials regarding</p> <p>6 parameters for the review.</p> <p>7 Q Thank you.</p> <p>8 And do you know if Patrick Kennedy ever</p> <p>9 requested such information from Secretary Clinton?</p> <p>10 MR. BREWSTER: Objection. Form.</p> <p>11 A What information?</p> <p>12 Q With respect to the -- well, let me start</p> <p>13 the question all over again.</p> <p>14 Are you aware whether Patrick Kennedy</p> <p>15 made any request to Secretary Clinton for the</p> <p>16 search parameters used during the review process</p> <p>17 of Secretary Clinton's e-mails?</p> <p>18 MR. BREWSTER: Objection. Form.</p> <p>19 MR. PEZZI: Same objection.</p> <p>20 A I'm not -- I'm not aware of any request</p> <p>21 by Under Secretary Kennedy.</p> <p>22 Q Are you aware of any such request from --</p>	<p>224</p> <p>1 MR. PEZZI: Same objections.</p> <p>2 A I am not.</p> <p>3 Q If the State Department made a request to</p> <p>4 Secretary Clinton at this time to provide the</p> <p>5 search parameters that were used for the review of</p> <p>6 Secretary Clinton's e-mails, would Secretary</p> <p>7 Clinton provide that to the State Department?</p> <p>8 MR. BREWSTER: Objection. Form.</p> <p>9 Foundation.</p> <p>10 MR. PEZZI: Same objections.</p> <p>11 MR. STEKLOFF: At what time? Are you</p> <p>12 saying today?</p> <p>13 MS. COTCA: Today.</p> <p>14 A I'm confused.</p> <p>15 MR. BREWSTER: If you know.</p> <p>16 MR. STEKLOFF: Yeah, if you know.</p> <p>17 A Could you repeat your question? I'm a</p> <p>18 little bit confused.</p> <p>19 MS. COTCA: Can you just read it back to</p> <p>20 her.</p> <p>21 (The Reporter read the record as follows:</p> <p>22 "QUESTION: If the State Department made</p>

Conducted on June 13, 2019

<p>225</p> <p>1 a request to Secretary Clinton at this time to</p> <p>2 provide the search parameters that were used for</p> <p>3 the review of Secretary Clinton's e-mails, would</p> <p>4 Secretary Clinton provide that to the State</p> <p>5 Department?")</p> <p>6 A So we posted the -- I shouldn't say "we."</p> <p>7 The -- her presidential campaign posted the --</p> <p>8 regarding the search process on their campaign</p> <p>9 website in 2015. So I am familiar that</p> <p>10 information has been released about this.</p> <p>11 Q I'm asking specifically with respect to</p> <p>12 what search terms were used and what names were</p> <p>13 used during the review process.</p> <p>14 A I can't speak to that.</p> <p>15 Q Why not?</p> <p>16 A I would have to consult other counsel.</p> <p>17 Q I believe you, during your interview with</p> <p>18 the FBI, you were asked about a gap in e-mails</p> <p>19 that you noticed in Secretary Clinton's e-mails</p> <p>20 from January 2009 to March of 2009.</p> <p>21 Do you recall that?</p> <p>22 MR. BREWSTER: Objection. Foundation.</p>	<p>227</p> <p>1 MR. BREWSTER: Objection. Form.</p> <p>2 Foundation.</p> <p>3 A My understanding is they did in 2014.</p> <p>4 Q And was there any discussion as to</p> <p>5 whether they could obtain Secretary Clinton's</p> <p>6 e-mails from that server from January 2009 to</p> <p>7 March 2009?</p> <p>8 MR. PEZZI: Objection. Beyond the scope.</p> <p>9 MR. BREWSTER: Objection. Beyond the</p> <p>10 scope.</p> <p>11 And to the extent that you can answer the</p> <p>12 question without divulging attorney-client</p> <p>13 privileged communications, you may answer.</p> <p>14 A I did ask them, and they said they did</p> <p>15 not have any e-mails from that period.</p> <p>16 Q Let me ask you, why did Secretary Clinton</p> <p>17 provide the e-mails in hard-copy form, rather than</p> <p>18 in their original electronic form to the State</p> <p>19 Department?</p> <p>20 MR. BREWSTER: To the extent you can</p> <p>21 answer that question without divulging</p> <p>22 attorney-client privilege, you may answer.</p>
<p>226</p> <p>1 A I do.</p> <p>2 Q Okay. Can you explain to me what that</p> <p>3 gap was?</p> <p>4 A My understanding is -- well, I'm sorry.</p> <p>5 I should say my recollection is when we received</p> <p>6 the documents -- the file from Platte River</p> <p>7 Networks, there was a period of time that was</p> <p>8 missing in her e-mails. And that period of time</p> <p>9 was January 2009 to March 2009.</p> <p>10 Q And what did you do as the result of</p> <p>11 discovering this gap in the e-mails from January</p> <p>12 2009 to March 2009?</p> <p>13 MR. PEZZI: Objection. Beyond the scope.</p> <p>14 MR. BREWSTER: Same objection.</p> <p>15 A I asked Platte River why we did not</p> <p>16 have -- why they did not provide those.</p> <p>17 Q And what did they tell you?</p> <p>18 A They said they did not have that</p> <p>19 information.</p> <p>20 Q Did Platte River have access during 2014</p> <p>21 to the server that housed Secretary Clinton's</p> <p>22 e-mails to her Clintonemail.com account?</p>	<p>228</p> <p>1 A Our understanding was that was the State</p> <p>2 Department's policy at the time.</p> <p>3 Q And who told you that that was the State</p> <p>4 Department's policy at the time?</p> <p>5 MR. BREWSTER: Same objection.</p> <p>6 Q And this, the time frame is December of</p> <p>7 2014. Is that what you're referring to when you</p> <p>8 say "at the time"?</p> <p>9 A So I -- I learned that in my capacity as</p> <p>10 her attorney. I did not have conversations with</p> <p>11 the State Department directly on this.</p> <p>12 Q Did -- were there any discussions with</p> <p>13 State Department officials, either Richard Vissek</p> <p>14 or anybody else at the State Department, with</p> <p>15 respect to the e-mails being provided to the State</p> <p>16 Department in their original format, the</p> <p>17 electronic form, as opposed to hard copies?</p> <p>18 MR. BREWSTER: Objection. Form.</p> <p>19 Foundation.</p> <p>20 A I'm -- I'm trying to remember. There may</p> <p>21 have been subsequent conversations about that.</p> <p>22 But I was not involved in those conversations.</p>