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Transcript of Tasha Marie Thian

Date: September 19, 2019

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

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Transcript of Tasha Marie Thian
Conducted on September 19, 2019

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
3 ----- x
4 JUDICIAL WATCH, INC., :
5 Plaintiff, :
6 v. : Case No.
7 U.S. DEPARTMENT OF STATE, : 14-cv-1242 (RCL)
8 Defendant. :
9 ----- X
10
11 Videotaped Deposition of TASHA MARIE THIAN
12 Washington, DC
13 Thursday, September 19, 2019
14 10:17 a.m.
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18
19
20 Job No.: 262167
21 Pages 1 - 216
22 Reported by: Debra A. Whitehead

1 Videotaped Deposition of TASHA MARIE THIAN,
2 held at the offices of:
3
4 PLANET DEPOS - DC
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13 Pursuant to notice, before Debra A. Whitehead,
14 an Approved Reporter of the United States District
15 Court and Notary Public of the District of Columbia.
16
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20
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22

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P R O C E E D I N G S

VIDEO SPECIALIST: Here begins Disk Number 1 in the videotaped deposition of Tasha Thian in the matter of Judicial Watch, Inc., V United States Department of State; in the U.S. District Court for the District of Columbia; Case Number 14-CV-1242.

Today's date is September 19, 2019. The time on the video monitor is 10:17. The videographer today is Jeremy Dineen, representing Planet Depos. This video deposition is taking place at the offices of Planet Depos, 1100 Connecticut Avenue, Northwest, in Washington, DC.

Would counsel please voice-identify themselves and state whom they represent.

MS. COTCA: Ramona Cotca, for Judicial Watch.

MS. BURKE: Lauren Burke, for Judicial Watch.

MR. ORFANEDES: Paul Orfanedes, for Judicial Watch.

MR. GARDNER: Josh Gardner, with the United States Department of Justice, on behalf of the State Department.

And the witness reserves the right to read and sign.

MR. PEZZI: Stephen Pezzi, from the Department of Justice, on behalf of the Department of State.

MR. LIEBERMAN: Michael Lieberman, for the Department of State.

VIDEO SPECIALIST: Thank you. The court reporter today is Debbie Whitehead, representing Planet Depos.

Would the reporter please swear in the witness.

TASHA MARIE THIAN,

having been duly sworn, testified as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFF

BY MS. COTCA:

Q Good morning, Ms. Thian.

Can you please, for the record, identify your full name.

A My full name is Tasha Marie Thian.

8

9

1 Q Can you please spell it as well.
2 A **T-A-S-H-A M-A-R-I-E T-H-I-A-N.**
3 Q Okay. Have you ever had your deposition
4 taken before?
5 A **Yes.**
6 Q Okay. So you are familiar with the rules
7 of the deposition?
8 A **Yes.**
9 Q Okay. When? When did you have a
10 deposition before?
11 A **Oh, I don't remember the years, but it**
12 **was at the State Department in an EEO case.**
13 Q Okay. I'll just go over it, perhaps it's
14 been a few years, over some of the general rules.
15 As you know, you've been sworn in. And
16 you understand that you are required to tell the
17 truth under -- under oath.
18 A **Yes.**
19 Q Correct?
20 The other thing is that the court
21 reporter is transcribing everything that's being
22 said. That being said, I would ask that we don't

10

1 speak over each other, and that you let me finish
2 asking my questions and I will do my best to let
3 you finish answering my questions so that way we
4 have a clear -- a clean transcript at the end of
5 the deposition. Is that fair?
6 A **Yes.**
7 Q Okay. Also, verbal responses don't
8 transcribe, so therefore I would just ask -- or
9 nods of the head. Verbal responses do transcribe.
10 So I would ask that you -- all of your responses
11 should just be verbally rather than nods of the
12 head.
13 And also, if you don't understand a
14 question that I'm asking please let me know, and
15 I'm happy to clarify it. If you do not let me
16 know that you don't understand it, I will assume
17 that you would have understood it and that you
18 answered the question as asked.
19 Is that fair?
20 A **Yes.**
21 Q Okay. There may be objections by -- by
22 your attorneys. Unless your -- the attorney for

11

1 the State Department instructs you not to answer
2 on the basis of privilege, you are still required
3 to answer the question. Fair?
4 A **Yes.**
5 Q Okay. And then if you need a break at
6 any point, just let us know. We're happy to take
7 a break. Okay?
8 A **Okay.**
9 Q All right. Are you familiar with the
10 lawsuit that we're here for today?
11 A **Somewhat.**
12 Q Okay. And what is -- what's your
13 understanding of it?
14 A **It's a FOIA -- it's because of a FOIA**
15 **request.**
16 Q Okay. That's right. So this lawsuit
17 arose out of a FOIA request by -- FOIA, Freedom of
18 Information Act request, from Judicial Watch, to
19 the State Department, in regards to correspondence
20 from and records from the Secretary's office about
21 talking points that were provided to Susan Rice
22 after the Benghazi attacks and prior to Susan

12

1 Rice's appearances on the Sunday morning talk
2 shows in September of 2012.
3 In preparation for today, for today's
4 deposition, did you do any outside research or --
5 or anything on your own?
6 A **I talked to the Department of Justice**
7 **attorneys, and I looked over my book.**
8 Q Okay. All right. Other than -- other
9 than that, did you do anything else?
10 A **No.**
11 Q Okay. All right. I'd like to start with
12 your background.
13 A **Okay.**
14 Q You were employed at the State Department
15 for a number of years.
16 Can you just -- I don't necessarily want
17 to go through the entire tenure that you were
18 there, but if you can tell me when you began
19 working at the State Department?
20 A **I began working at the State Department**
21 **in 1984.**
22 Q Okay.

13

1 A At the San Francisco passport agency.
2 Q Okay.
3 A Transferred to Washington in 1986. I
4 left and worked with the Department of Justice as
5 a paralegal specialist for two years, in 1988 to
6 '90. I then returned to the State Department in
7 1990. And I was there at the State Department
8 until June of 2014. I left and went to the
9 National Archives, where -- where I retired in
10 June of 2016.
11 Q Okay.
12 A I had a variety of positions that I held,
13 but most notably I was the records officer of the
14 Department of State from 20 -- or 2007 until 2014.
15 Q Okay.
16 A June of 2014.
17 Q Okay. I want to get to that. Just very
18 briefly, when you went over to National Archives,
19 what was your position there?
20 A It was a similar position that I had at
21 the State Department. It was titled the Director
22 of Corporate Records Management. And it was the

14

1 head of their internal records program.
2 Q Okay. So I want to focus on the -- on
3 your role as records officer.
4 You said you were at the State Department
5 from 2007 to 2014?
6 A Right. August 2007 to June of 2014.
7 Q Okay. And what is a records officer?
8 A Well, the records officer really worked
9 with the policies of records management for the
10 department. The position, they eventually
11 established a division, which I was in charge of.
12 I had a number of people working in that division.
13 We had a lot of responsibilities, that
14 main -- the main overall archiving responsibility
15 was the protection of federal records.
16 We had a number of efforts, such as a
17 viable website. We had key contacts in every
18 bureau and overseas posts which were called the
19 bureau records coordinators, the information
20 management officers, developed policy, worked with
21 the eCPIC review process, which is a review of all
22 ITSS, to make sure they had records management

15

1 functionality.
2 And a variety of other outreach type
3 activities, such as new hire training. And I did
4 training sessions as well.
5 Q Okay. New hire training sessions.
6 Is that right?
7 A Yes.
8 Q What was that?
9 A I had staff that would go to the Foreign
10 Service Institute when there was new hires, and
11 they would give them a records management
12 briefing.
13 Q Was that something required at the State
14 Department when you were there?
15 A Required? I don't know how to answer
16 that as required.
17 Q Was it something that was --
18 A It was something that we were able to
19 achieve to have it done and accepted.
20 Q Okay. And the division that you were in
21 charge, what's the name of the division?
22 A Records and Archives Management Division.

16

1 Q Okay. And is -- what -- I'm trying to
2 understand kind of the hierarchy of the offices.
3 So who did you -- what office did your
4 office report to?
5 A I was a division, so the -- the next
6 level was the office level. So the Office of
7 Information Program Services. And that would be
8 an office director that would be my immediate
9 report.
10 Q Okay. And that's -- is that IPS?
11 A Yes.
12 Q In IPS?
13 And your immediate report, would that be
14 the deputy -- the director of IPS?
15 A It would be the director, yes.
16 Q Okay. And who was your director at IPS,
17 let's say, starting in 2009?
18 A In 2009, we had -- there was a number of
19 people that held the position.
20 First it was Margaret Grafeld.
21 Q Okay.
22 A I believe that she was still the office

17

1 **director in 2009. She did become the Deputy**
2 **Assistant Secretary, so I'm not sure when that**
3 **happened.**
4 **There were a series of people acting**
5 **until they filled her position.**
6 Q Okay.
7 A **I think it was Alex Galovich.**
8 Q Okay.
9 A **Was acting mostly.**
10 **Then Sheryl Walter was the office**
11 **director. And then when Sheryl Walter left, which**
12 **was I think March of 2014, then John Hackett was**
13 **acting.**
14 Q And was Mr. Hackett the Deputy Director
15 under Sheryl Walter at the time?
16 A **He became it I believe in April of 2013.**
17 Q Okay. And did your role overseeing your
18 records division at IPS, did it change in any way
19 from 2007 to 2014 when you left?
20 A **Well, it was expanding, I think. We**
21 **improved the program, we were involved in more**
22 **activities over that period of time, yes.**

18

1 Q How many people did you have under you?
2 You said you had a staff?
3 A **I had about 25 people. Some were**
4 **contractors, particularly contractors in charge of**
5 **the records service center.**
6 Q Okay. As the agency records officer, did
7 you -- well, what was your role with vis-à-vis the
8 Secretary's office?
9 MR. GARDNER: Objection. Form.
10 You can answer.
11 Q You can answer.
12 A **I'm sorry. Okay.**
13 **Could you say that again?**
14 Q Sure. What was your role with respect to
15 the Secretary's office?
16 MR. GARDNER: Same objection.
17 A **Okay. I -- I worked closely with their**
18 **liaison, their bureau records coordinator,**
19 **Clarence Finney.**
20 Q Okay. Did you work with Mr. Finney
21 throughout the entire tenure from 2009 to 2014 --
22 or 2007 to 2014?

19

1 A **I think he was hired soon after 2007,**
2 **something like that. But, yes, we had a long**
3 **working relationship for a number of years.**
4 Q Okay. And as the agency records officer,
5 did you provide records management guidance to the
6 Secretary's office?
7 A **Yes.**
8 Q As the agency records officer, did you
9 coordinate records management activities for the
10 Secretary's office?
11 A **Certain activities.**
12 Q What are the activities?
13 A **I mean, we worked together on having**
14 **annual workshops, records management workshops**
15 **that we had. If there was retirements or if there**
16 **were certain questions, and as well as on any**
17 **systems they had in -- in development, I would**
18 **work with them and I would work with the National**
19 **Archives, bring the National Archives in about**
20 **those systems.**
21 Q Okay.
22 A **Or record schedules.**

20

1 Q Okay. Other than Mr. Finney, were there
2 other individuals or staff who you interacted with
3 in the Secretary's office?
4 A **I worked primarily with Clarence Finney.**
5 **We did have IT discussions with their IRM staff.**
6 Q Do you remember the individuals within
7 the IRM staff who you had discussions with, or
8 interactions with?
9 A **The only name I can remember -- there**
10 **were other people, but the only name I can**
11 **remember is Yavonn Jacks.**
12 Q Okay. And this is IRM dedicated to the
13 Secretary's office?
14 A **Yes; the S-IRM.**
15 Q The S-IRM. Okay.
16 Can you spell the name, if you know?
17 Yavonn Jacks, can you spell it?
18 A **I'm guessing that the Jacks is J-A --**
19 **J-A-C-K-S, I think.**
20 Q Okay.
21 A **And Yavonn I think is Y-A-V-O-N-N, but**
22 **I'm not exactly certain.**

21

1 Q That's okay. All right.
2 Do you know Patrick Scholl?
3 **A Yes.**
4 Q Okay. What was his role during this
5 time?
6 **A He is -- was a fellow division chief. He**
7 **was in charge of the -- part of the FOIA**
8 **processing.**
9 Q And did you interact with him regularly?
10 **A Not frequently.**
11 Q No. What -- did you have any role with
12 respect to FOIA processing at the State
13 Department?
14 **A At that time?**
15 Q At any point from 2007 to 2014, in your
16 role as the agency -- the agent records officer.
17 **A It would be rarely. But I would attend**
18 **office meetings, so I would hear what was going**
19 **on. We did have some things about developing**
20 **systems that we would have discussed, FOIA**
21 **requirements into those systems.**
22 Q Okay.

22

1 **A I was occasionally asked information**
2 **about records.**
3 Q What -- what were you asked about
4 records?
5 **A If we had certain records. We developed**
6 **a system called RIMS, and that was a tool in which**
7 **the FOIA folks would use.**
8 Q Okay. How about Eric Stein; do you know
9 who Eric Stein is?
10 **A I do, yes.**
11 Q Okay. And what -- what was his position
12 or what was his role at the State Department at
13 the time?
14 **A He was a deputy to Margaret Grafeld, who**
15 **at the time that he worked there, she was the**
16 **Deputy Assistant Secretary for Global Information**
17 **Services.**
18 Q Okay. And in your role as the records
19 officer, did you interact often with Mr. Stein?
20 **A Not very often. I mean, he attend -- he**
21 **was in some meetings, if I met with Ms. Grafeld.**
22 Q If you can just briefly describe what the

23

1 meetings you're talking about. Are these regular
2 staff meetings that you're referring to?
3 **A With Eric Stein?**
4 Q Uh-huh.
5 **A No.**
6 Q Okay. What about the -- when you said
7 that FOIA may have come up during regular --
8 regular meetings. What are the meetings you
9 were -- you referred to then?
10 MR. GARDNER: Objection. Form.
11 Misstates the witness' testimony.
12 You can answer.
13 **A I'm sorry. Could you say that again?**
14 Q Just a few minutes ago you referred to
15 some meetings where FOIA may have come up.
16 Do you remember that?
17 **A Yes. We would go around the table and**
18 **people would talk about what they're working on,**
19 **that type of thing.**
20 Q And those are regular staff meetings?
21 **A Those were, yes.**
22 Q Okay. And how often were they?

24

1 **A I believe they were weekly.**
2 Q Okay. And would Sheryl Walter, Margaret
3 Grafeld, John Hackett, Patrick Scholl, would they
4 attend those meetings?
5 MR. GARDNER: Objection. Form.
6 **A We're talking over a period of time. So**
7 **some people may not have even been there at the**
8 **time.**
9 Q Okay. Well, who would have attended the
10 meet -- the staff meetings?
11 **A Well, usually it would be the -- the**
12 **office director, whoever would be the deputy**
13 **director, and then the division chiefs.**
14 Q Okay.
15 **A Sometimes there would be an expanded for**
16 **the branch chiefs.**
17 Q Is there a difference between division
18 chief and a branch chief?
19 **A Yes.**
20 Q Okay. Can you tell me, explain the
21 difference?
22 **A Division is more of a higher level**

25

**1 manager, GS-15, generally. And the branch chiefs
2 are usually GS-14s.**

3 Q Okay. And who ran the meetings?

4 A **Usually the office director.**

5 Q Were agendas provided during those
6 meetings?

7 A **Sometimes, I think, yeah.**

8 Q You earlier testified that you had
9 reviewed a book that you wrote. Is that right?

10 A **Yes.**

11 Q Okay. And what is the title of the book
12 that you wrote?

13 A **State Department Records and the
14 Elections.**

15 Q Okay. And when did you write it?

16 A **I finished it in November of 2018.**

17 Q Congratulations.

18 A **Thank you.**

19 Q When was it published?

20 A **That's the published.**

21 Q That's the publishing date?

22 A **Yeah.**

26

1 Q Can I ask, why did you write the book?

2 A **I wanted people to know what it was like
3 working for the federal government. I wanted them
4 to know more about certainly the political issues
5 that we had -- we were faced at the State
6 Department, as well as that people could learn
7 more about records management.**

8 Q Okay. Other than your own memory and I
9 think there are works that you cite at the end of
10 the book, did you have any notes or anything else
11 that you referred to while you were writing the
12 book?

13 A **Notes that I referred to? Not from work.**

14 Q Okay.

15 A **They were from memory.**

16 Q Just from memory?

17 A **Yes.**

18 Q Okay.

19 All right. In your book you dedicate a
20 portion of it to Secretary Clinton's e-mails,
21 which are at issue in the discovery in this case,
22 and the implications it had for records management

27

1 at the State Department.

2 Let me first ask, when did you first
3 learn that Secretary Clinton used e-mail for her
4 work as Secretary of State?

5 A **I think it was 2015, when she announced
6 it.**

7 Q Were you told at any point prior to --
8 and you're referring to the March 2015 press
9 conference that she held? Is that --

10 A **Yes. Right.**

11 Q Prior to -- to that date, did anybody
12 inform you while you were still at the State
13 Department that she may have used e-mail during
14 Benghazi?

15 A **Yes.**

16 Q Okay.

17 A **Clarence Finney.**

18 Q Okay. And when did he inform you of
19 that?

20 A **It was right before I was leaving to
21 the -- my best memory of it.**

22 Q Okay. And that was in --

28

1 A **In June.**

2 Q -- June?

3 A **Probably around June 12th, 2014.**

4 Q Of 2014?

5 A **So -- yes. So it was ...**

6 Q And what prompted Mr. Finney, or that
7 conversation --

8 MR. GARDNER: Objection. Oh, I'm sorry.
9 Please finish your question.

10 MS. COTCA: Okay.

11 Q What prompted the conversation when
12 Mr. Finney informed you that Secretary Clinton may
13 have used e-mail during Benghazi?

14 MR. GARDNER: Objection. Form.
15 You -- you can answer that.

16 THE WITNESS: Oh, okay.

17 A **I believe it was the time I went over to
18 tell him I was leaving the State Department. And
19 then he told me that.**

20 Q Do you know why he raised the issue of
21 Secretary Clinton's e-mails to you at that point?

22 A **I would only be speculating.**

29

1 Q Okay. And what -- what did you respond?
2 How did you respond?
3 **A I believe I just thanked him for the**
4 **information.**
5 Q Were you surprised to hear that?
6 **A Yes.**
7 Q Did you tell him that?
8 **A I -- I don't remember the rest of the**
9 **conversation. I remember what I did afterwards.**
10 Q Okay. What did you do afterwards?
11 **A I -- I immediately reported it to John**
12 **Hackett.**
13 Q Okay. And Mr. Hackett at that point
14 was -- was he the acting director --
15 **A Yes.**
16 Q -- of IPS?
17 **A That's correct.**
18 Q Okay. And what -- why did you report it
19 to Mr. Hackett as soon as you heard?
20 **A Well, I thought it was significant, that**
21 **he needed to know.**
22 Q Okay. And what -- and was this in

30

1 person?
2 **A Yes.**
3 Q Okay. And how did Mr. Hackett respond --
4 **A He --**
5 Q -- or react?
6 **A -- physically either ran or walked very**
7 **fast.**
8 Q Did he say anything to you at that point?
9 **A I don't -- his reaction was shock, and he**
10 **ran to further report it.**
11 Q Okay. Do you know who -- what he did
12 once he learned about what you had just told him?
13 **A I believe that he went to report it to**
14 **Margaret Grafeld.**
15 Q Okay. Did you go with him?
16 **A No.**
17 Q Okay. Do you know -- do you have any
18 knowledge about the conversation that Mr. Hackett
19 had with Ms. Grafeld at that point?
20 **A I didn't hear any more about it after**
21 **that point.**
22 Q Okay. How soon -- how soon after that --

31

1 after that time did you leave the State
2 Department?
3 **A I'm not sure. It seemed like it was**
4 **days, but I'm not exactly certain.**
5 Q Okay. And other than Mr. Hackett, did
6 you inform of anybody else of what Mr. Finney had
7 told you with respect to Secretary Clinton using
8 e-mails during Benghazi?
9 **A I don't believe so.**
10 Q Okay. Did you do anything else as a
11 result of learning that information?
12 **A No.**
13 Q When you left as the agency's records
14 officer, who was taking over your position?
15 **A William Fischer.**
16 Q What was his position before?
17 **A I think he was the division chief of SRP,**
18 **and I can't think of the -- what that stand --**
19 **stood for.**
20 Q Okay.
21 **A Systematic review, maybe.**
22 Q Okay. Did you discuss Secretary

32

1 Clinton's e-mails at any point with Mr. Fischer
2 during the transition of you leaving and him
3 taking over your position?
4 **A I don't remember that.**
5 Q What did you think about the fact that
6 Secretary Clinton had used e-mail during Benghazi
7 when Mr. Finney told you?
8 **A I thought that it probably was a single**
9 **incident.**
10 Q Why did you think that?
11 **A Because I had been told repeatedly that**
12 **she did not use e-mail for work.**
13 Q Okay. I want to get to that.
14 Can you elaborate on that, as to when --
15 well, prior to being told by Mr. Finney in or
16 around June of 2014, when had you inquired before
17 as to whether Secretary Clinton used e-mail for
18 work?
19 **A I -- it was whenever the photograph came**
20 **out. This is -- my best memory is that when the**
21 **photo came out of her with the sunglasses using a**
22 **BlackBerry, Margaret Grafeld called me and asked**

33

1 me, you know, Is the Secretary using e-mail for
2 work?
3 **And I contacted Clarence Finney. And he**
4 **got back to me. It wasn't like he answered me**
5 **right away. He went and asked somebody. I don't**
6 **know who he asked. And he came back and told me**
7 **she did not use e-mail for -- or did not use**
8 **e-mail for work, she did not have a ClassNet, she**
9 **did not have an OpenNet account.**
10 Q You don't know who Mr. Finney spoke with?
11 A **I don't, no.**
12 Q Excuse me.
13 Just to make sure we're talking about the
14 same thing, I'll show you what's been previously
15 marked as Finney Exhibit 1.
16 MR. GARDNER: So are you going to --
17 pardon me. Do you want to remark it as Exhibit 1
18 of Thian, just so we have a record? Because it
19 gets a little confusing otherwise.
20 MS. COTCA: Sure. We can -- we can mark
21 it. But put it as a separate exhibit.
22 MR. GARDNER: So we'll call this Thian

34

1 Exhibit 1?
2 MS. COTCA: Yes. Yes.
3 MR. GARDNER: Just to make sure.
4 (Thian Deposition Exhibit 1 marked for
5 identification and is attached to the transcript.)
6 BY MS. COTCA:
7 Q Ms. Thian, you are looking at what's been
8 marked as Thian Exhibit 1. And it was previously
9 marked as Finney Exhibit 1 during Mr. Finney's
10 deposition.
11 Is this the photograph that you're
12 referring to that sparked --
13 A **Yes.**
14 Q -- Ms. Grafeld's request that you look
15 into Secretary Clinton's e-mails?
16 A **Yes.**
17 Q Okay.
18 MR. GARDNER: Just make sure that she
19 finishes her question before you answer.
20 THE WITNESS: I'm sorry.
21 MR. GARDNER: Just so we have a clear
22 question. No. It's a natural habit. Trust me.

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1 Q And -- and just as a reminder. Unless
2 the attorneys for the State Department instruct
3 you not to answer, make sure you let them object,
4 but you're still required to answer the question
5 after they object. Okay?
6 A **Okay.**
7 Q Okay. But if you have any questions,
8 feel free to let us know.
9 A **All right.**
10 Q And other than talking to Mr. Finney, or
11 asking Mr. Finney whether Secretary Clinton used
12 e-mail, did you do anything else in response to
13 Ms. Grafeld's request that you look into whether
14 Secretary Clinton used e-mail at the State
15 Department?
16 A **No.**
17 Q When you spoke with -- when you inquired
18 of Mr. Finney if Secretary Clinton used e-mail, to
19 get a sense of timeline, was the Secretary -- was
20 Secretary Clinton still at the State Department,
21 or was it post her tenure?
22 A **I -- I really thought it was when she was**

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1 **working at the State Department.**
2 Q Okay. Did the issue of Secretary
3 Clinton's e-mail use come up any other time?
4 A **Could you clarify, like ...**
5 Q Yes. You said earlier that you were
6 repeatedly told that Secretary Clinton didn't use
7 e-mail. So I'm trying to get all the different
8 times that you -- as to whether you inquired
9 whether she used e-mail --
10 A **Okay.**
11 Q -- or whether you were told that she did
12 not use e-mail.
13 A **Right.**
14 Q So ...
15 A **Right.**
16 **So there was a second time that I did**
17 **ask. I believe it was Margaret Grafeld again**
18 **asking me if the Secretary -- I think the picture**
19 **came up again.**
20 **And I contacted Clarence again. And he**
21 **told me immediately, no.**
22 Q He --

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1 A He told me immediately that she did not
2 use e-mail for work.
3 And I responded back to Ms. Grafeld. She
4 asked me a few questions. She wanted to know if I
5 trusted Clarence, and if he was one of us.
6 Q And what did you say?
7 A I said, yes, I trusted Clarence.
8 Q What did she mean by, is he one of us?
9 MR. GARDNER: Objection. Form.
10 A That -- that we would do records
11 management and capture the records.
12 Q And when you said that Mr. Finney
13 immediately responded "no" to the second
14 inquiry --
15 A Yes.
16 Q -- that's within the same conversation?
17 Like, he didn't call you back or get back
18 to you about it?
19 A Correct.
20 Q Other than asking Mr. Finney, did you ask
21 of anybody else or do anything else to answer
22 Ms. Grafeld's question about Secretary Clinton's

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1 e-mail use?
2 A Not with Ms. Grafeld's question.
3 Q What did you do it with?
4 A It was -- we believed that she did not
5 use e-mail. So when we would have conversations
6 with the I -- the IT group, the IRM group, we had
7 a different process going on for department --
8 senior officials. I called it the Kennedy memo
9 procedures.
10 And, you know, in those discussions we --
11 I would have expressed that, you know, about the
12 e-mail, whether she had e-mail, and how we were
13 managing the senior accounts.
14 So it was my assumption that -- that
15 the -- that she had a gatekeeper, or gatekeepers,
16 that would get information to her. So we had
17 these conversations.
18 Q Okay.
19 A Yes.
20 Q And I just want to parse this out a
21 little bit.
22 What are the -- okay. So first of all,

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1 can you clarify, what's the Kennedy memo?
2 A Okay. The Kennedy memo was a new
3 process, where we wanted to supplement the print
4 and file policy that was at the State Department,
5 to make sure that we were capturing the most
6 important permanent records of senior officials as
7 they were leaving.
8 So we -- we put this in place. It had a
9 whole series of processes for it, to capture the
10 plum book type people that were leaving,
11 particularly in the Bush administration, when they
12 were departing.
13 So whatever they had in their e-mail
14 account at the time of their departure, we wanted
15 to capture that, maintain it, and then eventually
16 archive it into a system, a permanent system.
17 But it was meant to be a supplement.
18 They still were supposed to do the print and file.
19 Q Okay. When was the Kennedy -- what's the
20 time frame of the Kennedy memo?
21 A It's really January 2009.
22 Q So the incoming Secretary Clinton's

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1 tenure. Right?
2 A It -- it would impact that, yes.
3 Q Okay. And sorry, I am not familiar with
4 the plum book. What is it?
5 A I don't know if I can describe it very
6 well. But it's political appointees, I believe.
7 Q Okay.
8 A With the new administration, or whatever
9 the --
10 Q But they are --
11 A -- positions that are available when the
12 new administration comes in.
13 Q Okay. And that would cover the
14 Secretary's office, obviously?
15 A Yes.
16 Q Okay.
17 A And staffers, yes.
18 Q Correct. Okay.
19 And you said you had conversations about
20 the Kennedy memo. Did you have conversations
21 with -- well, who were the conversations with?
22 A It was more on how to implement it;

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1 maintaining the list, the list of people that --
2 the accounts that needed to be maintained.
3 Q And who was part of those conversations?
4 A **Yvette -- maybe it's Yvette Jacks. I**
5 have to rethink her name. She was involved.
6 Clarence Finney was involved. And some other
7 IRM -- S-IRM folks for the Secretary were
8 involved.
9 Q Do you remember who the other individuals
10 from S/ES-IRM?
11 A **I don't remember the names of people.**
12 Q Do you know if anybody else from Clarence
13 Finney's office was involved?
14 A **From his, like -- you mean his**
15 subordinates?
16 Q Yes.
17 A **I -- I don't remember.**
18 Q Like Jonathon Wasser, anybody else?
19 A **The name's familiar, but I'm not**
20 completely certain.
21 Q Okay. And was the Kennedy memo and the
22 requirements under the Kennedy memo communicated

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1 to Secretary Clinton and her staff --
2 MR. GARDNER: Objection. Form.
3 Q -- when they came on board?
4 MR. GARDNER: Same objection.
5 A **I don't -- I don't know.**
6 Q Okay. When Secretary -- in 2009, during
7 Secretary Clinton's transition to the State
8 Department, are you -- do you have any knowledge
9 or did you partake in any discussions with
10 Secretary Clinton or any representatives of
11 Secretary Clinton with respect to any record
12 management?
13 A **Yes. And prior to her tenure?**
14 Q Yes.
15 A **Yes.**
16 Q Okay. When was that?
17 A **It would have had to have been either**
18 late December 2008 or early January 2009.
19 Q Okay. And who did you -- who was -- who
20 partook in the conversation you had?
21 A **Okay. She sent a representative, it**
22 was -- it was a young man. I don't remember his

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1 name. We did have a -- an attorney from the legal
2 office. I believe it was Jeremy Freeman, but I'm
3 not absolutely certain; they rotated frequently.
4 And Clarence Finney.
5 Q Okay. The representative for Secretary
6 Clinton, the young man, did he come -- become --
7 was he hired on at the State Department?
8 A **I don't know.**
9 Q Did you ever see him at the State
10 Department after this meeting?
11 A **I don't remember seeing him again.**
12 Q Okay. You don't recall his name?
13 A **No.**
14 Q Do you remember if he was an attorney for
15 Secretary Clinton?
16 A **I don't know.**
17 Q Okay. And what were the -- what were the
18 discussions during that meeting with respect to
19 records management?
20 A **That the Secretary wanted -- or the**
21 incoming Secretary wanted to bring with her
22 materials, personal papers, which were copies of

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1 material from her time as the First Lady, as well
2 as her time as a Senator, and -- and some other --
3 you know, some other material, like contacts.
4 **So she wanted to bring those with her,**
5 and that she was -- she knew that we had a
6 process, and she wanted to make sure that she
7 could take them with her when she left the
8 department.
9 Q And what was -- and what part of the
10 process was discussed at that point?
11 MR. GARDNER: Objection. Form.
12 A **We did inform the young man what the**
13 process was, the departing officials procedures.
14 I believe we gave him the departing officials
15 notice, the department notice. And I believe we
16 gave him the government briefing booklet.
17 **We either did that or we mailed it to**
18 him.
19 Q Okay. The first one you said, I think
20 you said the departing officials procedures?
21 A **Yes.**
22 Q Did you discuss -- or did the departing

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1 officials procedures or the government briefing
2 booklet, did they cover e-mail use?
3 MR. GARDNER: Objection. Form.
4 **A Yes, it does.**
5 Q And was -- was whether Secretary Clinton
6 would use e-mail covered at the meeting?
7 **A No.**
8 Q Was there any discussion about the State
9 Department's policy with respect to e-mails --
10 **A No.**
11 Q -- at that meeting?
12 **A Not at that meeting, no.**
13 Q Okay. So what was covered at the meeting
14 with respect to the records that Secretary Clinton
15 wanted to bring at the State Department?
16 **A It was very specific to what she wanted**
17 **to bring with her. We went over the process, what**
18 **the requirements were. And then we informed them.**
19 **I don't know if we waited to inform them, I can't**
20 **remember that. But we informed them that we**
21 **wanted a -- a letter or a memo describing what the**
22 **material was, and that the material was to be kept**

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1 **separate from State Department records.**
2 Q Why was the material to be kept separate
3 from State Department records?
4 **A So that it did -- so that it didn't get**
5 **intermixed with State Department records.**
6 Q And that was explained to Secretary
7 Clinton's representative at that meeting?
8 **A Yes.**
9 Q Is that the only meeting that you had
10 with respect to records management during the
11 transition period for Secretary Clinton?
12 **A Yes.**
13 Q Okay. And were there any other times
14 that you inquired or had discussions with respect
15 to Secretary Clinton's e-mails?
16 Do you understand my question?
17 **A No, I -- I don't really.**
18 MR. GARDNER: I don't, either.
19 **A It's really broad.**
20 Q Again going back to your earlier
21 testimony that you were repeatedly told that
22 Secretary Clinton didn't use e-mail --

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1 **A Yes.**
2 Q -- while she was at the State Department.
3 We've covered the times that you -- the
4 two times that you contacted Clarence Finney --
5 **A Uh-huh.**
6 Q -- at the direction of Margaret Grafeld.
7 **A Right. Right.**
8 Q And then the meeting that you had during
9 the transition period --
10 **A Uh-huh.**
11 Q -- with Secretary Clinton's
12 representative.
13 **A Uh-huh.**
14 Q Were there any other times that you were
15 told that Secretary Clinton did not use e-mail?
16 MR. GARDNER: Objection. Form.
17 Mischaracterizes the witness' prior testimony.
18 **A Other than what I said about the two**
19 **instances with Margaret Grafeld, and then with the**
20 **IRM, the S-IRM folks, people asked me whether she**
21 **used e-mail. So I'm not -- I'm not sure what**
22 **you're asking.**

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1 Q I guess I'm just trying to understand all
2 the different times the issue about Secretary
3 Clinton's e-mail use was raised with you or came
4 up in conversations.
5 **A Right. I mean, we operated as if she did**
6 **not use it. So if -- for example, when the**
7 **question about -- from the National Archives, if**
8 **she used e-mail, or there was a Hill request that**
9 **came in, Clarence was on the phone with me, and we**
10 **were talking to, I believe H and maybe -- maybe an**
11 **L attorney that was on the phone. So, I mean, it**
12 **came up again in that context.**
13 Q Who is H -- what's H refer to?
14 **A Legislative Affairs.**
15 Q Do you remember which Hill -- which
16 request came from the Hill?
17 **A No.**
18 Q Or from what --
19 **A I think it was broad, to every agency.**
20 Q Do you know what the -- the Congress
21 member that sent the request over?
22 **A I don't remember.**

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1 Q Do you know -- well, do you remember if
2 it was Representative Issa?
3 **A I don't.**
4 Q Okay. And you -- in response to the
5 request that came from the Hill, you spoke with
6 Clarence Finney?
7 **A Yes.**
8 Q And anybody else, or any other
9 investigation that you did?
10 **A I didn't conduct an investigation. But I**
11 **talked to Clarence and the other people as I**
12 **mentioned that would have been on the phone.**
13 Q Okay. And other than that conversation,
14 did you do -- did you do anything else?
15 **A I mean, I probably informed my**
16 **management.**
17 Q What did you inform them of?
18 **A I don't remember the conversations.**
19 Q Okay. And you also said that there was a
20 request or an inquiry by National Archives?
21 **A Yes.**
22 Q Okay. Do you know the time frame of that

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1 request?
2 **A I don't remember.**
3 Q And do you know what -- what was the
4 inquiry from the National Archives with respect to
5 Secretary Clinton's e-mails?
6 **A I -- I think it was related to the**
7 **request that we received from the Hill.**
8 Q Okay. And, again, just trying to see if
9 we can narrow down the time frame.
10 The request that came from the Hill, do
11 you remember if Secretary Clinton was still at the
12 State Department at the time?
13 **A I believe she was.**
14 Q Okay. Did you contact, or anybody else
15 from the Secretary's office, to inquire about
16 whether she used e-mails in response to the
17 request that came from -- from the Hill?
18 **A No, not in -- not other than what I've**
19 **said.**
20 Q Do you know if Mr. Finney spoke with
21 anybody or made any inquiries with Secretary
22 Clinton's staff about her e-mails in response to

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1 the Hill's request?
2 **A I don't know.**
3 Q You also referred to earlier as that you
4 had thought that perhaps she had a gatekeeper?
5 **A Yes.**
6 Q Okay. Can you elaborate on that, as to
7 what you mean? And I think you referenced that in
8 your book as well.
9 **A Yes. It could be a person or series of**
10 **people. They may have had -- they would be a**
11 **staffer for sure. And they would be like the**
12 **contact person, the go-to person that, you know,**
13 **the different bureaus would send or transmit or**
14 **get messages to the Secretary.**
15 **Sometimes it might be they call it a DL,**
16 **a group e-mail account or something where you**
17 **would contact the staffers.**
18 Q Okay.
19 **A Yes.**
20 Q Do you know who the gatekeeper was for
21 Secretary Clinton?
22 **A No.**

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1 Q Do you know -- never mind.
2 Did you ever -- okay. I'll come back to
3 this.
4 In -- are you aware in 2013 if it came up
5 in any of the staff meetings with respect to FOIA
6 requests specific for Secretary Clinton's e-mails?
7 **A I don't remember that.**
8 Q Do you know anything about discussions
9 that John Hackett had with Sheryl Walter and Peggy
10 Grafeld about not issuing any No Records Located
11 responses to FOIA requests specific for Secretary
12 Clinton's e-mails in 2013?
13 **A I did hear that there was a No Record --**
14 **a delay on No Record responses, but I thought it**
15 **was general.**
16 Q And how, how did you hear about that?
17 **A Perhaps in a -- in a staff meeting.**
18 Q And do you know anything, do you remember
19 anything else about the directive, or anything
20 that was discussed in the staff meeting about it?
21 **A I just -- I just thought it was on all**
22 **stop on all -- on all No Record letters.**

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1 Q Okay. Do you know who issued the
2 directive?
3 MR. GARDNER: Objection. Form.
4 A **I'm not sure. I'm not sure. It was**
5 **verbal or what, I don't know.**
6 Q Do you know who communicated that
7 directive during the meeting?
8 MR. GARDNER: Objection. Form.
9 A **I don't remember that. I do think that**
10 **it -- it was from John Hackett.**
11 Q Do you recall seeing any e-mails with
12 respect to this directive?
13 A **I didn't receive any, as far as I can**
14 **remember.**
15 Q Okay. Do you have any knowledge about a
16 FOIA request that was submitted by CREW, which is
17 an organization, Citizens For Responsibility and
18 Ethics in Washington, back in December of 2012
19 relating to Secretary Clinton's e-mails account?
20 A **At the time or now?**
21 Q Prior to leaving the State Department.
22 A **I -- I don't know the -- I don't know.**

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1 Q Are you -- do you have any knowledge
2 about it now?
3 A **I mean, only from what I've read --**
4 Q Okay.
5 A **-- about it.**
6 **I mean, I do cite it in my book.**
7 Q Okay.
8 A **So I don't think I knew about it before.**
9 Q Okay. And you do talk about it in your
10 book. And were you surprised to learn that Cheryl
11 Mills was aware of the FOIA request --
12 A **Yes.**
13 Q -- and that she -- I'm sorry. Go ahead.
14 MR. GARDNER: Wait. Finish your
15 question.
16 THE WITNESS: I thought that was a pause.
17 Q Were you surprised to learn that Cheryl
18 Mills knew about the FOIA request?
19 MR. GARDNER: Objection. Lack of
20 foundation.
21 Q You may answer.
22 A **Yes.**

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1 Q Okay. Why?
2 A **Because then she knew that people were**
3 **requesting it, and that she actually knew that**
4 **Hillary Clinton at that point, knew that -- used a**
5 **personal e-mail account.**
6 Q Do you think that Ms. Mills should have
7 informed Mr. Finney at that point?
8 A **I do.**
9 MR. GARDNER: Objection. Lack of
10 foundation.
11 Q All right. Let me just finish asking the
12 question.
13 Do you think Mr. Finney -- Cheryl Mills
14 should have informed Mr. Finney at that point
15 about Secretary Clinton's e-mails?
16 MR. GARDNER: Objection. Lack of
17 foundation.
18 A **Yes.**
19 Q Okay. As the agency's records officer,
20 you're responsible for overseeing policies and
21 procedures with respect to management of records.
22 Correct?

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1 A **Yes.**
2 Q Okay. Did Ms. Mills violate State
3 Department policies by not informing Mr. Finney of
4 Secretary Clinton's e-mails at that time?
5 MR. GARDNER: Objection. Objection,
6 form. Objection, lack of foundation.
7 A **Did she violate? Records management**
8 **policies were violated, yes, by not knowing that**
9 **the -- that we had the -- those e-mails. Yes.**
10 Q By not informing you that there were the
11 e-mails or --
12 A **Well, I don't --**
13 MR. GARDNER: Same objections. Lack of
14 form. Lack of foundation.
15 Objection, form. Lack of foundation.
16 A **I don't know how to answer that question.**
17 **It's a strange question.**
18 Q Okay. Well, what are the policies that
19 were violated by Secretary Clinton --
20 A **Okay.**
21 MR. GARDNER: Objection.
22 Q -- with respect to her e-mail use?

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1 MR. GARDNER: Objection. Form.
2 A Okay. All -- all employees had a
3 responsibility to maintain the -- the records, and
4 their appropriate systems. So not involving her
5 records manager create -- helped create this
6 particular problem. Because we were not -- he was
7 not aware that they existed.
8 So, yes, under the Federal Records Act,
9 federal records are to be filed appropriately,
10 under -- based on their records schedule. They
11 are not to be taken from the department. In fact,
12 any -- any federal information was not to be taken
13 from the department, you know, or removed from
14 the -- the premises, if you will.
15 Anything that was proposed to be removed
16 had to go through the departing officials
17 procedures, which I was personally involved with.
18 And according to reports, State
19 Department did not get back all of the records
20 that were removed.
21 Q So let me follow up on that.
22 MR. GARDNER: I'm going to also object to

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1 the last part of that answer as lacking
2 foundation.
3 You can answer -- you can ask your next
4 question.
5 MS. COTCA: Okay.
6 Q The last part of your testimony, that the
7 State Department did not get back all of the
8 records that were removed, what -- what do you
9 mean by that?
10 A I'm talking about the -- the e-mails when
11 she was requested by the State Department to
12 return the record e-mails. And then the FBI found
13 that there were additional e-mails, like 17,000,
14 that she didn't turn over. That's -- that's what
15 I'm referring to.
16 Q Okay. And what about the 30,000 -- there
17 were some 30-some thousand that she deemed
18 personal. Should those have been returned to the
19 State Department for review, according to State
20 Department policies and regulations?
21 MR. GARDNER: Objection. Lack of
22 foundation.

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1 A I believe that that would have been the
2 case. I'm not sure the documentation, where the
3 documentation would have been, or the policies for
4 such a thing. But I do believe that that would
5 have been the appropriate thing to do.
6 Q Why?
7 A We had -- occasionally this happened,
8 where we would find or the department would find
9 out that records were taken outside of the
10 department. Okay? This sometimes happened with
11 ambassadors, some ambassadors. And we became
12 aware of the information.
13 One case I'm thinking of specifically,
14 the -- the gentleman passed away, and the wife
15 found boxes of material that were stamped Secret
16 that this person had taken with them. And we had
17 to have diplomatic security go and pick them up
18 and bring them in. And we asked for everything
19 that they had so that we could go through it and
20 see what was -- working with the program office,
21 what was a record and what was not a record.
22 So we wouldn't know until we reviewed

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1 that information --
2 Q Okay.
3 A -- if it was a record or a copy or what,
4 what it was.
5 Q And was Patrick Kennedy the Under
6 Secretary of Management when that situation arose?
7 A I believe, yes.
8 Q Okay. I want to ask you with respect to
9 how the State Department determined what a federal
10 record is.
11 With respect to e-mails, does it matter
12 whether the e-mail comes from a person -- personal
13 e-mail account or whether it is an official State
14 Department account?
15 MR. GARDNER: Objection. Form.
16 A No.
17 Q I'm sorry, what?
18 A No.
19 Q Okay. I believe in your book you also
20 wrote that during the transition meeting that you
21 had with the representative for Secretary Clinton
22 and Clarence Finney and somebody else from the

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1 legal department, that he was also provided a
2 client support manual?
3 **A Oh.**
4 Q What is a client support manual?
5 **A Oh, okay. That was maybe not at that**
6 **meeting. But the -- the Secretary's office, I got**
7 **this through a FOIA. So I -- I did not have that**
8 **knowledge beforehand. And --**
9 MR. GARDNER: So objection. Lack of
10 foundation.
11 **A Yeah.**
12 Q Okay. What is the client support manual?
13 **A It was a manual, I believe from S-IRM, of**
14 **how things are operating within the Secretary's**
15 **office.**
16 Q And when was that manual provided to the
17 Secretary's office?
18 **A I don't know.**
19 MR. GARDNER: Objection. Lack of
20 foundation.
21 **A I don't know. Like I said, I received it**
22 **from a -- the only FOIA response I received.**

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1 Q So you submitted a FOIA request to the
2 State Department?
3 **A Yes. I wanted to know what the Secretary**
4 **was briefed on before she came to the department.**
5 Q And other than the client support manual,
6 what response, what else was she briefed on,
7 according to the response you got from the State
8 Department --
9 MR. GARDNER: Objection.
10 Q -- through the FOIA request?
11 MR. GARDNER: Objection. Lack of
12 foundation.
13 **A It was those two documents that I cited.**
14 Q Okay. The government briefing book and
15 the client support manual?
16 MR. GARDNER: Same objections.
17 **A Well, there would be three --**
18 Q Okay.
19 **A -- essentially.**
20 **The -- it's the client -- I guess the**
21 **client support manual, and there was another**
22 **document. It was kind of a brief -- I believe it**

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1 **was, like, a briefing of the different offices**
2 **within the Secretary's staff.**
3 Q Okay. Does the client support manual
4 include or discuss e-mail use?
5 **A It does, yes.**
6 Q And what does it say about with respect
7 to e-mail use?
8 **A I don't -- I didn't memorize it. I don't**
9 **remember.**
10 Q Does it include policies and procedures
11 with respect to department officials'
12 responsibilities to maintain their federal
13 records?
14 **A I can't remember the -- what -- what I**
15 **quoted. I'm not sure exactly what.**
16 Q Do you know, other than the manual that
17 was provided by S/ES-IRM, do you know how it was
18 provided to Secretary Clinton?
19 MR. GARDNER: Objection. Lack of
20 foundation.
21 **A I don't know.**
22 MS. COTCA: Actually, can we take a

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1 five-minute break?
2 MR. GARDNER: Sure.
3 VIDEO SPECIALIST: We are going off the
4 record at 11:20.
5 (A recess was taken.)
6 VIDEO SPECIALIST: We are back on the
7 record at 11:43.
8 BY MS. COTCA:
9 Q Okay. Ms. Thian, did the State
10 Department provide a records manual -- management
11 workshops to Secretary -- the Secretary's office?
12 **A Yes.**
13 Q Okay. And can you tell me what the
14 workshops entailed?
15 **A The workshops were essentially two parts.**
16 **One was going over basic records management,**
17 **the -- the requirements of the Federal Records**
18 **Act, definition of a record, what were -- what**
19 **were personal, what were nonrecords material, the**
20 **life cycle of a record, that type of thing. Is**
21 **e-mail a record, we -- we did talk about that.**
22 **And then Clarence had the second part,**

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1 **where he was very specific about the records**
2 **handling within the Secretary's office.**
3 Q And what -- what was his --
4 A **And he did spend -- he did spend time**
5 **talking about capturing, you know, the -- I should**
6 **say printing out the e-mails of the senior**
7 **officials.**
8 Q Okay.
9 A **And how did the staffers do that, and**
10 **when they should do it, and -- and, you know,**
11 **because -- you know, so my part was to describe**
12 **what are records so they knew what they were**
13 **looking for.**
14 **And then Clarence's part, he was talking**
15 **about those procedures and other procedures like,**
16 **you know, they had to print out the -- the**
17 **schedules, the electronic schedules and things**
18 **like that, for the -- for the record. And then**
19 **things related to their own record schedules.**
20 Q Okay. So did you attend these, did you
21 participate in the workshops?
22 A **Yes.**

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1 Q Okay.
2 A **I -- I was a speaker.**
3 Q Okay. And how often did they take place?
4 A **They -- they took place every year.**
5 Q Okay. And was this -- did they -- did
6 you have -- did the State Department provide them
7 for the Secretary's office prior to Secretary
8 Clinton's tenure?
9 A **I -- I believe we did.**
10 Q Okay. And then during Secretary
11 Clinton's tenure --
12 A **Yes, all through her tenure.**
13 Q Okay.
14 MS. COTCA: Let me just show you -- mark
15 this. Actually, that's my copy.
16 (Thian Deposition Exhibit 2 marked for
17 identification and is attached to the transcript.)
18 MR. GARDNER: Thanks.
19 Q So, Ms. Thian, you have in front of you
20 what's been marked as Thian Exhibit 2, but also
21 previously marked as Finney Exhibit 2 during
22 Mr. Finney's deposition.

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1 Do you recognize this document?
2 A **Yes.**
3 MR. GARDNER: Objection. Compound.
4 A **Yes, I do.**
5 Q What is it?
6 A **It is a memo from the Executive Secretary**
7 **of the Secretary's office. I interpret it as**
8 **requiring a representative from all of the**
9 **components for the principals' office, so the**
10 **staffers for every component in -- that was under**
11 **S, as well as the 7th floor principals, to send a**
12 **member to get our records management briefing.**
13 Q Okay. And are these the memorandums that
14 went out in 2000 -- it looks like 2008, 2009,
15 2010, 2011, and 2012. Is that right?
16 A **It looks -- looks like it to me.**
17 Q Okay. I actually want -- so it, by
18 looking at the exhibit, it looks like starting in
19 2009, in the description of what the workshop will
20 entail, it was added that the workshop is to
21 include electronic message e-mail to the notices
22 beginning in 2009 to 2012.

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1 Do you see that?
2 A **I -- I do.**
3 Q Okay. But that's not included in 2000 --
4 in the notice that went out in 2008.
5 Why was the notation to include
6 electronic message e-mail added starting in 2009?
7 A **I don't know.**
8 MR. GARDNER: Objection. Lack of
9 foundation.
10 A **I -- I don't know.**
11 Q Okay. And who sent out the memorandums
12 with respect to the workshops?
13 A **I would sometimes see this in draft**
14 **before it was sent out, transmitted. But I -- I**
15 **did not transmit it; it was from the Secretary's**
16 **office that transmitted it.**
17 Q Okay. Did you partake in making any
18 edits or additions to the memorandums?
19 A **It -- it's possible.**
20 Q Okay.
21 All right. Just to be clear, in 2009 the
22 policy for the State Department was print and file

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1 with respect to e-mail. Is that right?

2 **A That was generally the policy.**

3 Q What do you mean by "generally the

4 policy"?

5 **A There were some exceptions.**

6 Q What were the exceptions?

7 **A Okay. So if you didn't have an approved**

8 **system -- and I'll give -- I'll give an example.**

9 **There was a records schedule that was approved for**

10 **the Bureau of Counselor Affairs Assistant**

11 **Secretary that allowed for the management of**

12 **e-mails. So that was approved through the**

13 **National Archives.**

14 **So there were some instances that would**

15 **be an exception. SMART would be an exception.**

16 **You wouldn't have to print and file if you saved**

17 **your e-mail to the SMART system, a record e-mail**

18 **to the SMART system, if you were using it.**

19 Q Okay.

20 **A And that would be the -- the main**

21 **exemptions.**

22 Q Okay.

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1 **A Exceptions, sorry.**

2 Q And to make sure I understand what you're

3 saying, the systems, though, that fell under the

4 exceptions, though, they were State Department

5 approved or National Archives approved systems.

6 Is that right?

7 **A Right.**

8 Q Okay.

9 **A Right.**

10 Q I'm sorry?

11 **A That's right. And as would eventually be**

12 **the Electronic Records Center, the ERSC.**

13 Q Okay. And did a representative from

14 Secretary Clinton's office attend these meetings

15 from 2008 to 2012?

16 **A I always believed there was somebody from**

17 **her office.**

18 Q Do you know who was the representative

19 from her office?

20 **A I don't know.**

21 Q Okay. Do you know, did you ever see or

22 do you know of any of her senior staff who

71

1 attended any of these meetings?

2 **A I was told one time that Huma Abedin was**

3 **to attend. This is from Clarence Finney.**

4 **In that session, a person that looked**

5 **like her was there. I can't swear it was her.**

6 Q Did you ever see Cheryl Mills attend any

7 of these meetings?

8 MR. GARDNER: Objection. Lack of

9 foundation.

10 MS. COTCA: I mean, she was at the

11 meeting. So I'm asking --

12 MR. GARDNER: You assume she knows what

13 Cheryl Mills looks like.

14 **A I don't --**

15 Q Do you know who Cheryl Mills is?

16 **A I do now.**

17 Q Okay. Do you know what she looks like?

18 **A I don't think I knew what she looked like**

19 **then.**

20 Q Okay. But do you know now what she looks

21 like?

22 **A I know now what she looks like.**

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1 Q Okay. So as sitting here today, do you

2 know if -- did you ever see Ms. Mills attend any

3 of those meetings?

4 **A I -- I can't remember, though.**

5 Q Okay. And how many people -- how well

6 were these meetings attended?

7 **A They --**

8 MR. GARDNER: Objection to form.

9 **A They seemed to be well attended. I mean,**

10 **maybe up to 40 people.**

11 Q And how long was the workshop?

12 **A It was an hour.**

13 Q Okay. And were there any materials that

14 were provided?

15 **A Yes.**

16 Q Okay. What were they?

17 **A The government briefing booklet was**

18 **usually part of the -- the package. The -- the**

19 **slide deck that I presented was in there, as well**

20 **as the relevant record schedules per whichever**

21 **unit their area.**

22 **So Clarence would put together the**

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1 folders for them, and they would be specific to
2 each area. Which -- which record schedules would
3 be relevant to them.
4 Q And was the record schedule included for
5 Secretary Clinton's office?
6 A I -- I believe that was the case. I
7 didn't see it myself.
8 Q Okay.
9 (Thian Deposition Exhibit 3 marked for
10 identification and is attached to the transcript.)
11 Q Ms. Thian, I'll ask if you can look at
12 what's been marked as Thian Exhibit 3, but also
13 previously marked as Exhibit 10, Walter Exhibit
14 10, during Ms. Walter's deposition.
15 A Right.
16 Q Is this -- well, do you recognize this
17 document? And if you need to take a minute to
18 look through it, that's fine.
19 A No. Yes, I do.
20 Q What is it?
21 A It is the government briefing booklet
22 that we handed out at the training sessions.

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1 Q Did you have -- "at the training
2 sessions," meaning the workshops --
3 A Yes.
4 Q -- that we've just been talking about?
5 A The workshops, yes.
6 Q Okay. Is this the same booklet that was
7 also provided to Secretary Clinton's
8 representative when you met during the transition
9 period?
10 A We updated it about every two years. So
11 there would have been an earlier version.
12 Q Okay.
13 A Yes.
14 Q But the earlier version of this is what
15 was provided?
16 A Yes.
17 Q Okay. Did you have any involvement in
18 creating this booklet or putting this, this
19 document, together?
20 A Updating it, yes.
21 Q Okay.
22 A It existed prior to me coming into the

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1 position.
2 Q Okay. Are e-mail records discussed in
3 the booklet?
4 A Yes.
5 Q Okay. Can you point me to the portion
6 where they're discussed?
7 A It's Page 6.
8 Q Okay. This is where it includes that
9 e-mails must be printed out in paper form and
10 filed that are not archived by SMART or an
11 approved system. Correct?
12 A Correct.
13 Q Okay. Let me ask you, for there to be an
14 approved system, what's the process?
15 A With -- okay. The -- the process would
16 be that we would either -- if it's an IT system,
17 we would go over, work with the office. We would
18 draft up a records schedule usually. We would
19 make sure that the records -- how the system
20 operated, that they would capture the records. If
21 it was permanent records, we want to make sure
22 that the system had the functionality to maintain

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1 it over a period of time, whether it's 20, 30 --
2 30 years.
3 Whether it could -- searchable, and all
4 kinds of questions that we would have about it, to
5 make sure that the electronic records would be
6 maintained over that period of time.
7 We would call in the National Archives.
8 Anything with the Secretary's office, we pretty
9 much called in the -- the National Archives so
10 that they could hear, and they could be there as
11 well. Because their records were the cream of the
12 crop, crown jewels, if you will. So, yes.
13 Q Would -- and would your office be
14 involved in this process?
15 A Yes.
16 Q Okay. And would you directly be involved
17 in this process any time a system would have to be
18 approved from the Secretary's office?
19 A Oh, from the Secretary's office, yes.
20 Q Yes.
21 A I was directly, yes.
22 Q Yes. Okay.

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1 And was there ever any request made by
2 Secretary Clinton or any of her staff to approve
3 her -- the e-mail system that she used when she
4 was at the State Department?
5 **A You mean her personal e-mail?**
6 Q Yes.
7 **A You're talking about her personal e-mail**
8 **server?**
9 Q Well, to approve the e-mail account that
10 she used, her e-mail system that she used while
11 she was at the State Department.
12 **A No, we -- we were not asked to review any**
13 **system --**
14 Q Okay.
15 **A -- for -- for that purpose.**
16 Q Is that something that should have been
17 done with respect to Secretary Clinton's e-mail
18 system?
19 **A Yes.**
20 Q Okay. Did Secretary Clinton or her staff
21 know that that is something they should have done
22 with respect to Secretary Clinton's e-mail system?

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1 MR. GARDNER: Objection. Form.
2 **A I -- I don't know how to -- how to answer**
3 **that question.**
4 Q Okay.
5 **A Should -- should they have known.**
6 Q Were they informed that -- should they
7 have known that that was required of them, for
8 Secretary Clinton to use the e-mail system?
9 **A Yes.**
10 MR. GARDNER: Objection. Form.
11 **A Yes.**
12 Q And what do you base that on?
13 Why do you say that?
14 **A Because they were federal records, and**
15 **employees were supposed to use government systems.**
16 Q Okay. And this briefing booklet was
17 provided to all of the attendees --
18 **A Yes.**
19 Q Okay. And was the -- were e-mail message
20 records discussed during the workshops?
21 **A Yes.**
22 Q Okay. Do you recall which workshop

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1 Ms. Abedin attended?
2 **A I don't --**
3 MR. GARDNER: Objection.
4 Mischaracterizes the witness' prior testimony.
5 **A I don't remember which one it was.**
6 Q Okay.
7 **A It was one where the -- we were in the**
8 **Secretary's conference room.**
9 Q Okay. Is that where they were normally
10 held?
11 **A I remember doing two in her conference**
12 **room and two in another location.**
13 Q Okay. Then on Page 8 of the booklet it
14 talks about what are nonrecord materials, what are
15 personal papers. And then on Page 9, how should
16 personal papers and nonrecord materials be filed.
17 Is this -- were these issues discussed
18 during the workshop?
19 **A Yes.**
20 Q Okay. Is everything that's within the
21 booklet discussed during the -- was it covered
22 during the workshop?

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1 **A Pretty much.**
2 Q How about FOIA; was that discussed during
3 the workshops?
4 **A I believe it was briefly.**
5 Q Who covered that? Was that by you or
6 Mr. Finney?
7 **A I may have mentioned it, he may have**
8 **mentioned it.**
9 Q I believe earlier in your testimony, and
10 I believe in your book as well, you refer to
11 federal records as the crown jewels.
12 Can you elaborate on that as to what you
13 mean by that?
14 MR. GARDNER: Objection.
15 Mischaracterizes the book.
16 You can answer.
17 **A We looked at the Secretary's office in**
18 **particular and the principals as the crown jewels**
19 **of the department for federal records.**
20 **We handled them with more -- more**
21 **requirements, I guess I would say. That sometimes**
22 **if you had a draft, but it had comments or notes**

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1 on the side of it, that would be important to
2 historians, if it's such a high-level person, how
3 were they thinking, what was -- what was going on
4 at the time.
5 So we would view that more would be kept,
6 instead of, you know, drafts like I would have,
7 you know, like lower-level people would have.
8 So, yes, we were -- wanted them to err on
9 the side of keeping it, you know, if it looked
10 like it was a record, than -- than it being
11 something else.
12 Q Okay. And is that true for, obviously,
13 records pertaining to the head of the agency, the
14 Secretary of State?
15 A Yes. Absolutely.
16 Q Okay. And how about would that apply as
17 well to her senior staff, like her chief of staff,
18 senior advisors?
19 A Yes.
20 Q Okay. And that -- was that communicated
21 to the attendees during the workshops?
22 A Yes.

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1 Q Okay. What is a federal record? If
2 you're able to, based on your knowledge and -- as
3 the agency's records officer for seven years, as
4 you would describe what a federal record is.
5 A It has a long definition. But I would
6 usually sum it up and say it's all documentary
7 evidence made or received in the course of
8 business.
9 Q Okay. And that includes e-mails.
10 Correct?
11 A It would definitely include e-mails.
12 Regardless of format.
13 Q Okay. Was there any discussion during
14 the workshops with respect to the attendees or the
15 representatives communicating the information they
16 received to the principals?
17 A Yes. To --
18 Q And what was -- go ahead. I'm sorry.
19 A I'm sorry. Yes, they were to go back and
20 brief their principal.
21 Q And that would include Secretary Clinton.
22 Correct?

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1 A Yes.
2 Q Okay. Cheryl Mills has previously
3 testified in a different case that she never
4 received training regarding FOIA at the State
5 Department.
6 Is that true, as far as you know?
7 A I wasn't in charge of the FOIA program.
8 I'm not aware.
9 Q Okay. Do you know if anybody on behalf
10 of Ms. Mills attended these workshops?
11 A I don't know.
12 Q Okay. Do you expect that somebody would
13 have attended the workshop on behalf of Ms. Mills
14 as the counselor and the chief of staff to
15 Secretary Clinton?
16 A Yes.
17 Q Okay. During the workshop, was there a
18 discussion with respect to the need to retain
19 records, including e-mails, for purposes of the
20 State Department's obligations under FOIA?
21 A I believe that one of my slides had a --
22 had a notation about FOIA.

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1 Q Okay.
2 A I believe we talked about it. I believe
3 Clarence may have talked about it.
4 Q Okay. The PowerPoint slide deck that you
5 referred to, is that something that you created?
6 A Yes. My office created it. We used it
7 mostly for training sessions. It was on my
8 intranet website, records management website.
9 Q And did you provide a copy of the
10 PowerPoint presentation, a hard copy of the
11 PowerPoint presentation to the attendees?
12 A Yes. I believe that's correct.
13 Q Okay. I believe in your book you said,
14 on Page 93, actually, of your book, you wrote that
15 most staffers had access to principals' e-mail
16 accounts.
17 A That's correct.
18 Q Okay. Is that -- you're referring to all
19 principals on the 7th floor, or --
20 A Yes.
21 Q -- what principals are you referring to?
22 A That's correct, the 7th floor principals.

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1 Q Okay. Do you know who had access to
2 Secretary Clinton's e-mail?
3 A **We didn't know she had e-mail, so I**
4 **don't, no.**
5 Q Other than Ms. Abedin, do you know which
6 of the staff members from Secretary Clinton's
7 office attended the workshops?
8 MR. GARDNER: Objection.
9 Mischaracterizes the witness' previous testimony.
10 A **I don't know the names of the people that**
11 **attended.**
12 Q I'm sorry?
13 A **I don't know the names of the people that**
14 **attended.**
15 Q Okay. Was there a sign-in sheet when --
16 for the workshop when it was presented?
17 A **I believe that Clarence had a sign-in**
18 **sheet.**
19 Q Okay.
20 A **I did not retain the sign-in sheet.**
21 Q Okay. Also, if you'll look at what's
22 been marked as Thian Exhibit 2, the workshop

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1 notices, the second -- the last paragraph. It
2 says, Please respond, I believe on all these
3 notices, to Ruby Thomas.
4 A **Uh-huh.**
5 Q Who was Ruby Thomas?
6 A **I believe she worked for Clarence Finney.**
7 Q All right. I want to move on to the
8 departing officials procedures, you referred to
9 that today.
10 A **Okay.**
11 Q Can you explain what -- what that is,
12 what those procedures are?
13 A **Okay. The -- the procedures were to make**
14 **sure that a departing official did not remove any**
15 **federal records; that any of the material that**
16 **they are proposing to remove is actually reviewed;**
17 **that they're not taking anything that they**
18 **shouldn't be taking with them; that they're**
19 **getting authorization from me in this particular**
20 **case.**
21 **And the -- the process essentially was**
22 **that the bureau records coordinator would contact**

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1 **me. They would work -- we would work with that**
2 **individual or their representative. They would**
3 **make a list of the materials that they're**
4 **proposing for removal. And then with regards to**
5 **the Secretary's office, I could physically go**
6 **there and review material. And was the case. I**
7 **often would review the material from the**
8 **Secretary's office in person.**
9 **Some places and sometimes if I understood**
10 **what the material was, like if they were all**
11 **internet copies, then I could approve it. I would**
12 **understand what it was and I could approve it.**
13 **I would -- for overseas people I had to**
14 **work closely with the information management**
15 **officers. They would describe the information to**
16 **me, and then we would work out those details.**
17 Q Okay.
18 A **Yes.**
19 Q So I want to focus with respect to these
20 procedures vis-à-vis the Secretary's office.
21 A **Okay. Yes.**
22 Q And specific to Secretary Clinton.

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1 A **Right. Okay.**
2 Q But I appreciate the general answer.
3 The bureau records coordinator --
4 A **Yes.**
5 Q -- that you referred to, is that
6 Mr. Finney for Secretary Clinton's office?
7 A **Yes.**
8 Q Okay. Is that who you dealt with with
9 respect to departing officials procedures for
10 Secretary Clinton and her staff?
11 A **Yes.**
12 Q Okay. Other than Mr. Finney, did you
13 deal with or interact with anybody else about the
14 departing officials procedures, from the
15 Secretary's office?
16 A **I think it was pretty much exclusively**
17 **Clarence Finney.**
18 Q Okay. And for these procedures with
19 respect to Secretary Clinton and her staff, were
20 you, personally, involved?
21 MR. GARDNER: Objection. Form.
22 A **You mean on the completion of the review**

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1 **of the 1904?**
2 Q Yes.
3 **A Yes.**
4 Q Okay. Thank you.
5 (Thian Deposition Exhibit 4 marked for
6 identification and is attached to the transcript.)
7 Q Okay. Ms. Thian, if you can take a look
8 at what's been marked as Thian Exhibit 4. There
9 are actually two documents.
10 **A Yes.**
11 Q Okay. Do you recognize these documents?
12 **A Yes.**
13 Q Can you tell me what they are?
14 **A They are the DS-1904s, Authorization For**
15 **the Removal of Personal Papers and Non-Record**
16 **Materials, on Hillary Clinton and Huma Abedin.**
17 Q Okay. Is this the form that you were
18 referring to with respect to -- that needs to be
19 completed with respect to the departing officials
20 procedures?
21 **A Correct, yes.**
22 Q Okay. And if you can just walk me

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1 through the process of who fills this out, and --
2 and sort of, you know, what -- what's the process
3 for this?
4 **A Okay. So Clarence -- usually the form**
5 **and the attachments, the -- the listing, is**
6 **prepared by, in this case, Clarence Finney. And**
7 **then I would come over and I would review the**
8 **material.**
9 **But essentially he would work with the**
10 **departing official or their representative to**
11 **compile the list of information -- of the types of**
12 **material they're interested in removing from the**
13 **department.**
14 Q Okay. Thank you.
15 And I see here that for both the
16 reviewing official is Clarence Finney, and then
17 there's a box at the bottom, certification by
18 Department of State records officer --
19 **A Yes.**
20 Q -- on each of these.
21 Is that you?
22 **A Yes.**

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1 Q Okay. And was that your signature on
2 these, that's --
3 **A Yes.**
4 Q -- marked out? Okay.
5 So specific to Secretary Clinton's
6 e-mails -- or not Secretary Clinton's e-mails, but
7 the form for Secretary Clinton. The attachment
8 that you said was prepared by Mr. Finney.
9 **A Yes.**
10 Q Would this include also electronic
11 records that the Secretary would want to remove
12 from the State Department?
13 **A The term "records" is not accurate.**
14 Q Okay. Correct me if -- if I misuse it.
15 **A So there could be material that was**
16 **electronic copies.**
17 Q Okay.
18 **A We never authorized any records to be**
19 **taken from the department.**
20 Q Okay. Okay. Thank you for the
21 clarification.
22 But if Secretary Clinton wanted to remove

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1 any e-mails, is that something that would have
2 been required to be included on this list?
3 **A Yes.**
4 Q Okay. And why is that?
5 **A Because the policies, Federal Records**
6 **Act, the policies that we had in the Foreign**
7 **Affairs manual and the Foreign Affairs handbook,**
8 **as well as the CFR, required that departing**
9 **officials turn over all of their records.**
10 Q Okay. And in the attachment to Secretary
11 Clinton, there is a list of items under Electronic
12 Files.
13 **A That's correct.**
14 Q Okay. But nowhere is there listed her
15 e-mails. Correct?
16 **A That is correct.**
17 Q Okay. During -- but your testimony is
18 that it should have been included, if she wanted
19 to remove them from the State Department?
20 **A That's correct. They were federal**
21 **records.**
22 Q Okay. And is the same true -- I want to

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1 move on to Huma Abedin's DS form.
2 It appears that she also had listed -- or
3 Mr. Finney listed electronic files for her, that
4 she wanted to remove.
5 If Ms. Abedin removed -- wanted to remove
6 her e-mails from the State Department, would those
7 have needed to be included on the DS form?
8 **A Yes.**
9 Q Okay. And is that something that Ms. --
10 Secretary Clinton and Ms. Abedin needed to convey
11 to Mr. Finney?
12 **A Yes.**
13 Q Okay. Prior to the departure by
14 Secretary Clinton and her staff in 2013, during
15 this process, were there any meetings or any
16 particular workshops that were provided to explain
17 the procedures and the process that needs to be
18 followed?
19 MR. GARDNER: Objection. Form.
20 Q And let me be specific. Meetings --
21 meetings with Secretary Clinton or her staff or
22 representatives of Secretary Clinton. With the

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1 departing officials.
2 **A By me, you mean?**
3 Q Whether by your office or Mr. Finney's
4 office, if you know.
5 **A I -- I don't know.**
6 Q Were -- were there any meetings that were
7 provided or workshops that was provided by your
8 office for the departing officials from the
9 Secretary's office?
10 **A I believe the workshops we did cover the**
11 **departing officials procedures.**
12 Q Okay.
13 **A We mentioned those during those**
14 **workshops.**
15 Q Okay. Did you have any communications
16 with anybody in Secretary Clinton's office about
17 these procedures prior to Secretary Clinton and
18 her staff departing the State Department?
19 MR. GARDNER: Objection. Form.
20 **A Other than Clarence Finney, no, I don't**
21 **remember.**
22 Q Okay. I believe in your book you wrote

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1 about correspondence with Ms. Mills in December of
2 2012 with respect to the departing officials
3 procedures and her interest in removing personal
4 e-mails.
5 Do you recall that?
6 **A Yes. In part, yes.**
7 Q Okay. Can you tell me what you remember
8 about that?
9 **A I remember that she was planning to**
10 **leave. And so there -- I did have some**
11 **discussions with Clarence. But then I think she**
12 **cancelled her plans to leave. So I thought she**
13 **was leaving in 2013, but I think she stayed on the**
14 **department longer. So I don't think there was a**
15 **1904 for her, you know.**
16 **But in my book I subsequently found**
17 **the -- the document that you're referring to.**
18 Q What's the document I'm referring to?
19 **A Where Clarence gave her -- she asked**
20 **about her -- what to do with her personal -- her**
21 **personal e-mails. And Clarence responded**
22 **describing what was personal e-mails, what was**

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1 **government e-mails. It is an attachment in my**
2 **book.**
3 Q Sure.
4 MR. GARDNER: And we object to that
5 response. Lack of foundation.
6 (Thian Deposition Exhibit 5 marked for
7 identification and is attached to the transcript.)
8 Q Ms. Thian, can you look at what's been
9 marked as Exhibit 5, I think, right? And it's
10 actually a compilation of three previous exhibits,
11 or three exhibits that were marked in -- two in
12 Ms. Walter's deposition and one in Mr. Finney's
13 deposition.
14 **A Okay.**
15 Q Okay. You've had a chance to review?
16 **A I've looked them over.**
17 Q Okay. Just to make sure the record is
18 clear, these are copies of e-mail chains, starting
19 in January 11, 2013, in regards to -- is it
20 accurate to describe it as in regards to the
21 departing officials procedures?
22 **A Yes.**

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1 Q Okay. On the first page of the exhibit,
2 there is reference with respect to a meeting with
3 Clarence Finney to discuss retiring official
4 government records for Secretary Clinton's tenure.
5 And then further up the chain in which you are
6 included on, it looks like there were discussions
7 about you attending that meeting.
8 Do -- do you recall the meeting that's
9 referenced in this?
10 **A I don't think I attended.**
11 Q Okay. But do you recall the discussions
12 about having this meeting?
13 **A I don't remember.**
14 Q Okay. Because I guess the reason I'm
15 asking is, on the first page, which would be the
16 third e-mail from the top, that's from you, to
17 Sheryl Walter on January 11, 2013, you wrote that
18 you will explain the procedures to the meeting
19 that Ms. Mills wants to attend, and that you
20 wanted to let Sheryl Walter know.
21 But then further up in the e-mail chain
22 Ms. Walter e-mails other State Department

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1 officials that you will not be able to attend.
2 Do you remember why the change with
3 respect to your attendance at the meeting?
4 **A I don't. I think that Peggy did not want**
5 **me to attend.**
6 Q Do you know why she did not want you to
7 attend the meeting?
8 **A I don't know.**
9 Q Do you recall Mr. Finney asking you to
10 join the meet -- join the meeting, especially
11 because Ms. Mills was potentially going to be in
12 attendance?
13 **A It's hard to remember.**
14 Q Okay. Do you think that's a meeting that
15 you should have attended, considering the fact
16 that you were the agency's records officer for the
17 State Department?
18 **A Probably.**
19 Q Did you have any discussions with
20 Ms. Walter or Ms. Grafeld with respect to why you
21 shouldn't attend the meeting?
22 **A I don't remember it.**

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1 Q Do you know if anybody else from your
2 office attended that meeting?
3 **A No.**
4 Q You don't know, or they did not attend?
5 **A I -- I do not know.**
6 Q Okay. How about from Ms. Grafeld's
7 office; do you know if anybody on her behalf
8 attended the meeting?
9 **A No.**
10 Q You don't know?
11 **A I don't know.**
12 Q Okay. And how about from Ms. Walter's
13 office, or on behalf of Ms. Walter or Mr. Hackett
14 as her deputy at the time; do you know if any of
15 them attended that meeting?
16 **A I don't know.**
17 Q Okay. Do you know if any handouts or
18 booklets were provided at this meeting by
19 Mr. Finney?
20 **A I don't know.**
21 Q Do you know who attended this meeting?
22 **A No.**

100

1 Q Okay. The second document of this
2 exhibit, so it's the third page, at the bottom is
3 marked Finney Exhibit 11, has the exhibit sticker.
4 There are e-mails between you,
5 Ms. Walter, and Ms. Grafeld with respect to
6 Secretary Clinton's papers and Ms. Mills' papers.
7 I have a couple of questions about this.
8 Ms. Grafeld wrote to you that she would,
9 in the first e-mail from the top, it says, "I will
10 be very clear in evidentiary documentation about
11 this 47 boxes."
12 What are the 47 boxes referenced in her
13 e-mail?
14 **A I believe she -- we're talking about the**
15 **material that the Secretary brought with her that**
16 **were from the White House, copies of personal**
17 **papers from the White House, and the time that she**
18 **was the Senator.**
19 Q Okay. Then the second e-mail from the
20 top, which is from you to Ms. Grafeld, on January
21 30th, 2013. You write that, "On Ms. Mills, we are
22 awaiting the electronic e-mails to review."

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1 Can you tell me more about what that was
2 about?
3 **A Well, that would have been the materials**
4 **that -- that Cheryl Mills wanted to take with her**
5 **and remove.**
6 Q Is that specific to or did that include
7 e-mails that Ms. Mills wanted to take with her
8 because she deemed them personal?
9 **A Yes.**
10 Q Okay. So was it the State Department's
11 policy that at the time that State Department
12 officials were departing, that they no longer had
13 discretion to delete any -- any e-mails; but,
14 rather, it needed to be reviewed by the records
15 agency officer to determine that they were
16 personal?
17 **A Each employee could delete truly personal**
18 **e-mails from their e-mail account.**
19 Q So did Ms. Mills have that discretion at
20 that point, to delete the e-mails, rather than
21 have her -- you review them?
22 **A She could have deleted her personal**

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1 **e-mails, yes.**
2 Q Do you remember how many e-mails -- I
3 mean, in here you say that there are a lot of the
4 e-mails that Ms. Mills wanted to take with her.
5 Do you remember how many e-mails she
6 wanted to take with her?
7 **A No, I don't.**
8 Q Did you review all of the e-mails that
9 she took with her?
10 **A We did not get to that point, as far as I**
11 **could remember.**
12 Q Okay. Why? Is that because she didn't
13 leave at that time?
14 **A Correct, yeah.**
15 Q Okay. Do you know if Ms. Mills' e-mails
16 were ever reviewed prior to her departure from the
17 State Department?
18 **A I don't know when she left the**
19 **department, but I -- I don't think on my watch,**
20 **no. I don't know.**
21 Q Prior to Ms. Mills leaving the State
22 Department, should her e-mails have been reviewed

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1 that she wanted to remove from the State
2 Department?
3 **A Yes.**
4 Q Okay. Do you know when Ms. Mills left
5 the State Department?
6 **A I don't know.**
7 Q Okay. Do you know if a DS-1904 was
8 completed for Ms. Mills prior to her departure
9 from the State Department?
10 **A I don't remember.**
11 Q Okay. The second paragraph of that
12 second e-mail from you to Ms. Grafeld, you wrote,
13 "She's also taking her unclass calendar and
14 schedule and call log." And this is in reference
15 to Secretary Clinton.
16 "These will have an additional language
17 on the DS-1904 that states they are released with
18 the understanding that they are for her personal
19 use and not for public release."
20 Can you explain why the reference that
21 they are not for public release was included?
22 **A I believe that under FOIA, that was not**

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1 **something that was normally released to FOIA**
2 **requestors for public -- you know, for public**
3 **information.**
4 Q Okay. And there you wrote, "Although
5 Secretary Clinton does not use e-mail, her
6 staffers do."
7 Did you, during this time period, were
8 there any inquiries or any discussions to
9 reconfirm whether Secretary Clinton used e-mail or
10 not prior to her departure?
11 **A I don't remember that specifically.**
12 Q Okay. You also wrote there, "I have
13 agreed that the e-mails of the three staffers will
14 be electronically captured and not printed out."
15 Who are the three staffers you're
16 referring to in that?
17 **A I don't remember this.**
18 Q You don't?
19 **A Unh-unh.**
20 Q Do you know if the three staffers refer
21 to -- well, strike that.
22 And then the last document of this

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1 exhibit, which has the copy of the Walter Exhibit
2 8 exhibit sticker on the bottom, I want to point
3 you to a couple of the e-mails on the second page.
4 So it's the second to the last page of the entire
5 exhibit.
6 The top e-mail, from you to Eric Stein --
7 well, no. Actually, it's the e-mail to you, from
8 Peggy -- Margaret Grafeld. Where she wrote,
9 "Tasha, would appreciate reviewing the DN and
10 ALDAC."
11 What's the DN?
12 **A Department notice.**
13 Q What was that?
14 **A It was a -- a notice that went -- that**
15 **was transmitted throughout the entire --**
16 **domestically throughout the department of**
17 **departing officials procedures.**
18 (Thian Deposition Exhibit 6 marked for
19 identification and is attached to the transcript.)
20 Q Ms. Thian, if you can look at what's been
21 marked as Exhibit 6. At the top.
22 **A Yes.**

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1 Q Do you recognize this document?
2 **A Yes.**
3 Q All right. What is it?
4 **A It looks like the text of a department**
5 **notice.**
6 Q Okay. And what's the date of the notice?
7 **A January 25th, 2013.**
8 Q Okay. And this was sent out to the
9 entire department?
10 **A Yes.**
11 Q Okay. And what's the purpose of the
12 notice?
13 **A To make sure that everyone was aware of**
14 **the requirements for departing officials.**
15 Q And that was with respect to making sure
16 that they leave all federal records --
17 **A Correct.**
18 Q -- that they don't take any with them?
19 **A Correct.**
20 Q That's correct?
21 They don't take any classified
22 information?

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1 **A That is correct.**
2 Q Who had the authority to approve any
3 records to be removed from the State Department in
4 January of 2013?
5 **A No records could be approved -- no**
6 **federal records could be approved to leave the**
7 **department.**
8 Q Okay. How about with respect to requests
9 that departing officials re -- remove documents
10 they have had, or copies of documents that they
11 had; who had authority --
12 **A I had the sole authority.**
13 Q Okay. Was there any appeal process --
14 **A No.**
15 Q -- to that? Okay.
16 Had you been informed by Secretary
17 Clinton that she wanted to remove her e-mail
18 records from the State Department, would you have
19 approved that?
20 **A No.**
21 MR. GARDNER: Objection. Hypothetical.
22 Calls for speculation.

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1 Q Can you please answer?
2 **A I would not have approved it.**
3 Q Okay. Thank you.
4 Why not?
5 MR. GARDNER: Same objections.
6 **A You cannot remove federal records from an**
7 **agency.**
8 Q Had Ms. Mills informed you that she
9 wanted to remove her e-mail records on her
10 personal e-mail account from the State Department
11 prior to her departure, would you have approved
12 that?
13 MR. GARDNER: Objection. Speculation.
14 Calls for hypothetical.
15 Q You can answer.
16 **A Can you say it again?**
17 Q Yeah. Had -- well, did you know
18 whether -- did you know that Ms. Mills used her
19 personal e-mail account for State Department
20 business while she was at the State Department?
21 **A No.**
22 Q Okay. Had Ms. Mills informed you that

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1 she used her personal e-mail account for State
2 Department business, and that she wanted to remove
3 those e-mail records upon her departure, would you
4 have approved that?
5 MR. GARDNER: Objection. Calls for
6 speculation. Hypothetical.
7 **A No.**
8 Q Okay. For the same reason, because
9 they're federal records and they cannot be removed
10 from the State Department. Is that right?
11 **A Correct.**
12 Q Okay. How about Ms. Abedin; did you know
13 that Ms. Abedin used an e-mail account with the
14 Clintonemail.com domain for State Department
15 business while she was at the State Department?
16 **A I did not know.**
17 Q Would Ms. Abedin had informed you or
18 somebody on her behalf that she used a
19 nonstate.gov e-mail account for State Department
20 business, and that she wanted to remove those
21 e-mail records from the State Department, would
22 you have approved that?

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1 MR. GARDNER: Objection. Calls for
2 speculation. Hypothetical.
3 **A No. No.**
4 Q Is it because of the same reasons?
5 **A Same reasons.**
6 Q That they're federal records?
7 **A Yes.**
8 Q And the same question with respect to
9 Jacob Sullivan.
10 Do you know who Jacob Sullivan is?
11 **A No.**
12 Q Okay. Mr. Sullivan, I'll just state
13 this, was, just for your information, was one of
14 her senior advisors at the State Department.
15 Did you know that Mr. Sullivan used his
16 personal e-mail for State Department business --
17 MR. GARDNER: Objection.
18 Q -- while he was at the State Department?
19 MR. GARDNER: Objection. Lack of
20 foundation.
21 **A No.**
22 Q Okay. If Mr. Sullivan had asked you or

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1 informed you that he used personal e-mail account
2 for State Department business, and that he wanted
3 to remove those records from the State Department
4 prior to his departure, would you have approved
5 that?
6 MR. GARDNER: Objection. Lack of
7 foundation. Calls for speculation. Hypothetical.
8 **A No.**
9 Q And is that because of the same reasons,
10 that they are federal records and not to be
11 removed from the --
12 **A Correct.**
13 Q -- State Department?
14 Going back to Exhibit 5. The same page
15 that we were on. After DN there's an acronym
16 A-L-D-A-C?
17 **A It's called an ALDAC. It's all**
18 **diplomatic and consular posts, I guess. So it's**
19 **this version of the department notice going out in**
20 **a cable to all the overseas posts.**
21 Q Okay. Thank you.
22 **A There may be some modifications to apply.**

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1 Q Okay.
2 **A To the posts.**
3 Q In the second e-mail from there, an
4 e-mail from you to Ms. Grafeld, dated January 29,
5 2013 --
6 **A Did you -- oh, the same one, Peggy and**
7 **Sheryl?**
8 Q Yes.
9 **A Okay.**
10 Q The one with the time stamp 7:53. Right?
11 On the e-mail.
12 **A Okay. Yes.**
13 Q Okay. Uh-huh.
14 You wrote that you will bring up more
15 government briefing booklets if you would like to
16 use them at the red session.
17 Is that the same booklets that's been
18 previously identified as an exhibit here?
19 **A Yes.**
20 Q Okay. What is the red session?
21 **A The -- the reds and the feds stood for**
22 **all of the executive directors for the bureaus.**

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1 So the reds would have been the regional executive
2 directors. And I think the feds were the
3 functional regional directors.
4 Q Okay. Would those include executive
5 director for the Secretary's office?
6 A Yes.
7 Q Okay. The last e-mail appearing on this
8 page, from Ms. Grafeld, there's a reference to a
9 special archive system in the last sentence of the
10 e-mail.
11 A Uh-huh.
12 Q And this is an e-mail to you and
13 Ms. Walter.
14 What is the special archive system?
15 MR. GARDNER: Objection. Lack of
16 foundation.
17 A I believe she's referring to the
18 Electronic Record Service Center, the ERSC, that
19 was under development.
20 Q What was the ERSC?
21 A The ERSC was an archive. It was
22 developed to be an archive to take in permanent

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1 records, including the senior official e-mails,
2 the electronic copies connected to the Kennedy
3 memo.
4 Q And was this in place at the time?
5 A It was -- at this time it would have been
6 in pilot still.
7 Q Okay. And also in the e-mail from
8 Ms. Grafeld to you and Ms. Walter, she wrote,
9 "While I have spoken with Cheryl months ago about
10 Secretary's records, Clarence has the first line
11 of responsibility for ensuring that they all,
12 including the counselor and all her roles, adhere
13 to the laws and regulations."
14 Do you see that?
15 A Okay.
16 Q And she continues, "I trust you're
17 working closely with him."
18 A Yes. Uh-huh.
19 Q Okay. I have a couple of questions about
20 this.
21 What was -- was there a concern with
22 respect to Cheryl Mills' records because she had

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1 various roles at the State Department?
2 A I -- I don't remember.
3 Q Okay. Do you know, were there any
4 discussions that you had with either Ms. Thian or
5 Ms. Gray -- I'm sorry, with Ms. Walter and
6 Ms. Grafeld about Cheryl Mills' records and the
7 various roles that she had at the State
8 Department?
9 A I don't remember specific conversations,
10 other than e-mailing back and forth perhaps.
11 Q Do you know why she included this in her
12 e-mail, if there was a concern?
13 MR. GARDNER: Objection. Calls for
14 speculation. Lack of foundation.
15 A I don't remember.
16 Q Okay. And were you, in response to
17 Ms. Grafeld, I guess, wrote that "I trust you are
18 working closely with him."
19 I presume that's Mr. Finney. Did you
20 work closely with Mr. Finney during this process
21 prior to the State Department -- prior to
22 Secretary Clinton leaving the State Department?

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1 A Yes.
2 Q Okay. And other than the meeting that
3 was referenced in the first page of this exhibit,
4 do you have any knowledge about any other meetings
5 or any other briefings provided to Cheryl Mills or
6 Secretary Clinton or anybody in the Secretary's
7 office about procedures to remove records, or
8 copies of documents from the State Department?
9 MR. GARDNER: Objection. Form.
10 A I don't know.
11 Q Okay.
12 MS. COTCA: Can we go off the record for
13 a minute.
14 VIDEO SPECIALIST: We are going off the
15 record at 12:50.
16 (A recess was taken.)
17 VIDEO SPECIALIST: We are back on the
18 record at 14:02.
19 BY MS. COTCA:
20 Q Hi, Ms. Thian. I've shown you what's
21 been marked as Thian Exhibit 6 --
22 MR. GARDNER: Exhibit 7.

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1 **A Exhibit 7.**
2 Q Exhibit 7. Thank you. Previously marked
3 Walter Exhibit 1.
4 (Thian Deposition Exhibit 7 marked for
5 identification and is attached to the transcript.)
6 Q Which looks like it's an organizational
7 chart of IPS at the State Department.
8 Is that correct?
9 **A Yes.**
10 Q Okay. At the bottom there it's dated
11 9/26/13.
12 Do you see that --
13 **A Yes.**
14 Q -- in the bottom left?
15 Okay. Do you see, is this the org -- the
16 way the IPS office was organized back when you
17 were the agency's records officer?
18 **A Correct.**
19 Q Okay. Do you see your office listed --
20 **A Yes.**
21 Q -- on the document?
22 **A Yes.**

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1 Q Which one? Where is your office listed,
2 and what's the name?
3 **A Far left, Records and Archives Management**
4 **Division.**
5 Q Okay. Do you mind just marking it on the
6 exhibit. If I just give you a pen.
7 **A Circling it?**
8 Q Yes, that's fine.
9 **A (Witness complies with request.)**
10 Q Okay. Thank you very much.
11 And Patrick Scholl, do you see -- do you
12 know what office or what branch he was part of, if
13 it's listed in here?
14 **A Yes.**
15 Q Okay. Can you mark that as well.
16 **A (Witness complies with request.)**
17 Q And if you can just write "Patrick
18 Scholl" next to it, if you don't mind.
19 **A (Witness complies with request.)**
20 Q What's the name of his office?
21 **A Statutory Compliance and Research**
22 **Division, CR.**

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1 Q Okay.
2 **A Thank you.**
3 Q Thank you. And Ms. Grafeld, she oversaw
4 IPS. Correct?
5 **A The director was Sheryl Walter.**
6 Q Right. But Ms. Grafeld, what was her
7 position at the time?
8 **A She was the Deputy Assistant Secretary**
9 **for Global Information Services.**
10 Q Okay. So she oversaw all of IPS?
11 **A Yes.**
12 Q Okay?
13 **A And a couple other --**
14 Q As --
15 **A -- components.**
16 Q Okay. All right. So her office is not
17 listed on the diagram?
18 **A Correct.**
19 Q Okay. I think that's all I have.
20 Ms. Thian, do you believe that Secretary
21 Clinton and her staff were appropriately or duly
22 informed that they were not permitted under any

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1 circumstances to take State Department e-mail
2 records without prior authorization by you?
3 MR. GARDNER: Objection. Lack of
4 foundation.
5 **A I do.**
6 Q Okay. We talked about certain times or
7 instances when inquiries were made to you with
8 respect to Secretary Clinton's e-mail use during
9 her tenure and until you left.
10 Did the fact that her e-mail use was
11 raised multiple times raise any red flags to you?
12 **A No.**
13 Q Why not?
14 **A Because Secretary Rice did not use**
15 **e-mail. And the way I understood it was, there**
16 **was a gatekeeper that people would e-mail to,**
17 **to -- information and -- and materials to**
18 **Secretary Clinton through that gatekeeper-type**
19 **concept.**
20 Q Okay. You don't know who the gatekeeper
21 would have been for Secretary Clinton. Right?
22 **A No.**

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1 Q Okay.
2 **A It could be multiple people.**
3 Q Okay. But with respect to Secretary
4 Rice, I understand your testimony that she didn't
5 use e-mail. But was the question as to whether
6 she used e-mails repeatedly raised while you were
7 the agency's records during her tenure?
8 **A On Secretary Rice?**
9 Q Yes.
10 **A No. I don't remember multiple questions**
11 **about it.**
12 Q Okay. So this -- the fact that Secretary
13 Clinton's -- let me reask it.
14 The fact that questions were repeatedly
15 raised with respect to Secretary Clinton's e-mail
16 use was new when you were in your position.
17 MR. GARDNER: Objection. Form.
18 **A For the Secretary.**
19 Q Yes.
20 **A Can you -- can you ask it again, so I can**
21 **pay attention to your question?**
22 Q Sure. Not a problem.

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1 So you testified that the question about
2 Secretary Rice's e-mail use was not raised during
3 her tenure. Correct?
4 **A Correct.**
5 Q Okay. And do you agree that -- I mean,
6 this is a new -- this was a new occurrence, that
7 Secretary Clinton's e-mail use was repeatedly
8 raised during her tenure while you were the
9 agency's records officer?
10 MR. GARDNER: Objection. Form.
11 **A I -- I relied on Clarence and what he was**
12 **answering.**
13 Q Okay. And I understand that. I'm just
14 trying to understand if it was unusual that the
15 Secretary of State's e-mail use and questions
16 surrounding that were repeatedly raised during her
17 tenure and after she left the State Department.
18 MR. GARDNER: Objection, form. Also
19 objection, lack of foundation.
20 **A I didn't -- I didn't think about that**
21 **part, no.**
22 Q Okay. What's the basis for your

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1 understanding that Secretary Clinton had a
2 gatekeeper?
3 **A I believe it was a conversation with**
4 **Clarence.**
5 Q Can you tell me more about the
6 conversation you had?
7 **A That -- I think we did ask how does she**
8 **get information. And I thought he said some**
9 **GS-11, or something like that, words to that**
10 **effect.**
11 Q Did he specify the GS-11 by name?
12 **A No.**
13 Q Okay. When was that conversation with
14 Mr. Finney?
15 **A Early on.**
16 Q Early on in Secretary --
17 **A In 2009. Yes.**
18 Q Okay. Early on after she came on board,
19 Secretary Clinton?
20 **A Yes.**
21 Q All right. Did the conversation about
22 the gatekeeper come up at any other point?

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1 **A Yes.**
2 Q When?
3 **A When we were trying to figure out the**
4 **accounts that we were going to have captured under**
5 **the Kennedy memo procedures.**
6 Q Okay. And was that specific to Secretary
7 Clinton?
8 **A Yes.**
9 Q Okay. And do you recall then as to who
10 the gatekeeper or gatekeepers were going to be for
11 Secretary Clinton?
12 **A In that conversation, I asked who that**
13 **would be, who was on the list. And Clarence said**
14 **he would check into it.**
15 Q Okay. Did Mr. Finney ever get back to
16 you about that?
17 **A He -- he did not.**
18 Q Did you ever follow up with Mr. Finney
19 about that?
20 **A I assumed that he found out who it was to**
21 **add to the list.**
22 Q This would have been in January of 2009?

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1 A No.
2 Q Oh.
3 A **This would be, like, in 2013.**
4 Q Okay. So prior to the -- Secretary
5 Clinton's departure from the State Department.
6 A **You've only got a month there, so I'm not**
7 **sure.**
8 Q Okay. So what prompted this conversation
9 again in 2013 with respect to the gatekeeper?
10 A **We wanted to make sure that those**
11 **departing officials under the Kennedy memo, that**
12 **those records, those electronic copies of their**
13 **OpenNet and ClassNet accounts were being captured**
14 **in accordance with the Kennedy memo.**
15 Q Okay.
16 A **Yes.**
17 Q You said this was a list?
18 A **They had a list.**
19 Q Who had a list?
20 A **S. The Secretary's office had a list.**
21 Q Okay. Did Mr. Finney have the list, or a
22 copy of the list?

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1 A **I think Yvette Jacks had it. But I**
2 **think, yes, he -- would have both had it.**
3 Q Do you know what Yvette Jacks' position
4 was within S/ES-IRM at the time?
5 A **I don't know if she was the deputy or**
6 **close to it. I mean, I don't -- she wasn't a**
7 **new -- a lower-level employee.**
8 Q Okay.
9 A **But I'm not sure of what her title was.**
10 Q Okay. And was she still at the State
11 Department when you left?
12 A **I believe so, yes.**
13 Q Still within S/ES-IRM?
14 A **At that time, yes.**
15 Q Were you provided a list of the e-mail
16 accounts?
17 A **No.**
18 Q Okay. Who kept a copy of that list?
19 A **That was in the Secretary's office.**
20 Q Okay. And what is the list? Is there a
21 name?
22 A **Yeah. It would be associated with the**

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1 **Kennedy memo. So it's which principals, which**
2 **staffers, all of that.**
3 Q Okay. So if you wanted to file a FOIA
4 request, how would you describe the list?
5 A **I don't know what they titled it.**
6 Q Okay.
7 A **You know, list of senior officials'**
8 **e-mail accounts, something like that.**
9 Q Okay. But it was in relation to the
10 Kennedy memo?
11 A **Yes.**
12 Q Okay. And the Kennedy memo, though, is
13 the policy that came in place back in January of
14 2009?
15 A **Right. To -- to have a supplement, yes.**
16 Q Okay. Correct. Thank you.
17 Do you believe that you were misled by
18 Secretary Clinton and her staff about Secretary
19 Clinton's e-mail use while at the State
20 Department?
21 MR. GARDNER: Objection. Form.
22 A **I do.**

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1 Q Do you believe that Secretary Clinton and
2 her staff lied to you about Secretary Clinton's
3 e-mail use at the State Department?
4 MR. GARDNER: Objection. Form.
5 A **I believe that's a -- a good possibility.**
6 Q Okay. Why? Why do you believe that?
7 A **Because of the many interactions, the**
8 **information that was provided, the close**
9 **association of Clarence Finney, he was a member of**
10 **their staff. The records component was within**
11 **feet of Secretary Clinton's office, not some**
12 **distant place. Various other interactions and**
13 **meetings.**
14 **The whole -- you know, like the Obama**
15 **administration's Managing Government Records**
16 **directive. The --**
17 Q Is that the 2009 directive? Or, no.
18 That's 2011?
19 A **'11.**
20 Q Sorry.
21 A **And 2012, I guess.**
22 **The transparency in government. It's --**

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1 Q That's the executive order from 2009?
2 A **The first day that -- the first full day**
3 **of President Obama's administration. Various**
4 **other information. And -- and of course I -- you**
5 **know, I've read, you know, the OIG investigations**
6 **and the FBI investigations.**
7 Q Okay.
8 A **Yes.**
9 Q And I -- I have some questions for you
10 about that.
11 With respect to the OIG's investigation,
12 did the OIG -- and just for clarity, for the
13 record, what's the OIG?
14 A **Office of the Inspector General, from the**
15 **State Department.**
16 Q Okay. And when you talking about the --
17 which investigation by the State Inspector General
18 are you referring to that you reviewed?
19 A **They have an interesting title for it,**
20 **but it was really looking at the handling by**
21 **Secretary Clinton of e-mails. I think they**
22 **included other Secretaries of State. I'm not sure**

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1 **of the exact title.**
2 Q Okay. That was that came out in 2016,
3 the published report?
4 A **I -- I think that's right.**
5 Q Okay. Did the state OIG contact you to
6 ask you any questions as part of its
7 investigation?
8 A **Yes.**
9 Q Were you still at National Archives at
10 the time?
11 A **Yes.**
12 Q Okay. Who contacted you?
13 A **Well, one of their agents.**
14 Q Okay. And what did they talk to you
15 about?
16 A **It was more than one agent I think**
17 **attended. But we had a meeting. And they wanted**
18 **to know my role. They asked me questions about**
19 **the departing officials procedures. They -- you**
20 **know, a variety of questions related to that.**
21 Q Did you -- did you discuss the
22 procedures, the departing officials procedures

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1 that were provided to Secretary Clinton and her
2 staff prior to their departure?
3 A **Yes.**
4 Q Okay. Were any attorneys on behalf of
5 the State Department present during your meeting?
6 A **The State Department? No, I don't think**
7 **so.**
8 Q Okay. So it was just you and OIG
9 officials. Is that right?
10 A **I had a NARA attorney.**
11 Q I'm sorry?
12 A **I believe I had a NARA attorney attend.**
13 Q Okay. While you were the State
14 Department's agency records official, could a
15 State Department official upon their departure
16 retain a copy of their entire e-mail account prior
17 to leaving the State Department?
18 A **No.**
19 Q If -- if anybody would ask for an entire
20 copy of their e-mail account, would you have
21 authorized it?
22 A **No.**

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1 MR. GARDNER: Objection. Calls for
2 speculation. Hypothetical.
3 Q Okay. Have you ever been requested by
4 anybody for a copy of an entire e-mail account in
5 the past?
6 A **Yes.**
7 Q By whom?
8 A **I believe it was an assistant secretary,**
9 **one of the bureaus.**
10 Q Okay. And did you authorize --
11 A **No.**
12 Q -- the request?
13 In your book, where you discuss briefings
14 that were provided to Secretary Clinton and her
15 staff that should have made them aware about their
16 records management responsibilities while at the
17 State Department, you reference one additional
18 briefing for FOIA and classification management
19 that was also provided --
20 A **Correct.**
21 Q -- after the workshops.
22 What -- can you provide more information

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1 about that briefing?
2 **A I believe it was the first session in**
3 **her -- in -- in 2009.**
4 Q Uh-huh.
5 **A The FOIA person at the time came, which**
6 **was Charlene Thomas. I think Nicholas Murphy**
7 **attended. He was the declassification review**
8 **expert. We had an attorney from the legal office**
9 **there. And of course myself and Clarence Finney.**
10 **And -- and this actually was conducted in**
11 **Secretary Clinton's conference room.**
12 Q Do you know who from the legal office
13 attended?
14 **A I don't know. Maybe Jeremy Freeman.**
15 Q And Sheryl Thomas, do you know how to
16 spell Sheryl's name, first name?
17 **A Charlene.**
18 Q Oh, Charlene.
19 **A I'm sorry if I misspoke. Charlene**
20 **Thomas.**
21 Q Okay. Okay. And what prompted this
22 briefing that was provided?

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1 **A I think Margaret Peppi -- I'm sorry,**
2 **Margaret Grafeld wanted a more extensive briefing**
3 **for them, for the new -- for the new incoming**
4 **people.**
5 Q And how long was the briefing?
6 **A Could have been an hour and a half or**
7 **more.**
8 Q Do you know who attended from the
9 Secretary's office?
10 **A The -- the conference room was full of**
11 **people, so -- extra seats were even brought in.**
12 **There was a lot of people. Forty-some, at least,**
13 **I think.**
14 Q How many people were in the Secretary's
15 office?
16 **A Well, it -- they were representing the**
17 **principals as well. So I -- I can't answer that**
18 **question. I don't know.**
19 Q No. I'm just asking a general question
20 with respect to if you know how many State
21 Department officials worked within the Secretary
22 of State's office.

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1 **A No. They have a variety of components.**
2 **I'm not sure.**
3 Q Okay. Do you recall seeing Huma Abedin
4 at that briefing?
5 **A No.**
6 Q Was there a sign-in sheet provided for
7 that briefing?
8 **A I -- I don't know. Normally Clarence did**
9 **have a sign-in sheet.**
10 Q Was there a notice that went out with
11 respect to this additional briefing about FOIA?
12 **A I -- I don't know. I would have to refer**
13 **to one of those documents, if it actually**
14 **specified.**
15 Q Well, please do, if you need to.
16 **A Yeah, I don't -- it doesn't look like it**
17 **was on this memo.**
18 Q Okay. Do you remember if it was a -- was
19 it an hour-and-a-half briefing that happened after
20 the workshop, or was it separate --
21 **A No; it was part of it.**
22 Q It was part of it. Okay.

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1 Was there a discussion with respect to
2 e-mail use during that briefing?
3 **A I would have covered the same material.**
4 **So, yes.**
5 Q As well as that e-mail needs to be
6 preserved?
7 **A Yes.**
8 Q And that it cannot be removed from the
9 State Department?
10 **A Correct.**
11 Q And that classified information cannot be
12 removed from the State Department?
13 **A Yes.**
14 Q Did you provide any handouts for this
15 particular briefing?
16 **A Same as the other workshops.**
17 Q Okay. Did anybody else from your office
18 or from IPS attend that briefing?
19 **A I named them already. Charlene Thomas,**
20 **Nick -- Nicholas Murphy.**
21 Q From the FOIA?
22 **A From IPS, yeah.**

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1 Q Okay. Thank you.
2 During the time that Secretary Clinton
3 and her staff were preparing to leave, to depart
4 from the State Department, did -- was there a
5 heightened attention to make sure that the
6 Secretary of State's office receives all of the
7 procedures with respect to the department
8 procedure -- the departing officials procedures
9 that they received all of them, that they
10 understood them, and that, you know, any requests
11 to take any records were reviewed with -- in a
12 timely fashion?
13 **A Other than what we've already discussed,**
14 **like the cables, the department notice, my efforts**
15 **with Clarence Finney. I mean, you note here there**
16 **was other activities that I might not have been**
17 **aware of.**
18 Q What do you mean by --
19 **A Like the meeting with Cheryl Mills.**
20 Q Okay. But I guess my question -- do you
21 need to get that?
22 THE WITNESS: No, I don't need to get

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1 that.
2 MS. COTCA: Let's go off the record.
3 THE WITNESS: It's probably just junk
4 mail or something.
5 VIDEO SPECIALIST: Do you want to go off?
6 THE WITNESS: No.
7 BY MS. COTCA:
8 Q Did your office, though, and did you pay
9 particular attention to Secretary Clinton's
10 office, since she's the head of the agency, to
11 make sure that all of these procedures were
12 followed and that they had all the information
13 that they needed?
14 **A I worked with Clarence, so I believed**
15 **everything was being done.**
16 Q You testified earlier, and you referenced
17 this in your book as well, records disposition
18 schedules; and that Secretary Clinton's immediate
19 staff were given copies of the entire record
20 schedules for her office.
21 What are the records disposition
22 schedules for Secretary Clinton's office? Or what

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1 were they at the time?
2 **A Well, there were multiple record**
3 **schedules, which I gave an example of, like, three**
4 **of them, just so that the reader could -- could**
5 **see what they looked like, what they were like,**
6 **how they were formatted, what the information was,**
7 **what was it. So the record schedule would spell**
8 **out what the record series would be, what type of**
9 **documents or records would be in them, how long**
10 **they needed to be kept, when they would be sent to**
11 **the records center, that type of thing.**
12 Q And what was the schedule for Secretary
13 Clinton's communications for State Department?
14 **A Well, I gave three of them in -- as an**
15 **example. I -- I know Secretary subject files, and**
16 **Secretary's briefing books, one might have been**
17 **about meetings she had, and -- and others.**
18 **Some -- some of the record schedule, which I**
19 **didn't put in the book, would be about her**
20 **STARS -- the STARS system, where they were -- like**
21 **the signed correspondence that she -- that she had**
22 **actually signed, and the other principals, were**

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1 **electronically scanned into a system. And the**
2 **paper records were kept as well, but they were**
3 **scanned into the SMART -- sorry, the STARS system,**
4 **and eventually it was called Everest.**
5 Q What did you do to make sure you had a --
6 all the records systems listed, you know, with the
7 records disposition schedules for Secretary
8 Clinton?
9 **A We -- I would work with Clarence Finney.**
10 **And if anything new or anything that changed or**
11 **updated. So I had extensive conversations with**
12 **Clarence as we were upgrading and changing how**
13 **STARS operated to the new system, Everest, which**
14 **was to go totally electronic, without having to**
15 **keep the paper, and worked very closely with the**
16 **National Archives. They actually came, and we**
17 **discussed -- we drafted a records schedule for**
18 **that system, which we submitted and I believe was**
19 **eventually approved.**
20 **So it is a bit of an elaborate type**
21 **process. We would have their IT folks show us,**
22 **demonstrate the system, how it's going to be**

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1 **maintained and, you know, to protect those**
2 **records.**
3 Q Okay. And how often would you update to
4 make sure you had a complete list of the -- of the
5 systems for Secretary Clinton?
6 A **The -- the record schedules?**
7 Q Yes. Uh-huh.
8 A **Okay. As often as they were needed.**
9 **Some records schedules, as we can tell, are pretty**
10 **old, but apparently they were still in use. Yeah.**
11 Q Okay. Were -- was Secretary Clinton's
12 e-mail listed on any of the records disposition
13 schedules that were provided to Secretary
14 Clinton's staff?
15 A **A record is a record is a record.**
16 **Essentially any format.**
17 **So if it fit into the -- the Secretary's**
18 **subject files, it was supposed to be printed and**
19 **put into the records schedule, the appropriate**
20 **related records.**
21 Q Okay. Was there a system that was listed
22 that would have included any communications such

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1 as e-mails from Secretary Clinton with respect to
2 records disposition schedules for Secretary
3 Clinton?
4 A **Was there a system? Can you break up the**
5 **question?**
6 Q Sure. The records disposition schedules
7 that were provided to Secretary Clinton's staff,
8 and I'm asking specific about the Secretary -- the
9 schedules pertaining to Secretary Clinton's
10 records.
11 A **Yes.**
12 Q Was there any category or any system in
13 which e-mails would have fallen into?
14 A **I mean, other -- e-mails were not scanned**
15 **into this STARS system, generally, unless it was**
16 **part of the communication on a case, or what --**
17 **the documentation on something that was signed.**
18 **So there wasn't a particular system,**
19 **other than the -- like the working e-mail system,**
20 **like POEMS, that did, like, for Outlook e-mail.**
21 **But it wasn't a recordkeeping -- that wasn't a**
22 **recordkeeping system.**

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1 Q Okay. Did the records disposition
2 schedules inform the principals, including
3 Secretary Clinton and her staff, that records were
4 to be kept together and separate from any personal
5 records?
6 A **Yes.**
7 Q Okay. Why was that important?
8 A **In federal recordkeeping, the permanent**
9 **record collection would actually be transferred to**
10 **the National Archives at a certain period in time.**
11 **So you wouldn't want to have any personal**
12 **material, personal meaning family or the doctor,**
13 **going to the dentist or whatever -- in the**
14 **National Archives. We didn't want, like, junk in**
15 **the -- in the collection.**
16 **So, yes, in the paper world that's fairly**
17 **easy to do. In the electronic world it's a little**
18 **more difficult, like e-mail.**
19 Q Also where you discuss in your book about
20 briefing on records management that was received
21 by Secretary Clinton or her staff. You discuss a
22 meeting between representatives of former

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1 Secretary of State Henry Kissinger?
2 A **Oh, yes. Okay.**
3 Q Regarding his request -- a request that
4 he had made to the State Department.
5 A **Right.**
6 Q Can you tell me, what was that meeting
7 about, and why was that significant to you?
8 MR. GARDNER: Objection. Form.
9 A **Okay. Margaret Grafeld attended this**
10 **meeting with the Secretaries, the two Secretaries.**
11 **There was an incoming request from**
12 **Secretary Kissinger where he wanted the material**
13 **back in the '70s that was donated to the Library**
14 **of Congress, copies of material that were State**
15 **Department records. He wanted to have those**
16 **declassified so that he could make them available**
17 **for research and that type of thing.**
18 **So this process, plus the fact that**
19 **because he had left so long ago, most of his**
20 **records, or all of them, about -- they were more**
21 **than 30 years old, we had retired and already**
22 **declassified his State Department records and**

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1 transferred them to the National Archives.
2 Back in the '70s, I had a file that I at
3 the time realized there were agreements. And it
4 was a court case, I guess. But essentially, he
5 properly donated under the policies then that
6 material to the Library of Congress.
7 So the main thing is, he wanted to have
8 them now declassified by the State Department so
9 that -- I think he was trying to give that
10 collection to another organization, I think.
11 Q Okay.
12 A Yes.
13 Q And you said Ms. Grafeld was at the
14 meeting?
15 A She attended that meeting, yes.
16 Q And who else attended that meeting?
17 A I know the two Secretaries had to be
18 there, yes. But I don't know who else was there.
19 Q Secretary Clinton?
20 A Yes.
21 Q Okay. And why -- why was that meeting
22 significant, and why -- why do you reference it in

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1 your book?
2 A Because the whole part of
3 declassification review, you know, if records --
4 copies of -- because one of the -- one of the
5 groups of material that went over to the Library
6 of Congress were the telephone calls, I guess,
7 that Kissinger had, which inadvertently was sent
8 over, but they were the actual federal State
9 Department records. And there was a whole process
10 to get those back, returned to the State
11 Department. It took a while to get them returned.
12 And they were eventually declassified and made
13 available on the FOIA website.
14 So those -- that information, and that
15 whole process that the Secretary -- that Secretary
16 Kissinger was coming to us, to the State
17 Department, asking questions, which was typically
18 what a normal Secretary of State would do. They
19 would consult with the department whether they
20 could do anything with that -- with that material,
21 that was State Department material.
22 Q So how -- how did that relate at all to

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1 Secretary Clinton's e-mail use?
2 A Because it's a -- an example that she
3 should have been very aware of; that if she
4 removed anything, these were the consequences.
5 Q Were the -- okay. Never mind.
6 You also in your book, in your discussion
7 about Secretary Clinton's e-mails, you asked a
8 question that stands out, Why didn't she follow
9 her boss' directives. And I think you touched on
10 those directives.
11 What are the directives that you -- well,
12 first, who's -- who's the boss that you're
13 referring to in your question?
14 A President -- President Barack Obama.
15 Q Okay. And what are the directives?
16 A The two directives on transparency, and
17 then the whole managing government records
18 directive.
19 Q And the transparency order, that was on
20 his first day in office, you testified. Right?
21 A Yes.
22 Q Okay. And as the agency records officer

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1 and a State Department official, were you required
2 to follow President Obama's directives?
3 A Yes.
4 Q Was Secretary Clinton, as the head of the
5 agency, required to follow President Obama's
6 directives?
7 A Yes.
8 Q Were all officials at the State
9 Department required to follow President Obama's
10 directives?
11 A Yes.
12 Q In your opinion, did Secretary Clinton
13 follow President Obama's directives?
14 MR. GARDNER: Objection. Lack of
15 foundation. Form.
16 A No.
17 Q You also discussed an August 24, 2012,
18 managing government records directive issued by
19 the Office of Management and Budget and National
20 Archives.
21 Do you recall that?
22 A Yes.

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1 Q Okay. What is that directive?
2 A **The directive from President Obama**
3 **indicated that more detail was coming, there was**
4 **going to be something else that was coming.**
5 Q Just for the -- I don't want to interrupt
6 you, but just so we have a clear record, what
7 directive by President Obama are you referring to
8 in your answer?
9 A **About -- I have to think of the title.**
10 **The reforming records management, or something**
11 **like that.**
12 Q Okay.
13 A **Whatever that title was.**
14 Q The 2011 directive.
15 A **Yes.**
16 Q Okay.
17 A **Then there was another fully detailed**
18 **directive coming, and that was signed by the**
19 **archivist of the United States, David Ferriero,**
20 **and the OMB director, I can't remember their name.**
21 **But it's related to the -- the first directive**
22 **from President Obama.**

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1 Q And what did that directive require the
2 State Department to do?
3 A **It had a number of activities. Assign a**
4 **senior agency official that could obtain the funds**
5 **to help modernize the records program. It**
6 **actually spelled out things about e-mail that by**
7 **2016 it had certain requirements that e-mail had**
8 **to be managed electronically. It spelled out very**
9 **specifically that all other records would be**
10 **auto -- you know, automated permanently, the**
11 **permanent records in particular, for 2019, as a**
12 **deadline.**
13 **Just a -- a variety of specific**
14 **activities with -- with dates.**
15 Q And would Secretary Clinton and her staff
16 be made aware of this directive that came out in
17 2012?
18 A **It was, I believe, to all heads.**
19 Q All heads of?
20 A **Heads of agencies.**
21 Q And do you know, did Secretary Clinton
22 designate anyone as the senior agency official in

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1 response to this directive?
2 A **Yes.**
3 Q Who did she designate?
4 A **It was a position, the Under Secretary**
5 **for Management. Yes. But it happened to be**
6 **Patrick Kennedy at the time. But they -- they**
7 **designated it to a position, not a person.**
8 Q As opposed to an individual.
9 A **Yes.**
10 Q But at the time that she designated it in
11 2012, she designated Patrick Kennedy as the
12 senior --
13 A **Well, the --**
14 Q -- agency official?
15 A **The Under Secretary for Management.**
16 Q Yes.
17 A **Yes.**
18 Q Thank you. Going back to your book.
19 On Page 88 through -- I mean 89 through
20 90, at one point you wrote, I could not -- in
21 response to Secretary Clinton's press conference
22 that she held in March of 2015, you wrote, "I

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1 could not believe it. I felt lied to, snowed and
2 duped. I was stunned and in total disbelief."
3 And then you go on to say, "It appears to
4 me that the truth about the private e-mail server
5 usage was intentionally withheld from records
6 managers by multiple staff members."
7 Do you still believe this to be true?
8 A **Yes.**
9 Q Okay. Who are the multiple staff members
10 you believe?
11 A **It would be people that attended the --**
12 **the workshops, people that -- with the IRM staff.**
13 Q When you say "the IRM staff," is that the
14 S/ES --
15 A **S-I -- yes. The S-IRM staff.**
16 Q Okay. Anyone else in particular?
17 A **Yes. And the departing officials**
18 **procedures that her staff should have known and**
19 **did not tell us.**
20 Q Does that include -- would that include
21 Cheryl Mills?
22 A **It would be her immediate staff, yes.**

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1 **Yeah.**
2 Q I believe you testified that your office
3 and also Mr. Finney went through the departing
4 officials procedures with Ms. -- with Ms. Mills
5 prior to their departure. Right?
6 MR. GARDNER: Objection.
7 Mischaracterizes the witness' previous testimony.
8 **A I -- I did not talk with Ms. Mills.**
9 Q Okay. But Mr. Finney did, as far as you
10 know. Correct?
11 MR. GARDNER: Objection.
12 Mischaracterizes the witness' previous testimony.
13 **A I'm uncertain whether that meeting took**
14 **place that was referred to.**
15 Q Well, let me ask you: During the --
16 January 2013, while Secretary Clinton and her
17 staff were preparing to leave, for purposes of the
18 DS-1904 form, I believe, did you -- I believe your
19 testimony is that you were personally involved in
20 making sure that all the records and the requests
21 were reviewed by you.
22 **A That's -- that's correct, yes.**

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1 Q Okay.
2 **A I'm talking specifically about the list,**
3 **yes.**
4 Q The list attached to the DS-1904 forms?
5 **A Correct.**
6 Q Okay. Was there -- okay. But the
7 departing official procedures were also discussed
8 during the workshops, were they not?
9 **A Yes.**
10 Q Okay. You also said, "I wasn't the only
11 one duped. Including my contact in the Office of
12 the Secretary and another one who had worked
13 exclusive on the SMART project."
14 **A Yes.**
15 Q In your book.
16 Who is the individual you're referring to
17 as to who had worked exclusively on the SMART
18 project?
19 **A Lisa Haralampus.**
20 Q Okay. I'm sorry, can you repeat the last
21 name?
22 **A Haralampus.**

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1 Q Do you know how to spell that?
2 **A H-A-R-A-L-A-M-P-U-S.**
3 Q Okay. Why do you -- why do you say that
4 she was also lied to, or duped, with respect to
5 Secretary Clinton's e-mails?
6 **A She was -- she was exclusively -- I mean,**
7 **her job was to work on the SMART e-mail system,**
8 **the whole implementation of it. And she and I, as**
9 **well, but mostly her, she worked with the**
10 **Secretary's office, S-IRM component. And they**
11 **were trying to figure out how to make SMART work**
12 **for the Secretary's office and the principals.**
13 Q What office was she in?
14 **A She -- I think she was actually assigned**
15 **off of the office director. It was like a special**
16 **temporary position.**
17 Q Okay.
18 **A A GS-15 position. She wasn't in one of**
19 **these divisions at the time.**
20 Q Do you know what the office was called,
21 or the temporary office was called?
22 **A No, I mean, the -- she -- she would have**

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1 **a position -- it's not an office.**
2 Q Okay.
3 **A I mean, she would be reporting, like,**
4 **directly to the office director, I believe.**
5 Q Okay. The office director, you mean
6 Sheryl Walter, Director of IPS?
7 **A It may have been Peggy Grafeld at the**
8 **time, and then others.**
9 **So SMART became really active around**
10 **2008, 2009. I mean, really 2009 is really when it**
11 **was trying to be rolled out.**
12 **So Lisa would have been assigned to work**
13 **on it then. But it was throughout. The**
14 **implementation was over a number of years.**
15 **Because they had to go out to each post and that**
16 **type of thing.**
17 Q Okay.
18 **A So I don't know when she -- she**
19 **eventually became to work in another -- as a**
20 **branch chief in another area.**
21 Q Okay.
22 **A So I don't remember the dates.**

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1 Q Okay. But she worked for the director of
2 IPS, whoever that may be?
3 A At -- yes, when she was -- yes. That's
4 right.
5 Q Okay. Did Secretary Clinton's office
6 ever use SMART?
7 A No. Not the e-mail component.
8 Q Why not?
9 A It couldn't work for them.
10 Q Why?
11 A The way that the system was designed was
12 more like the cable system. I mean, the priority
13 by the main IRM component that was driving the --
14 the SMART implementation was the cable system was
15 on its, you know, last leg and had to be replaced.
16 So there was a real push to get a new cable-type
17 system running.
18 Q Okay.
19 A The record e-mail component, which was
20 always planned to go into that, with that system,
21 was designed very much similar to the cable
22 system. And which means that there were a lot of

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1 things, a lot of different functions, that you had
2 to click with capturing a record e-mail. Even up
3 to ten clicks to fit -- it wasn't automatic. It
4 wasn't happening in background.
5 You had to go to your -- your Outlook,
6 and then press to save the -- the record. And
7 identify what were the -- like the records code.
8 It's called a TAGS, Traffic Analysis by Geographic
9 and Subject. You know, you had -- you had to
10 indicate that.
11 You had to indicate its sensitivity,
12 or -- or caption.
13 Q Okay.
14 A But in the state -- in the Secretary's
15 office, they had a lot of captions that they used.
16 And they really had it very locked down on need to
17 know. There was -- a lot of sensitive information
18 was there.
19 So they were meeting, and I would
20 sometimes be in these meetings, like how can we
21 get to this work for them? These are highly, you
22 know -- high-level people, extremely busy people,

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1 how can we make it work? Is there a template that
2 we could try to use or is there -- do we have to
3 have a separate partition.
4 So there was a lot of things to try to
5 work out on how the system would be applied.
6 Q Okay. And during this time did Ms. --
7 well, Lisa ...
8 A Haralampus.
9 Q Thank you, Haralampus, did she work with
10 S/ES-IRM as to a different system of managing and
11 maintaining the e-mail --
12 MR. GARDNER: Object.
13 Q -- records from the Secretary's office?
14 MR. GARDNER: Objection. Form.
15 A So it's kind of like yes and no, to
16 answer your question.
17 She was part of developing the Kennedy
18 memo procedures.
19 Q Okay.
20 A Okay? Did she work with S-IRM? I don't
21 know, on the Kennedy special capture type. You
22 know, that -- that's possible. I don't know.

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1 Q Okay. And in your statement that I read
2 earlier, "I wasn't the only one duped, including
3 my contact with the Office of the Secretary."
4 Are you referring to Mr. Finney --
5 A Yes.
6 Q -- in that statement? Okay.
7 So why -- how did -- why do you believe
8 that Ms. Haralampus was duped with respect to
9 Secretary Clinton's office?
10 A Because we --
11 Q I mean with respect to Secretary
12 Clinton's e-mails, excuse me.
13 A Okay. So Lisa Haralampus also joined the
14 staff at the National Archives. And I -- I did
15 communicate with her after the fact, when this
16 came out.
17 Q Uh-huh.
18 A So she didn't -- she wasn't aware. And I
19 believe she said to me, you know, that, you know,
20 she didn't know, and they -- they didn't tell us
21 the truth.
22 Q Did she say that she asked whether

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1 Secretary Clinton used e-mails?
2 **A I don't know if that's the exact wording,**
3 **but she was very shocked.**
4 Q Okay.
5 **A Yes.**
6 Q Do you know if she was told specifically
7 by anybody that Secretary Clinton didn't use
8 e-mail?
9 **A I think that was the implication, but**
10 **I -- I can't remember --**
11 Q Okay.
12 **A -- that.**
13 **I just remember the concept.**
14 Q Okay.
15 **A Yeah.**
16 Q And I think I know the answer to this,
17 but you don't remember as to whom she may have
18 said -- informed her that Secretary Clinton didn't
19 use e-mail?
20 **A Correct. I don't know.**
21 MR. GARDNER: We've been going about
22 another hour. Be a good time for a break?

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1 MS. COTCA: If you want a break, we can
2 break.
3 MR. GARDNER: Okay. Let's do it.
4 MS. COTCA: We can take a break.
5 VIDEO SPECIALIST: We are going off the
6 record at 14:56.
7 (A recess was taken.)
8 VIDEO SPECIALIST: We are back on the
9 record at 15:05.
10 BY MS. COTCA:
11 Q Okay. Ms. Thian, I have a couple of
12 followup questions.
13 Oh. When we were talking earlier about
14 the meeting with Cheryl Mills in January of 2013,
15 prior to Secretary Clinton's departure from the
16 State Department, and Ms. -- initially you were
17 going to attend that meeting, and then Ms. Grafeld
18 said she didn't want you to attend the meeting,
19 why did Ms. Grafeld not want you attending that
20 meeting?
21 **A I don't know. I don't recall.**
22 Q Does it surprise you that she didn't want

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1 you to attend that meeting? Let me rephrase it.
2 Did it surprise you at the time that she
3 didn't want you to attend that meeting?
4 **A I just followed her guidance.**
5 Q Sitting here today, does it surprise you
6 that she didn't want you to attend that meeting?
7 **A No.**
8 MR. GARDNER: Objection. Form.
9 Q On Page 90 of your book you also stated
10 that your Deputy Assistant Secretary, that's Ms.
11 Grafeld. Correct?
12 **A Yes.**
13 Q Okay. Asked -- asked you if Secretary
14 Clinton was using e-mail for work, and that you
15 checked with the Office of Secretary several
16 times, but the answer was always the same. She
17 did not use e-mail for work, she did not use
18 ClassNet or OpenNet.
19 **A Correct.**
20 Q Is this a true statement?
21 **A Yes.**
22 Q Okay. How many -- do you know how many

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1 times you checked with the Office of the Secretary
2 about this?
3 **A We've discussed them already. But there**
4 **were the two times that were directly questions to**
5 **Clarence. There was that request from the Hill.**
6 **And then there was the dealing with the senior**
7 **officials e-mail Kennedy memo procedures.**
8 Q Okay.
9 **A Uh-huh.**
10 Q So four times?
11 **A Well, at least.**
12 Q At least four times?
13 **A I think, yeah.**
14 Q And going back to the part in your book
15 where you wrote that it appeared to you that the
16 truth about the private e-mail server usage was
17 intentionally withheld from records managements by
18 multiple staff members, on Page 91 of your book.
19 **A Uh-huh.**
20 Q That is still your belief today.
21 Correct?
22 **A Yes.**

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1 Q Okay. Why do you -- why do you think you
2 were lied to about Secretary Clinton's e-mail use?
3 A **I think it would be because we wouldn't**
4 **let her have the system at all. She wouldn't be**
5 **able to use e-mail in such a -- in such a way as a**
6 **personal server and that type of thing.**
7 Q Her e-mail server would not have been
8 approved. Is that -- is that what you're saying?
9 A **Correct. And we would have to have the**
10 **records. Yes.**
11 Q Do you -- do you believe that Secretary
12 Clinton intentionally withheld and her staff
13 intentionally withheld the information so you
14 wouldn't have access to her e-mails?
15 A **It appears that way to me.**
16 Q That would be in violation of federal
17 records -- federal regulations and State
18 Department policies. Correct?
19 MR. GARDNER: Objection. Form.
20 A **Yes.**
21 Q Okay. And in violation of FOIA?
22 MR. GARDNER: Objection, form.

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1 Objection, foundation.
2 A **Yes.**
3 Q One last exhibit.
4 (Thian Deposition Exhibit 8 marked for
5 identification and is attached to the transcript.)
6 Q Ms. Thian, I believe it's been marked as
7 Exhibit 8. Which is an e-mail chain that was
8 produced to us yesterday by the attorneys
9 representing the State Department in this case.
10 Have you seen this document before?
11 A **No.**
12 Q Okay. In the e-mail chain, it's from
13 December 24, 2010, amongst State Department
14 officials, which include Secretary Clinton's
15 e-mail address.
16 Do you see that?
17 A **Yes.**
18 Q Okay. And it appears that somebody
19 had -- Michael Posner had forwarded that e-mail
20 that included Secretary Clinton's e-mail address
21 to other State Department officials. Right?
22 MR. GARDNER: Objection. Lack of

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1 foundation.
2 A **That's what -- it appears that way.**
3 Q Okay. Do you see where it says, "Be
4 careful. You just gave the Secretary's personal
5 e-mail address to a bunch of folks"?
6 And then further up it says, "Yeah. I
7 just know she guards it pretty closely."
8 Do you see that?
9 A **Yes.**
10 Q Okay. Have you ever during Secretary
11 Clinton's tenure been informed or had any
12 knowledge about Secretary Clinton's e-mail, and
13 that she was guarding it closely?
14 A **No.**
15 Q Okay. Does this e-mail chain raise to
16 you concerns?
17 A **Yes.**
18 Q What are the concerns that it raises?
19 MR. GARDNER: Objection. Form. Lack of
20 foundation.
21 A **It -- it appears that the e-mail account**
22 **was secret or hidden.**

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1 Q By State Department officials included on
2 this e-mail. Correct?
3 MR. GARDNER: Same objections. Form.
4 Foundation. Calls for speculation.
5 A **Well, some of them, maybe.**
6 Q Okay. Had you seen this e-mail chain
7 prior to Secretary Clinton's departure from the
8 State Department, would you have made inquiries
9 with respect to her e-mail use?
10 MR. GARDNER: Objection. Calls for
11 speculation. Hypothetical. Lack of foundation.
12 Form.
13 A **I believe I would have.**
14 Q Did you know that Mr. Hackett saw this
15 e-mail chain sometime in December 2013 or January
16 2014?
17 A **No.**
18 MR. GARDNER: Objection. Lack of
19 foundation.
20 Q Are you aware that other officials within
21 State Department's legal department knew about
22 this e-mail chain?

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1 MR. GARDNER: Objection. Lack of
2 foundation.
3 **A No. I don't recall any discussion about**
4 **this.**
5 Q Were you aware that during that time, in
6 January -- in December of 2013, January of 2014,
7 Mr. Hackett and State Department officials within
8 GIS and the legal department -- and the legal
9 advisor's office, were trying to get to the ground
10 truth and trying to investigate what Secretary
11 Clinton's e-mail use was at the time while she was
12 at the State Department?
13 MR. GARDNER: Objection. Lack of
14 foundation.
15 **A I -- I don't recall.**
16 Q Okay. Sitting here today, do you think
17 that is something you should have been informed
18 of --
19 MR. GARDNER: Objection lack of --
20 Q -- as the agency's record officer?
21 MR. GARDNER: Objection. Lack of
22 foundation. Calls for speculation.

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1 **A Yes.**
2 Q Does it surprise you that you were not
3 informed of this?
4 **A Yes.**
5 MR. GARDNER: Same objections.
6 Q Do you know who Daniel Baer is, who is
7 listed in this e-mail?
8 **A No.**
9 Q Okay. How about Michael Posner?
10 **A No.**
11 Q Do you recognize Sarah Labowitz --
12 Labowitz?
13 **A No.**
14 Q How about Jason -- I can't pronounce the
15 last name.
16 **A No.**
17 Q And then how about Courtney Austrian?
18 **A No.**
19 Q Okay. Does seeing this e-mail chain now
20 further make you believe that you were
21 intentionally lied to by Secretary Clinton and her
22 staff with respect to Secretary Clinton's e-mail

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1 use?
2 MR. GARDNER: Objection. Lack of
3 foundation.
4 **A Yes.**
5 Q I want to go over a couple of statements
6 that you address in your book that Secretary
7 Clinton had made that you disagree with.
8 **A Yes.**
9 Q With respect to her e-mail use.
10 **A Uh-huh.**
11 Q Secretary Clinton said her e-mail use was
12 approved while she was at the State Department.
13 Is this true?
14 MR. GARDNER: Objection. Lack of
15 foundation. Calls for speculation.
16 **A Her direct statement I think was allowed.**
17 Q Okay.
18 **A But we interpreted it as approved.**
19 **Say it again, now that I was ...**
20 Q Was Secretary Clinton's e-mail use
21 approved?
22 **A No.**

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1 Q Okay. Secretary Clinton said that her
2 e-mail use was allowed at the State Department.
3 Is that true?
4 MR. GARDNER: Objection.
5 Q Is that a true statement?
6 MR. GARDNER: Objection. Lack of
7 foundation. Calls for speculation.
8 **A It was not true.**
9 Q Secretary Clinton and Cheryl Mills have
10 both stated that Secretary Clinton's e-mails were
11 supposed to be captured by other employees in the
12 department's system.
13 Was that true?
14 MR. GARDNER: Objection. Lack of
15 foundation. Calls for speculation.
16 **A It was not true.**
17 Q Why would you -- why do you -- why do you
18 say that?
19 **A There was no system. I mean, she's**
20 **saying that there's some system. There is no**
21 **system. Nor was that an appropriate way to**
22 **capture her record e-mails. It was -- it was**

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1 well-established that they were to keep those
2 records with her related records.
3 Q Was there any guidance provided by your
4 office that -- to make Cheryl Mills or Secretary
5 Clinton believe that Secretary Clinton's e-mails
6 were supposed -- could have been captured by other
7 employees in the department system?
8 A No, there was -- no.
9 Q Cheryl Mills has previously testified
10 under oath that she did not receive any training
11 pertaining to FOIA while at the State Department.
12 Isn't it true that the Secretary's office
13 and the new officials who came on board under
14 Secretary Clinton were provided a FOIA training
15 that you testified to earlier today?
16 A I testified that the representatives of
17 those offices were -- who were at the briefing. I
18 don't know if -- if Cheryl Mills attended. I
19 don't know if she had a separate FOIA briefing.
20 Q If Secretary Clinton's private e-mail
21 server had been approved by the State Department,
22 you would know. Correct?

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1 MR. GARDNER: Objection. Calls for
2 speculation. Lack of foundation. Hypothetical.
3 **A As part of the -- the eCPIC review**
4 process, we were -- the records component was part
5 of that process. So in that sense, yes, I would
6 have known.
7 Q Secretary Clinton also stated that she
8 received no instruction or direction regarding
9 preservation or production of records from State
10 during her transition out of her role as Secretary
11 of State in early 2013.
12 Is that statement true?
13 A I find it hard to believe.
14 Q In fact, weren't you coordinating, wasn't
15 your office coordinating with Secretary Clinton's
16 immediate staff on her departing officials
17 requests?
18 A Who -- whoever was working on that, yes.
19 Q What do you mean, "whoever was working on
20 that"?
21 A Who -- Clarence's contact in completing
22 the DS-1904. So, yes, there -- that information

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1 would have been given to that person for sure.
2 Q And her staff was indeed given
3 instructions that no records could be removed from
4 the department without authorization. Correct?
5 A I believe that's true.
6 Q Should Secretary Clinton and her chief of
7 staff and counselor Cheryl Mills have known that
8 the e-mails Secretary Clinton took with her upon
9 their departure from the State Department were
10 federal records?
11 MR. GARDNER: Objection. Form --
12 A Yes.
13 MR. GARDNER: -- foundation.
14 A Yes.
15 Q Why do you say that?
16 A There is one thing from Colin Powell,
17 that there was an e-mail exchange, as I learned
18 from one of the OIG reports, or the FBI, that he
19 told her that e-mail was a record. Plus --
20 MR. GARDNER: I'll --
21 THE WITNESS: Sorry.
22 MR. GARDNER: Please, finish your answer.

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1 A Plus all the briefings to the staffers,
2 that information she should have been briefed by
3 those people.
4 MR. GARDNER: Object to the first part of
5 that answer for lack of foundation.
6 Q Okay.
7 MS. COTCA: I mean, you can object to a
8 question. I don't think you can object to an
9 answer.
10 MR. GARDNER: I absolutely can.
11 MS. COTCA: We'll move forward.
12 Q You also wrote in your book, you discuss
13 the FBI's investigation. And you wrote that
14 Director Comey's determination regarding Secretary
15 Clinton's e-mails was flawed.
16 Do you recall that?
17 A Yes.
18 Q Okay. Do you believe that --
19 A Yes.
20 Q -- today?
21 And why do you believe his determination
22 was flawed?

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1 MR. GARDNER: Objection. Lack of
2 foundation. Form.

3 Q Well, let me back up. What's the
4 determination that you believe was flawed that was
5 made by Director Comey?

6 A Okay. He indicated that there was not an
7 intention by Secretary Clinton. And when I did my
8 research, and from the information that I had, it
9 looks very clear to me that she knew, you know,
10 the ramifications.

11 So if DS told her -- since DS told her
12 about cybersecurity requirements, and -- and other
13 briefings, I don't -- I don't know how one can
14 determine that there's no intent, that the person
15 knew and still did it. That's what I have a
16 problem with.

17 Q And does the e-mail exchange that you
18 were shown today marked as Exhibit 8, does that
19 also indicate to you that there was intent with
20 respect to Secretary Clinton's e-mail use?

21 MR. GARDNER: Objection. Lack of
22 foundation. Form.

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1 A Yes.

2 Q Okay. You continue on in the discussion
3 about Director Comey's determination, which
4 appears on -- well, Page 107 and then also Page
5 129 of your book. Where you say there's a lot of
6 clear evidence of intent.

7 Other than what you just referred to with
8 respect to the briefing about the security issues
9 and concerns about her e-mail use, what's the
10 other evidence of intent that you -- that you
11 believe existed and which -- which has been
12 disclosed?

13 MR. GARDNER: Objection. Lack of
14 foundation. Form.

15 A All of the -- those interactions with the
16 staff, the department notices, all the
17 information, the SMART system. I mean, there --
18 it was multiple, multiple occasions that e-mail
19 management was provided to the department. I
20 don't understand how she could not be aware.

21 To go back to the President's directive.
22 It's just there's a plethora of things that even,

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1 you know, the security environment, there's just
2 so much there, and she had people on her own staff
3 that she could have asked at any time.

4 So I don't understand why she would come
5 up with this statements that she was allowed -- or
6 how she would save record e-mail by e-mailing
7 another employee's account. She had resources
8 there aplenty. So it just doesn't make sense to
9 me.

10 Q On Page 109 through 111 in your book, you
11 wrote, "Had she and her staff actually believed it
12 was okay for us to use the private e-mail server,
13 the fact that neither she nor her staff disclosed
14 it to us proves to me that they clearly did not
15 want us to know about these records to review
16 them."

17 Is that a true statement as you sit here
18 today?

19 A That -- that's what I believe.

20 Q Yeah. And when you're talking about
21 disclosing to you, is that at the time of their
22 departure?

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1 A Well, definitely at that time for
2 certain.

3 Q Okay.

4 A Yes. But even before.

5 Q Correct.

6 Okay. With respect to the FBI's
7 investigation, were you ever contacted or
8 interviewed by the FBI?

9 A No.

10 Q Do you know if William Fischer, who took
11 over your position -- I believe it was Mr. Fischer
12 who you testified took over as your position once
13 you left the State Department. Is that right?

14 A That is correct.

15 Q Okay. Do you know if Mr. Fischer was
16 interviewed by the FBI?

17 A I don't know.

18 Q And other than the colleague that you
19 testified to earlier from National Archives,
20 Julie -- was it Julie? Lisa.

21 A Lisa Haralampus?

22 Q Yes. Following the -- Secretary

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1 Clinton's press conference in March of 2015, did
2 you have any other discussions with anybody else
3 with respect to Secretary Clinton and her e-mail
4 use and finding this out?
5 **A There were people that asked me at the**
6 **National Archives. So, yes, in that people would**
7 **ask me, What happened? You know, you had one of**
8 **the best records programs. How could you let this**
9 **happen. Did you know? I mean, those are the**
10 **kinds of questions I would get asked. But people**
11 **did ask me.**
12 **I did have the media try to call me, even**
13 **at my house. But at my work at -- at NARA as**
14 **well. So, yes, people asked me about it.**
15 Q Did you have any conversations with
16 anybody who was at the State Department about
17 this?
18 **A Yes. I talked to Clarence.**
19 Q When was that?
20 **A I think after this thing broke.**
21 Q And what did -- what was your
22 conversation with Mr. Finney about?

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1 **A Did he know.**
2 Q What did he -- what did he tell you?
3 **A He did not know.**
4 Q Any other times that you spoke with
5 Mr. Finney about Secretary Clinton's e-mails?
6 MR. GARDNER: You mean after --
7 MS. COTCA: Yes.
8 MR. GARDNER: -- March of 2013?
9 MS. COTCA: 2015.
10 MR. GARDNER: 2015?
11 **A There could have been -- there was**
12 **probably another incident, yes.**
13 Q What was that incident, if you can tell
14 me?
15 **A I -- I talked to him in person.**
16 Q Well --
17 **A But it may have come up then, I don't**
18 **know.**
19 Q What was the occasion?
20 **A It was a different -- it was a different**
21 **context.**
22 Q What was the occasion when you saw

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1 Mr. Finney in person?
2 **A I was interviewing him for a position.**
3 Q At the National Archives?
4 **A Yes.**
5 Q Okay.
6 I want to focus on 2014, once you left
7 the State Department and moved over to National
8 Archives.
9 Were you at all contacted by anybody at
10 the State Department during the process of the
11 State Department's requesting Secretary Clinton
12 that she return her e-mail records to the State
13 Department?
14 **A No. I didn't know during that period.**
15 Q And you are aware that Secretary Clinton
16 returned approximately 30,000 e-mails, and 30-some
17 thousand e-mails were deemed by her attorneys as
18 personal.
19 Are you aware of that?
20 **A Yes.**
21 Q Okay. And you're aware that the review
22 process of Secretary Clinton's e-mails prior to

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1 Secretary Clinton returning them to the State
2 Department was done by Secretary Clinton's
3 personal attorneys in 2014?
4 MR. GARDNER: Objection. Lack of
5 foundation.
6 **A I am aware by reading the reports.**
7 Q Okay. Did you -- do you believe it was
8 appropriate for Secretary Clinton's personal
9 attorneys to do the review process of her e-mail
10 records for returning to the State Department?
11 MR. GARDNER: Objection. Form. Lack of
12 foundation.
13 **A I -- I believe I answered that question**
14 **before. But it was -- I don't think it was**
15 **appropriate.**
16 Q Why?
17 **A Because I think all of the -- they were**
18 **not Department of State employees any longer. And**
19 **it should have been returned to the State**
20 **Department and then worked from that point.**
21 Q Do you believe that, at a minimum,
22 Secretary Clinton or her lawyers should have

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1 provided the criteria they used to review the
2 e-mails prior to returning her e-mails to the
3 State Department?
4 MR. GARDNER: Objection. Form. Lack of
5 foundation.
6 **A Absolutely.**
7 Q Why?
8 **A Because what was the judgment of whether**
9 **it was a -- a record or not? And now -- and I**
10 **understand from the FBI, they didn't even read the**
11 **e-mails. So what -- what was -- what was the**
12 **criteria? How would they know whether it was a**
13 **personal e-mail or if it was a real State**
14 **Department permanent record.**
15 Q Are you aware that Mr. Hackett was
16 emphatic, actually, according to his testimony in
17 this case, in his discussion with Patrick Kennedy,
18 that the State Department must request the
19 criteria used from Secretary Clinton?
20 **A I -- I believe I did read his deposition.**
21 **So, yes, I am aware of that now. I didn't know it**
22 **then.**

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1 Q When did you read his deposition
2 testimony?
3 **A Whenever it came out.**
4 Q Whenever it was publicly released by
5 Judicial Watch?
6 **A Yes.**
7 Q Okay. Did it surprise you to learn that
8 Secretary Clinton or her attorneys had not
9 provided the criteria to the State Department by
10 the time Mr. Hackett had left the State
11 Department?
12 MR. GARDNER: Objection. Lack of
13 foundation.
14 **A It should have been provided.**
15 Q Did it violate State Department policy --
16 MR. GARDNER: Object.
17 Q -- the fact that Secretary Clinton's
18 personal attorneys reviewed her e-mails prior to
19 returning them to the State Department?
20 MR. GARDNER: Objection. Form.
21 **A I really don't know.**
22 Q How about federal regulations?

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1 MR. GARDNER: Objection. Form.
2 **A I don't -- I don't know if it fits into**
3 **that. I'm not sure.**
4 Q You are aware that Secretary Clinton --
5 or let me rephrase.
6 Are you aware that at the direction or --
7 of Secretary Clinton or her personal attorneys,
8 the e-mails, the 30-some thousand e-mails that her
9 attorneys deemed personal, were destroyed?
10 MR. GARDNER: Objection. Lack of
11 foundation.
12 **A I am aware of that, yes.**
13 Q Okay. Do you think that was appropriate?
14 **A No.**
15 Q Why?
16 **A I think the whole collection should have**
17 **been returned to the department, and then they**
18 **would work together on what could be taken out as**
19 **personal.**
20 Q Okay. But during that process, when you
21 say that the whole collection should be returned
22 to the department, is that so a State Department

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1 official could review the entirety of Secretary --
2 **A Yes.**
3 Q -- Clinton's e-mail collection?
4 **A Correct.**
5 Q Okay. And that's to make sure that no
6 potential federal record would be removed from
7 State Department. Is that right?
8 **A That -- that's correct. To -- to me the**
9 **process changed once they became nonemployees. So**
10 **they -- if they were onsite, that's a different**
11 **situation. But they were no longer State**
12 **Department employees.**
13 **And the example I gave previously about**
14 **the -- like the former ambassador that had passed**
15 **away, we required all of the material to come back**
16 **so that we could review it, you know, with the**
17 **program office.**
18 **But I -- I don't know if that's laid out**
19 **anywhere in a policy document. It's a unique**
20 **situation.**
21 Q Okay.
22 **A Yeah.**

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1 Q But, so I understand your testimony, are
2 you saying that the procedure was that once a
3 State Department official left the State
4 Department, that official -- former official no
5 longer had the discretion to determine what was a
6 federal record or not; but if it was in
7 possession, that individual had to return
8 everything, the entire collection to the State
9 Department, for a current State Department
10 official to review?

11 MR. GARDNER: Objection. Form.

12 **A Yes. Under the departing officials**
13 **procedures, that once you left the department,**
14 **they did not apply.**

15 Q Okay. Essentially as the -- the State
16 Department's records officer, were you essentially
17 the archivist for the State Department?

18 **A Yes.**

19 Q Okay. As the archivist for the State
20 Department for seven years, what, in your opinion,
21 do you believe the State Department should do or
22 what efforts should be undertaken to ensure that

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1 it indeed has recovered all of Secretary Clinton's
2 work e-mails?

3 MR. GARDNER: Objection. Form. Also
4 lack of foundation.

5 **A All of the materials should have been**
6 **provided back to the State Department. All of the**
7 **e-mail account.**

8 Q And does that apply also to the e-mail
9 accounts that were used by Cheryl Mills, Huma
10 Abedin, and Jacob Sullivan for State Department
11 work that were not state.gov e-mail accounts?

12 MR. GARDNER: Objection. Form.
13 Foundation.

14 **A Yes, it would be the same.**

15 Q Okay. At this point in time do you
16 believe that one method would be reasonable to try
17 to recreate the collection, the entire collection
18 of Secretary Clinton's e-mails while at the State
19 Department, would be to search e-mail accounts of
20 all the former or current State Department
21 officials who she likely would have communicated
22 with?

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1 **A Are you saying that there's -- their**
2 **State Department accounts?**

3 Q Correct.

4 **A That -- it wouldn't be complete. But,**
5 **yes, that would be one method.**

6 Q One method? And that would be a
7 reasonable step to take?

8 **A One of many.**

9 Q Okay. And what are the other steps that
10 would be reasonable?

11 **A Well, we would need the material that she**
12 **had in her possession. But if something was**
13 **missing, perhaps that could -- you could discover.**

14 Q You wrote in your book, "I was the eyes
15 and ears of the department to make certain no one
16 took federal records or any classified records
17 with them when they separated from the
18 department."

19 Is that a true statement?

20 **A That is correct.**

21 Q Okay. Once the State Department official
22 discovered that records were removed from the

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1 State Department, whose office is responsible to
2 ensure that those records are recovered?

3 **A It would -- my understanding is that we**
4 **would have diplomatic security go and get those**
5 **records and bring them back to us. So how -- when**
6 **you say "responsibility," it's -- it is kind of**
7 **like how did we find out.**

8 **There were other offices that did**
9 **declassification review, it's like a program**
10 **office. They sometimes would be involved. And**
11 **then they would coordinate that, with diplomatic**
12 **security.**

13 Q So I want to ask you specific to Exhibit
14 8.

15 **A Okay.**

16 Q When Mr. Hackett saw the e-mail chain in
17 Exhibit 8, knowing that Secretary Clinton used
18 e-mail for State Department business, should he or
19 his office, IPS, taken any steps at that point to
20 recover Secretary Clinton's e-mails?

21 **A What period of time is this again?**

22 Q Well, according to his testimony this was

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1 in December 2013 or January 2014 when he was shown
2 this document.

3 MR. GARDNER: Objection. Lack of
4 foundation. Calls for speculation.

5 A I think it would have been certainly a
6 motivator, yes.

7 Q Well, do you think that at that point, as
8 the Deputy Director of IPS, Information Program
9 Service, that there was an obligation by his
10 office and his boss' office, Sheryl Walter, to
11 take steps to recover Secretary Clinton's e-mails
12 for -- e-mail records from the State Department?

13 MR. GARDNER: Objection, form.
14 Objection, lack of foundation.

15 A It's a little hard for me to answer that
16 question because even when Clarence told me before
17 I left, I didn't understand the full ramifications
18 of it. So I don't know whether they understood
19 that or not, whether it was just an occasional
20 emergency situation to use an e-mail, or to use a
21 personal e-mail. I don't think anybody could
22 understand this at all to realize she had a whole

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1 server system, with her own IT person.

2 Q Earlier, though, your testimony was that
3 upon reading the e-mail chain in Exhibit 8 --

4 A Yes.

5 Q -- that it raises concerns to you.

6 A Yes.

7 Q For you. Correct?

8 A Right.

9 Q Okay. Had you seen this in December
10 2013, January of 2014, do you believe that you
11 would have taken any additional steps at that
12 point to ensure that any e-mail records that
13 Secretary Clinton had in her possession would be
14 recovered and returned to the State Department?

15 MR. GARDNER: Objection. Calls for
16 speculation. Lack of foundation. Hypothetical.

17 A I'm sure I would have asked Clarence,
18 what does this mean, what -- what -- you know,
19 what information is this? And I probably would
20 have taken it to Margaret Grafeld.

21 Q Did you report to Ms. Grafeld?

22 A She essentially always ran the place. So

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1 I always kept her -- well, I should say I tried to
2 keep her informed of things.

3 Q She was at the State Department for a
4 number of years. Right?

5 A Many years.

6 Q Did you review or read any of the other
7 deposition transcripts that were taken in this
8 case, other than Mr. Hackett's?

9 A I may have looked through some. I -- I
10 couldn't find others.

11 Q Did you review Ms. Walter's testimony?

12 A I don't -- I don't think I did.

13 I couldn't find Clarence Finney's. So,
14 yeah.

15 Q Do you remember which ones you reviewed
16 other than Mr. Hackett's?

17 A No.

18 Q You also -- you state in your book that
19 you assisted the State Department with another
20 deposition in a separate Judicial Watch FOIA
21 request?

22 A Uh-huh.

196

1 Q What was -- what was that deposition,
2 what was the FOIA request in which you assisted?

3 A Is it a 36(b)? 30(b)(6)?

4 Q 30(b)(6) deposition. Okay.

5 Are you referring to the deposition of
6 Karen Lang?

7 A Yes, that's right.

8 Q Okay.

9 Okay. And she testified as the corporate
10 designee for State Department?

11 A Yes.

12 Q Okay. Who did you -- did you speak with
13 Ms. Lang directly?

14 A Yes.

15 Q Okay. And can you tell me how you
16 assisted, and what the conversation was with
17 Ms. Lang?

18 A I went were -- I took an NARA attorney
19 with me, and we met at Main State. There were
20 several other people in the room, including
21 Clarence Finney.

22 They asked me if I would turn over my

197

1 **statement that I provided to the Office of the**
2 **Inspector General, which I did, agreed to do. And**
3 **I don't remember being asked a lot of questions.**
4 **I think I was more there to verify what Clarence**
5 **was saying, that we didn't know about the e-mail**
6 **system.**
7 Q Okay. Do you remember what you were
8 asked to clarify?
9 A **No, I don't.**
10 Q Okay. The statement that you just said
11 you turned over, what is -- what is this
12 statement?
13 A **It was a statement that I drafted on my**
14 **own about my interactions with the -- the Office**
15 **of the Secretary, and my understanding of what --**
16 **what happened.**
17 Q Okay. Do you have any objections to
18 providing a copy of that statement to us in this
19 case?
20 A **My book basically has everything in it.**
21 **I used instead of people's names, I used titles.**
22 **I'd rather not turn it over.**

198

1 Q Why is that?
2 A **I think -- well, I think I have -- I**
3 **mean, I have said Clarence Finney's name, but I --**
4 **I don't -- I don't -- I don't know. I would want**
5 **it reviewed or something. I'd have to look at it**
6 **again --**
7 Q Do you still have a copy of it?
8 A **-- first.**
9 **I believe I do.**
10 Q Did you provide a copy of these written
11 statement to the attorneys representing the State
12 Department in this case?
13 A **In the other case.**
14 Q No; in this case.
15 A **No.**
16 Q And how long was the meeting that you
17 attended?
18 A **I don't know. Maybe -- maybe about an**
19 **hour.**
20 Q Did you assist in that case in any other
21 way?
22 A **I don't remember doing anything else.**

199

1 Q Did you during that meeting talk about
2 the various times that you were asked to
3 investigate or look into Secretary Clinton's
4 e-mails after the picture that you identified
5 earlier on in the deposition --
6 MR. GARDNER: At this --
7 Q -- came up?
8 MR. GARDNER: Sorry. At this point we
9 are way beyond the scope of the three topics the
10 court has permitted discovery over.
11 I'll instruct the witness not to answer.
12 Unless you can articulate for me how these
13 questions about her preparation of a 30(b)(6) in
14 another case involving Judicial Watch relates to
15 the three topics at issue here.
16 MS. COTCA: The question is what
17 discussions she had about facts that she's
18 testified here today. It's not --
19 MR. GARDNER: To prepare a 30(b)(6)
20 witness in another case.
21 MS. COTCA: And that is completely
22 discoverable. Discussions in preparation of

200

1 30(b)(6) is discoverable. It's not privileged.
2 And I'm specifically asking --
3 MR. GARDNER: I'm asking you how it
4 relates to one of the three topics.
5 MS. COTCA: -- so I -- well, it refers to
6 the conversation -- the inquiries that she made
7 into Secretary Clinton's e-mail after --
8 MR. GARDNER: She's already testified to
9 that.
10 MS. COTCA: Right.
11 MR. GARDNER: So you're asking her now
12 not about the substance, but what she communicated
13 to a 30(b)(6) designee in another case.
14 MS. COTCA: I'm asking what discussions
15 she had about it.
16 MR. GARDNER: Yeah, I hear you.
17 I'm going to instruct the witness not to
18 answer. It goes beyond the court's order in this
19 case.
20 MS. COTCA: Okay.
21 BY MS. COTCA:
22 Q Are you current -- are you currently

201

1 employed?

2 **A No; I'm retired.**

3 Q Good for you.

4 Why did you leave the State Department?

5 **A Frustrated with the bureaucracy, not**

6 **getting the support that I needed to implement the**

7 **managing government records directive.**

8 Q And not getting the support you needed

9 from whom?

10 **A Well, it was in part the bureaucracy, but**

11 **there were specific people.**

12 Q Who are the individuals?

13 **A Margaret Grafeld and then moving up, I**

14 **mean, I probably was unaware, but the senior**

15 **agency official for records management.**

16 Q Who was that?

17 **A It was Pat Kennedy.**

18 Q Patrick Kennedy?

19 **A Patrick Kennedy.**

20 Q That's the Under Secretary for

21 management. Correct?

22 **A Yes. I mean, to give an example. He --**

202

1 **I never met with him, which the directive would**

2 **have encouraged that, that I would meet with the**

3 **senior agency official for records management.**

4 Q Is that something you do now in your

5 position -- or you did in your position at

6 National Archives?

7 **A Yes.**

8 Q You referred to in your book to an

9 acronym, MGRD.

10 **A Managing Government Records Directive.**

11 Q What is that?

12 **A We spoke about that before. It was I**

13 **think the 2012 document.**

14 Q Okay. Okay.

15 And you wrote in your book on Page 160

16 that, during a meeting about this, a member in

17 your chain of command was against the committee's

18 recommendation to capture certain senior-level

19 officials' e-mails as permanent.

20 Do you recall that?

21 **A Yes.**

22 Q Okay. What was this meeting that you're

203

1 referring to here?

2 **A I recommended that we create a committee**

3 **to meet the needs of the Managing Government**

4 **Records Directive, particularly managing e-mail by**

5 **2016, managing all the other records from -- by**

6 **2019. Okay?**

7 So there were a number of bureau

8 representation that would come to these meetings.

9 They were chaired by the senior agency officials'

10 staff. Okay? And we were -- we would discuss --

11 in this case we were discussing how to use the

12 Capstone approach that the National Archives had.

13 And we were to designate or to figure out who's on

14 the list. And we're talking about positions, what

15 positions.

16 So we want -- wanted, for example, all

17 assistant secretaries, all of the principals,

18 certain staffers, certain organizations. And on

19 the list that we originally had was the -- was the

20 deputy assistant secretaries. We thought their

21 e-mail accounts should be captured as permanent.

22 So I briefed Margaret Grafeld before this

204

1 meeting. She had some objections to her, I guess

2 to certain deputy assistant secretary positions as

3 their records being permanent. Okay?

4 So I briefed her. I believe it was the

5 day before the meeting. And then we went to the

6 meeting, and she said that most of her e-mail was

7 to setting up meetings and getting pictures from

8 her -- her grandchildren, and all of this; that

9 she didn't have a need at all.

10 And so what she was saying that the

11 deputy assistant secretaries, or at least part of

12 them, their e-mails should not be captured in the

13 permanent -- permanent level for the -- I'm sorry,

14 for the Capstone approach. I have to struggle to

15 remember that name.

16 So when she said that, and how she said

17 that, we actually had the historian of the

18 Department of State there, along with one of his

19 historians. And I think none of us could believe

20 it, that she's basically saying that her e-mail

21 account, that she didn't even have records for a

22 deputy assistant secretary, and shouldn't be

205

1 captured.

2 So they were -- they were, like,

3 screaming at me. Didn't you brief her? Didn't

4 you brief her, you know. And it was at that

5 point, it was like, Man, I can't take it anymore,

6 I'm going to look for another job.

7 But it -- it's contradictory. It was

8 very contradictory to me that a person who came up

9 with the concept of the senior officials -- I

10 mean, the Kennedy memo, then to say that her own

11 account didn't have records that were worthy of

12 keeping, when she had a record schedule that

13 showed she had permanent records, I didn't -- I

14 didn't understand that at all.

15 Q Okay. And what was the time frame?

16 A Well, this would have been probably in

17 2014.

18 Q Sure. Before you left?

19 A Yeah. Yes.

20 Q Did you express to anybody your

21 frustrations or concerns?

22 A I did, yes.

206

1 Q To whom?

2 A I mean, to a few subordinates and people.

3 Q Did you express your concerns or

4 frustrations to Mr. Hackett?

5 A I wasn't close to Mr. Hackett, yeah.

6 Q How about to Sheryl Walter?

7 A I -- I think --

8 Q She may have left by then?

9 A I don't know if she was there. I'm not

10 sure.

11 Q How about to Mr. Finney; did you express

12 any concerns and frustrations that you had?

13 A He was -- he may have been in the

14 meeting, in that meeting.

15 I was stunned, so I don't -- I mean, even

16 after the meeting I was talking to some people. I

17 don't know who I was talking to. I was, like,

18 stunned.

19 Q Do you know how Mr. Finney responded to

20 that?

21 A I don't, no.

22 Q Did you discuss this issue with

207

1 Mr. Finney -- Mr. Finney after the meeting?

2 A I don't think so.

3 Q And what was the ultimate determination,

4 if one was made by the time you left, with respect

5 to Ms. Grafeld's e-mails, as to whether --

6 A I --

7 Q -- it would be included?

8 A I don't think the decision was made while

9 I was there.

10 There was a new list published. There

11 was something that I saw from the National

12 Archives, I think. And I think on the list they

13 didn't have deputy assistant secretaries, or

14 something.

15 Q And when -- when was this -- when did you

16 see this list?

17 A I don't know if it was 2015 or 2016, I'm

18 not sure. It was materials that they published on

19 their website. They were related to, like -- it

20 was like an update to the Kennedy memo --

21 Q Okay.

22 A -- procedure.

208

1 Q You also discuss that there was

2 opposition to requests to make records management

3 training mandatory.

4 A That is correct.

5 Q Do you remember that?

6 A Yes. Absolutely.

7 Q And when -- who opposed -- who made the

8 request to make the training mandatory?

9 MR. GARDNER: I'm going to object also as

10 beyond the scope of the three topics on which the

11 court has authorized discovery.

12 MS. COTCA: It goes directly to the third

13 prong of discovery.

14 MR. GARDNER: In what way? This is well

15 after, which I thought was -- how does records

16 management training after she left office have

17 anything to do with the three prong -- third prong

18 of discovery?

19 MS. COTCA: Well, it would at least show

20 whether the State Department learned any lessons.

21 MR. GARDNER: I am going to instruct the

22 witness not to answer. That's cute.

209

1 BY MS. COTCA:
2 Q Is this a true statement, that there was
3 opposition to requests to make records management
4 training mandatory?
5 MR. GARDNER: I am going to instruct the
6 witness not to answer. It's beyond the scope of
7 discovery authorized by the court in this case.
8 Q Do you know if records management
9 training became mandatory in light of the issues
10 and litigation the State Department has had to
11 face due to Secretary Clinton's e-mail records?
12 MR. GARDNER: Same objection. Same
13 instruction.
14 I'm going to instruct the witness not to
15 answer. It's beyond the scope of the
16 court-authorized discovery in this case.
17 MS. COTCA: I just want to take a quick
18 break.
19 MR. GARDNER: All right.
20 VIDEO SPECIALIST: We are going off the
21 record at 16:03.
22 (A recess was taken.)

210

1 VIDEO SPECIALIST: We are back on the
2 record at 16:11.
3 BY MS. COTCA:
4 Q Ms. Thian, I want to refer you back to
5 Exhibit 7, where the meeting with Secretary --
6 with Cheryl Mills is discussed.
7 MR. GARDNER: Wait. Exhibit 7 is the org
8 chart?
9 MS. COTCA: Oh, I'm so sorry. It is
10 Exhibit 5.
11 MR. GARDNER: Uh-huh.
12 So it's the e-mail chain? It says Walter
13 Exhibit 7 on it.
14 THE WITNESS: Oh. Let me see here. I've
15 done messed them up.
16 MR. GARDNER: No. That's okay.
17 THE WITNESS: Okay. I feel bad. They
18 had them in order.
19 MR. GARDNER: Yes, there you go.
20 I'm sorry, what page of the document?
21 BY MS. COTCA:
22 Q The first page of the document, where it

211

1 discusses the meeting with Cheryl Mills to talk
2 about departing officials procedures and
3 procedures for personal papers.
4 In the top e-mail, from Ms. Walter, where
5 she responds that, "Tasha will let Clarence know
6 she is unable to attend and also let him know that
7 Sheryl and Jennifer already have been briefed by
8 you and have the guidance booklet."
9 Who is Sheryl and Jennifer?
10 MR. GARDNER: Objection. Lack of
11 foundation. Calls for speculation.
12 **A I would only be assuming that Sheryl is**
13 **Cheryl Mills, but I don't know.**
14 Q And how about Jennifer?
15 MR. GARDNER: Same objections.
16 Q Would that be Jennifer Palmieri?
17 **A I don't know.**
18 Q And the guidance booklet, is that the
19 government briefing booklet we marked as an
20 exhibit in this case?
21 **A Yes.**
22 MR. GARDNER: Calls for speculation.

212

1 Q Okay. Also in your book, in your
2 discussion about Secretary Clinton's e-mails, on
3 Page 103, you wrote, "On several occasions I
4 asked" -- and you're referring to Mr. Finney --
5 "as well as members of the S/ES-IRM division
6 whether they were capturing the gatekeeper's
7 accounts in accordance with the Kennedy memo
8 policy."
9 Do you remember that?
10 **A Yes.**
11 Q Is this true?
12 **A Yes. We -- we discussed that.**
13 Q Okay. And who are the members of
14 S/ES-IRM?
15 **A The -- the lady's name I gave you before**
16 **was Yvette Jacks, I believe.**
17 Q Okay. Anybody else? Any other members?
18 **A There -- I don't -- I don't know who else**
19 **was present.**
20 Q Did you ever -- did you have any
21 interactions with [REDACTED] ?
22 **A The name doesn't seem familiar, but I may**

213

1 **not have paid attention at the name.**
2 Q How about [REDACTED] ?
3 **A His name is familiar, but I -- I can't**
4 **remember if he was in a meeting with that.**
5 Q As you know, your deposition testimony
6 here today was videotaped.
7 Do you have any objections if your
8 videotape of your testimony would be disclosed to
9 the public?
10 **A I -- I don't know how to answer that.**
11 Q Do you object to your videotape, the
12 videotape of your deposition testimony here today,
13 being made public?
14 **A Yes, I guess. I do -- I do not want the**
15 **videotape to be made public.**
16 Q Why is that?
17 **A Well, I'm not -- I'm not a --**
18 MR. GARDNER: Objection. Form.
19 Objection. Foundation. Also objection beyond the
20 scope of the three questions -- or three issues
21 permitted by the court.
22 MS. COTCA: That's all I have. Thank


214

1 you.
2 MR. GARDNER: We do reserve the right to
3 read and sign, as we stated earlier.
4 VIDEO SPECIALIST: If there are no
5 further questions then this ends the deposition,
6 and we are going off the record at 16:15.
7 (Off the record at 4:15 p.m.)
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215

1 ACKNOWLEDGMENT OF DEPONENT
2 I, TASHA MARIE THIAN, do hereby
3 acknowledge that I have read and examined the
4 foregoing testimony, and the same is a true,
5 correct and complete transcription of the
6 testimony given by me, and any corrections appear
7 on the attached Errata sheet signed by me.
8
9 _____
10 (DATE) (SIGNATURE)
11
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216

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC
2 I, Debra Ann Whitehead, the officer before whom
3 the foregoing deposition was taken, do hereby
4 certify that the foregoing transcript is a true and
5 correct record of the testimony given; that said
6 testimony was taken by me stenographically and
7 thereafter reduced to typewriting under my
8 direction; that reading and signing was requested;
9 and that I am neither counsel for, related to, nor
10 employed by any of the parties to this case and have
11 no interest, financial or otherwise, in its outcome.
12 IN WITNESS WHEREOF, I have hereunto set my hand and
13 affixed my notarial seal this 19th day of September,
14 2019.
15
16 My commission expires:
17 September 14, 2023
18 
19 _____
20 NOTARY PUBLIC IN AND FOR THE
21 DISTRICT OF COLUMBIA
22

A			
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