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Transcript of **Cheryl D. Mills, Esq.**

Date: May 27, 2016

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

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1	1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF COLUMBIA 3 ----- x 4 JUDICIAL WATCH, INC., : 5 Plaintiff, : 6 v. : Civil Action No. 7 U.S. DEPARTMENT OF STATE, : 13-cv-1363(EGS) 8 Defendant. : 9 ----- X 10 11 Videotaped Deposition of CHERYL D. MILLS, ESQ. 12 Washington, DC 13 Friday, May 27, 2016 14 9:25 a.m. 15 16 17 18 19 20 Job No.: 112361 21 Pages 1 - 270 22 Reported by: Debra A. Whitehead	3
2	1 A P P E A R A N C E S 2 ON BEHALF OF PLAINTIFF: 3 RAMONA COTCA, ESQUIRE 4 JAMES F. PETERSON, ESQUIRE 5 MICHAEL BEKESHA, ESQUIRE 6 PAUL J. ORFANEDES, ESQUIRE 7 JUDICIAL WATCH, INC. 8 425 Third Street, SW 9 Suite 800 10 Washington, DC 20024 11 (202) 646-5172 12 13 ON BEHALF OF DEFENDANT: 14 ELIZABETH SHAPIRO, ESQUIRE 15 MARCIA BERMAN, ESQUIRE 16 STEVEN A. MYERS, ESQUIRE 17 LARA NICOLE BERLIN, ESQUIRE 18 U.S. DEPARTMENT OF JUSTICE 19 CIVIL DIVISION 20 20 Massachusetts Avenue, NW 21 Washington, DC 20530 22 (202) 514-2205	4
2	1 Videotaped Deposition of CHERYL D. MILLS, ESQ., 2 held at the offices of: 3 4 PLANET DEPOS - DC 5 1100 Connecticut Avenue, NW 6 Suite 950 7 Washington, DC 20036 8 (888) 433-3767 9 10 11 12 Pursuant to notice, before Debra A. Whitehead, an 13 Approved Reporter of the United States District Court 14 and Notary Public of the District of Columbia. 15 16 17 18 19 20 21 22	4

9

1 Mills.
2 THE WITNESS: I'm Cheryl Mills.
3 VIDEO SPECIALIST: The court reporter
4 today is Debbie Whitehead, representing Planet
5 Depos.
6 Would the reporter please swear in the
7 witness.
8 CHERYL D. MILLS, ESQ.,
9 having been duly sworn, testified as follows:
10 EXAMINATION BY COUNSEL FOR PLAINTIFF
11 BY MS. COTCA:
12 Q Good morning, Ms. Mills. Thanks very much
13 for coming.
14 A Thank you.
15 Q As I introduced myself, I'm Ramona Cotca,
16 and I represent Judicial Watch in this matter. If
17 you could please just for the record identify your
18 name just one more time?
19 A My name is Cheryl Mills.
20 Q Okay. Ms. Mills, I know you're an
21 attorney, so you may be very well familiar with
22 depositions, but I just want to go over some ground

10

1 rules beforehand.
2 A I appreciate that.
3 Q Sure thing.
4 As you can see, there is a court reporter
5 here, and the deposition is being videotaped.
6 So we can get a clear transcript of
7 everything that's being said here, I would just
8 ask -- well, first, I will make sure to let you
9 finish answering my questions, to let you finish
10 answering. And then if you could just let me finish
11 asking my question, so we don't speak over each
12 other and we have a clear transcript. Is that fair?
13 A Sure.
14 Q Okay. Also, if you could please provide
15 verbal responses rather than head nods that would be
16 helpful for the court reporter as well, and for us
17 when we go ahead and read the transcript after
18 today.
19 The other thing I would say, if there is a
20 question that you do not understand or you need some
21 clarification, please let me know. If you do not, I
22 will assume that you would have understood it.

11

1 If you can -- and -- and I'll try my best
2 to do so.
3 A Thank you.
4 Q Will you do that?
5 A (No verbal response.)
6 Q Okay. It may take a while. There are a
7 lot of attorneys in the room. I'm not sure if the
8 other side will have any questions of you.
9 But if you need a break at any point, let
10 me know. We'll be happy -- I'll be happy to try to
11 come to a good stopping point for us to break. But
12 we'll also try to have routine breaks, if necessary.
13 Just let me know. Is that fair?
14 A Thank you.
15 Q Sure. As you know, you've been sworn in.
16 You understand that the deposition is taken under
17 oath.
18 Is -- are there any reasons why you would
19 not be able to answer truthfully here today?
20 A Not that I know of.
21 Q Okay. I think that covers all the ground
22 rules. If there's anything that comes to mind, I'll

12

1 let you know.
2 A Thank you.
3 Q Sure. I just want to go briefly over
4 your -- you're an attorney. If you can just tell me
5 briefly your education background, college and law
6 school.
7 A I went to the University of Virginia for
8 undergraduate, and then for law school I went to
9 Stanford University out in California.
10 Q Okay. And when did you graduate from
11 Virginia, from UVA?
12 A Do I have to say that? I am so old.
13 I graduated from UVA in 1987, and I
14 graduated from Stanford Law School in 1990.
15 Q Okay. Great. Thank you. And right out
16 of law school, you went to a law firm.
17 Is that right?
18 A I did. I went to work at Hogan & Hartson,
19 which is a law firm here in Washington, DC, though
20 their name has now changed.
21 Q Okay. And what did you do for them,
22 practice as a litigator, or which --

13

1 **A I represented school districts that were**
2 **still seeking to implement the promises of Brown vs.**
3 **The Board of Education.**
4 Q Okay. Is that litigation?
5 **A So it was a conglomerate of activities,**
6 **but also included litigation.**
7 Q Okay. And then after that?
8 **A After that I went to work in the White**
9 **House. In the in-between period I went and worked**
10 **on the Clinton campaign and on the transition. And**
11 **then went to work in the White House, and was at**
12 **the -- in the White House for about seven years.**
13 Q Okay. And when did you start working in
14 the White House? Not specific date, but year-wise.
15 **A Oh, I know. So it would have been in**
16 **1993.**
17 Q 1993.
18 **A God, I'm old. Okay. Sorry.**
19 Q Okay. 1993 then takes you to '99?
20 **A 1993 takes me to about 1999, that's right.**
21 Q In the White House. Okay.
22 And if you can just tell me, what was --

14

1 what was your position at the White House? And if
2 it changed over time, if you can just tell me what
3 you started with and where you ended.
4 **A I started as associate counsel, and I**
5 **ended as deputy counsel.**
6 Q Okay. And how long were you associate
7 counsel there?
8 **A Four years or so.**
9 Q Four years. And then promoted to deputy?
10 **A Yes.**
11 Q Okay. And can you briefly go tell me your
12 duties, responsibilities, day-to-day work?
13 MS. WILKINSON: Objection. I'm going to
14 object because it's beyond the scope and is not
15 really relevant to what the four corners of the -- I
16 mean, general background, but it doesn't relate to
17 what she did. She wasn't acting as a lawyer at the
18 State Department.
19 So I'm going to direct her not to answer
20 and just ask you to go through her background to the
21 relevant parts, but not to -- kind of the full
22 documentation of everything she did in the White

15

1 House.
2 MS. BERMAN: I'll join that objection.
3 MS. COTCA: I don't -- we don't need to go
4 with everything that was done in the White House
5 but, rather, with respect to the background of
6 Ms. Mills in the context of litigating and her
7 experience with subpoenas for documents, requests
8 for documents in litigation. Which goes to FOIA
9 requests that may have come in litigations that may
10 have come to the Secretary's office. And her
11 background and experience in that is relevant to the
12 scope.
13 MS. WILKINSON: Maybe if you can rephrase
14 the question and ask it, you know, with more -- more
15 particularity, she can answer.
16 MS. COTCA: Sure. Sure.
17 BY MS. COTCA:
18 Q Ms. Mills, while you were at the White
19 House, were you involved -- did your work at all
20 include or involve responding to subpoenas for
21 documents or litigations and discovery requests with
22 respect to document requests?

16

1 **A It did. It did involve responding to**
2 **requests for information and documents and**
3 **materials.**
4 Q Okay. And did that include e-mails,
5 e-mail records?
6 **A So when we first arrived at the White**
7 **House -- once again dating me -- there wasn't use.**
8 **I think we were the administration that ultimately**
9 **ended up having e-mail over the course of that -- I**
10 **think that was, like, the time period where e-mail**
11 **was becoming more prevalent.**
12 **So by the time I left, I would say that**
13 **that might have been a part of the paradigm. But as**
14 **a general matter, most of the time when we were**
15 **looking at records and materials, they were hard**
16 **copy.**
17 Q Hard copy. Okay.
18 But there were some litigations that
19 included requests for e-mails in which you were a
20 witness.
21 **A Yes.**
22 Q The Alexander matter, for example?

17

1 **A I don't know the name of the matter. But**
2 **that's correct, that it was -- that's absolutely**
3 **correct.**
4 Q Okay. And that included e-mail records.
5 Correct? Request for e-mail records?
6 **A I believe so. Sorry, you're dating my**
7 **memory, so I'm just doing my best.**
8 Q That's okay.
9 **A But I believe that's correct.**
10 Q I'm going to try to help refresh you --
11 **A Well, thanks.**
12 Q -- to refresh your recollection.
13 **A I appreciate that.**
14 Q Sure. Sure.
15 **A Okay.**
16 Q After moving from the White House, what
17 did you do before coming to the State Department?
18 **A I worked at Oxygen Media, which is a media**
19 **company for -- that was designed to do programming**
20 **for women. And after I was at Oxygen Media, I went**
21 **to work at NYU.**
22 Q Okay.

18

1 **A Which is New York University. And managed**
2 **the business operations there, and then also was a**
3 **lawyer there.**
4 Q Okay. And when did you start at the State
5 Department?
6 **A I started at the State Department -- I**
7 **transitioned into the State Department as an**
8 **uncompensated temporary employee in January. And**
9 **then ultimately joined the department full time in,**
10 **I think around May --**
11 Q And that's --
12 **A -- of 2009.**
13 Q That's my fault for speaking over you and
14 not letting you finish. 2009. Thank you.
15 **A Sure.**
16 Q Now, just going back, and again in the
17 context of your experience with -- as an attorney
18 with requests for records, and specifically e-mail
19 records.
20 In 2008 there was a ruling by Judge
21 Lamberth that came out that -- in the Alexander
22 matter that we just mentioned before from your time

19

1 in the White House.
2 **A Right.**
3 Q Do you recall that?
4 **A I don't.**
5 Q Okay. Were you ever informed or are you
6 aware of Judge Lamberth's ruling in that matter
7 being critical as to others, but including your
8 actions, with respect to handling the matter for the
9 request of e-mails that were requested at the White
10 House?
11 **A So when was the request for e-mails to the**
12 **White House?**
13 Q That was while you were there.
14 **A So when you say that, I'm just trying to**
15 **ask -- because I don't -- I don't know how to step**
16 **through the sequencing of what you're -- you are**
17 **articulating.**
18 **So it would help me if there's something**
19 **that you could do that could help me, that would do**
20 **that. But I won't be able to do that from my own**
21 **memory, and I apologize.**
22 Q Sure. Do you remember providing testimony

20

1 before Judge Lamberth in the Alexander case?
2 **A Before Judge Lamberth?**
3 Q Yes.
4 **A I don't believe I've had occasion to meet**
5 **Judge Lamberth, but that might be just inaccurate.**
6 Q Okay. Do you remember there being a
7 mail -- this case involving a mail to sever issue
8 when you were at the White House?
9 **A So I definitely remember there were**
10 **multiple different kinds of litigation while we were**
11 **at the White House.**
12 **So if this is about kind of do I**
13 **remember -- do I know that there was litigation at**
14 **the White House? Absolutely. But if you're asking**
15 **me to pull on my memory right now as I sit here, I**
16 **can't do that.**
17 Q Well, I'm not asking general litigation.
18 I'm asking actually in a case in which you provided
19 testimony --
20 **A Okay.**
21 Q -- with respect to requests for e-mails,
22 and in that case there being an issue with the mail

21

1 to server. And the capture --

2 **A So I don't remember the mail to server.**

3 **I'm quite confident I should start with I**

4 **had to provide a lot of different testimony during**

5 **the time period when I served in the government.**

6 **I'm happy to have my memory refreshed, if there's**

7 **something that could do that.**

8 Q Okay. Let's just -- let me just ask it

9 this way: Shortly before coming to the State

10 Department, Judge Lamberth ruled in the Alexander

11 case, in which he criticized your conduct, as well

12 as some others, in the White House with respect to

13 handling of e-mail requests. And I believe the word

14 he used was "loathsome."

15 **A "Loathsome"?**

16 MS. BERMAN: I mean, I object to the form

17 of the question in terms of characterizing the

18 opinion.

19 MS. COTCA: Okay.

20 Q He was -- the opinion was critical. Did

21 you ever read the opinion? Did anybody ever make

22 you of the opinion -- and he specifically said that

22

1 your conduct was loathsome.

2 **A So I have not had occasion to read the**

3 **opinion.**

4 Q Okay.

5 **A And, you know, I can't speak to both his**

6 **observations or the set of facts in that regard,**

7 **because I think I would need to -- to do that well,**

8 **I've always tried my best to be responsive and tried**

9 **my best to do the best that I could. And I think I**

10 **get up each day trying to do that. I'm not perfect**

11 **and would never say I was. But I certainly do my**

12 **best.**

13 Q Sure. Sure. You said you never read the

14 opinion. But were you aware, did anybody tell you

15 about it, did you ever become aware of that opinion

16 that came out --

17 **A So --**

18 MS. WILKINSON: I am going to -- excuse

19 me. I'm going to object. Compound and the form of

20 the question. And, also, just if you could direct

21 us to why this is relevant to the matters which the

22 judge has repeatedly said are circumscribed to what

23

1 you agreed upon.

2 And talking about another case from many

3 years ago and an opinion by Judge Lamberth, I don't

4 understand the relevance to the topics which you

5 agreed upon were the, you know, stated basis for the

6 deposition.

7 MS. BERMAN: Objection as well. This is

8 beyond the scope of discovery.

9 MS. COTCA: Okay. Merely just to

10 establish Ms. Mills' experience with respect to --

11 as an attorney with respect to handling requests --

12 MS. BERMAN: You're not asking --

13 MS. COTCA: -- for documents.

14 MS. BERMAN: I'm sorry.

15 You're not asking about FOIA requests

16 right now.

17 MS. COTCA: We're just establishing the

18 background.

19 MS. WILKINSON: No, you're --

20 MS. COTCA: With respect to Ms. Mills.

21 MS. BERMAN: We have a very specific scope

22 of permissible discovery. And the portion of it

24

1 that I believe your questioning is purportedly

2 directed to is the process, the -- the State

3 Department's approach and practice for processing

4 FOIA requests that potentially implicated former

5 Secretary Clinton and Ms. Abedin's e-mails. And I

6 don't see how this is relevant to that at all.

7 Q Ms. Mills, what was your position at the

8 State Department during Secretary Clinton's tenure?

9 **A I was the chief of staff and counselor.**

10 Q Okay.

11 MS. COTCA: Just to respond now to the

12 objection. As the chief of staff and counselor in

13 the Secretary's office, Judge Sullivan's order in

14 this case goes specifically to sensitivity with

15 respect to e-mail issues and how FOIA requests were

16 processed at the Secretary's office.

17 So we do think that Ms. Mills' experience

18 in that regard as the chief of staff for her entire

19 tenure and her counselor is relevant and within the

20 scope.

21 MS. BERMAN: I'm sorry. It does not go

22 solely to -- it does not go just to her sensitivity

25

1 to e-mail issues. It is within the specific context
2 of responding to FOIA requests with regard to
3 e-mail.

4 MS. WILKINSON: Let me also make -- let me
5 make a suggestion. Why don't you ask her what she
6 did as counselor and chief of staff. She did not
7 act as a lawyer for the Secretary in the State
8 Department. So you're asking her about her
9 experiences as a lawyer before with FOIA. That
10 wasn't her responsibilities in State. That's why we
11 don't think it's also relevant here.

12 So maybe if you could establish that first
13 and then see if you have any basis. But I don't
14 believe there is a factual basis for what you're
15 asking.

16 MS. COTCA: Okay.
17 BY MS. COTCA:

18 Q If you can tell me your duties and
19 responsibilities as chief of staff, let's start with
20 that.

21 A So I was chief of staff and counselor.
22 And so as chief of staff it was as there were issues

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1 or matters that -- maybe I should step back and give
2 some context.

3 At the department there are a broad array
4 of kind of both policy and programmatic issues that
5 the department handles and has done those,
6 obviously, for decades. And so diplomacy itself has
7 a long history.

8 And so a lot of it is about what has been
9 done in the past and how you do it in the future,
10 particularly when you're dealing with nation states.
11 And so the role of the chief of staff is often to
12 try to provide both advice and guidance but also,
13 more particularly, support for navigating the
14 multiplicity of issues that come before the
15 Secretary. Which on a given day can really range
16 from Iraq to Iceland and everything in between, as
17 well as development that we are doing and
18 development investments that we might be making in
19 countries around the world.

20 And as counselor, my responsibilities
21 typically were focused on particular policy areas
22 that were of focus. For me that was Haiti as a

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1 policy matter, food security, as well as, to the
2 extent there were other initiatives that the
3 Secretary was seeking to launch, being able to
4 provide support and navigate all the different
5 elements that might be required in doing that.

6 And all of it kind of fits into a
7 framework, if you think about what secretaries do,
8 there really is the immediate, and then there is a
9 short term and then there's a long term. I tended
10 to be more in the immediate. So if there was
11 something that needed to be addressed, it was a
12 conflict among bureaus that had to be navigated,
13 those were the types of issues that typically would
14 be in front of me on any given day. But they --
15 they varied enormously.

16 Q Okay. Correct me if I'm wrong, but
17 traditionally, or normally speaking, those two
18 positions are separate positions at the State
19 Department prior to you coming and since then.

20 A So I think those two have been. The chief
21 of staff role has often been combined with other
22 roles. So the chief of staff, there's been a chief

28

1 of staff and they were the head of leg affairs,
2 there's been a chief of staff that was also the head
3 of our public affairs.

4 So I think the chief of staff role is
5 often -- I shouldn't say often -- has been in the
6 past combined with other roles as well.

7 Q Okay.

8 A So I think -- so I don't know that I was
9 that unique, maybe is a better way to say it, though
10 I'd like to think I am always unique.

11 Q Is there a reason you combined the chief
12 of staff and you held both positions as chief of
13 staff as well as the counselor?

14 A I think given that there had been a
15 practice of some of these -- the chief of staff
16 position having multiple roles for -- for, I think,
17 Secretary Clinton would have provided the
18 opportunity was, where there were certain policy
19 areas that might not always be as prioritized by the
20 department historically with -- either with the
21 resources or focus. And this presented an
22 opportunity to be able to do that.

29

1 **And certainly global food security was not**
2 **an issue that the State Department had ever elevated**
3 **at that level. And President Obama, having that as**
4 **a priority for his administration, it created an**
5 **opportunity for some of those types of issues to**
6 **actually have the focus and attention not only of**
7 **the Secretary, but also a way of prioritizing it for**
8 **the department.**
9 Q Okay. So let's just back up.
10 How did you come to the State Department,
11 if you can talk through that with respect to what
12 brought you to the State Department?
13 **A Okay. So --**
14 MS. WILKINSON: Let me object to
15 foundation. Well, not foundation but the form.
16 It's vague.
17 MS. COTCA: Okay. Sure.
18 MS. WILKINSON: And kind of -- again, I
19 want to stick to the areas of discovery. And I
20 understand, you know, that's a background question.
21 But not a --
22 MS. COTCA: Just with respect to the

30

1 transition.
2 MS. WILKINSON: There could be a 20-year
3 answer to that, as you might imagine.
4 MS. COTCA: Sure.
5 Q And I'm just talking about with respect,
6 how was it that Secretary Clinton came to you and
7 did she come to you and ask you to be chief of staff
8 and come on board to the State Department?
9 How did that come about?
10 **A Thanks. So I had been previously working**
11 **with Secretary Clinton on her campaign. I was**
12 **intending to go back to my job at NYU. And she, you**
13 **could say invited me to stay and to go back into**
14 **government. And having served in government once**
15 **and recognizing the demands of both on your time and**
16 **other things, I had -- I had small children. So for**
17 **me I thought a better life balance would be going**
18 **back to NYU. But ultimately she successfully**
19 **convinced me to stay, and so I did.**
20 Q Okay. Thank you.
21 Can you discuss prior to January of 2009,
22 during the transition process of setting up the

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1 Secretary's office and that sort of thing, what was
2 your involvement?
3 **A So when secretaries transition in, one of**
4 **the terrific things about the State Department is**
5 **they have and are used to the experience of every**
6 **four years or maybe every six years, a transition in**
7 **their leadership. And so they have a transition**
8 **process that they put in place that is designed to**
9 **help brief the Secretary on all the various**
10 **substantive issues that are in front of the**
11 **department.**
12 **And so that process is one that they run**
13 **without regard to who's coming in. Obviously**
14 **it's -- they're career officials and they do it very**
15 **well. And that was a process that I got to**
16 **participate in with her, and that was the process**
17 **that she stepped through and that the rest of us who**
18 **were a part of assisting her could either sometimes**
19 **be in those meetings or not. But that's the**
20 **process.**
21 Q And you said "she stepped through." Are
22 you speaking of Secretary Clinton?

32

1 **A Secretary Clinton.**
2 Q Okay.
3 **A So they actually provide you with a set of**
4 **briefings about all the different policy bureaus and**
5 **what the work of it is and what are the key**
6 **conflicts, challenges or issues that are confronting**
7 **different regions of the world and different issues**
8 **that are continuing to be enduring in the diplomacy**
9 **space.**
10 Q Okay. And from Secretary Clinton's
11 standpoint, was there sort of a transition team that
12 was also involved with you?
13 MS. WILKINSON: Objection. Foundation.
14 And form.
15 **A So when you say that, can you just step me**
16 **through what you mean?**
17 Q Sure.
18 **A Because I do think that they actually put**
19 **in place a full transition team at the department.**
20 **And the presidential transition also puts in place a**
21 **full transition team. And so those teams actually**
22 **typically are working together.**

33

1 **So just as President Obama will be**
2 **transitioning out, he's designated who will be his**
3 **transition team. They will partner with whoever**
4 **ends up being the successful nominee or I guess**
5 **electee. Yes, electee.**
6 **And they will then obviously work on that**
7 **transition from the standpoint of what are the**
8 **policies and the issues that are confronting our**
9 **government and how do you do that effectively.**
10 Q Okay. So who else was part of this
11 process from the campaign for Secretary Clinton?
12 A **Well, so --**
13 MS. WILKINSON: Objection to form and also
14 beyond the scope.
15 MS. BERMAN: Objection. Beyond the scope.
16 MS. COTCA: The transition process to the
17 State Department is definitely within the scope, to
18 the extent about office setups and what equipment
19 was provided and what devices were provided to
20 Secretary Clinton with respect to e-mail questions.
21 MS. BERMAN: You can ask those questions.
22 MS. WILKINSON: Just make it more

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1 specific, and I think she can answer.
2 MS. COTCA: Okay. Sure.
3 BY MS. COTCA:
4 Q Were you involved -- what was your role
5 with respect to the transition?
6 MS. WILKINSON: Again, objection.
7 Foundation and form. It's -- and beyond the scope.
8 Just --
9 Q With respect to setting -- that was
10 already asked earlier.
11 MS. WILKINSON: I'm sorry. I didn't
12 understand that.
13 Q With respect to setting -- with respect to
14 setting the Secretary's office, to setting up the
15 office.
16 A **So I didn't set up Secretary Clinton's**
17 **office.**
18 Q Okay.
19 A **There is a -- there is an Exec**
20 **Secretariat, as well as a what we call the --**
21 **there's a team that actually are a part of the**
22 **existing State platform that actually are terrific**

35

1 **individuals who basically help you step through and**
2 **arrive and provide for the transition and the**
3 **operational setup of the Secretary's office.**
4 Q Okay.
5 MS. WILKINSON: Can we --
6 Q Can you --
7 MS. WILKINSON: Excuse me. Can we go off
8 the record for a minute and take a break? I'm going
9 to talk to the State Department to see if we can
10 help.
11 MS. COTCA: Sure.
12 VIDEO SPECIALIST: We are off the record
13 at 9:48.
14 (A recess was taken.)
15 VIDEO SPECIALIST: We are back on the
16 record at 9:50.
17 BY MS. COTCA:
18 Q Okay. Ad I'm going to call this as
19 transition period.
20 In the process of Secretary Clinton coming
21 to the State Department and whoever her staff may
22 have been picked, including you, in that context,

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1 with respect to making sure that on Day 1 Secretary
2 Clinton has an e-mail, a phone to use, that sort of
3 thing, was there a point of contact from -- from the
4 campaign to setting that up and coordinating that
5 with the State Department?
6 MS. BERMAN: Objection. Assumes facts not
7 in evidence.
8 A **No.**
9 Q No. Okay. Do you know Lewis Lukens?
10 A **Yes.**
11 Q Okay. Who is he?
12 A **Lewis Lukens is a Department of State**
13 **official.**
14 Q Okay. Do you know what his role was at
15 the time that you -- in 2009?
16 A **So Lou Lukens, if my memory serves, was**
17 **servng in the office of the Executive Secretary. I**
18 **believe that was the office that he was serving in.**
19 Q Do you know in what capacity?
20 A **I don't know his title, but I obviously**
21 **knew he was somebody who was serving in that**
22 **position.**

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1 Q Okay. So not asking for his title, but do
2 you know what his role was or what he did in the
3 office of the Secretary?

4 **A I don't know the breadth of his**
5 **responsibilities. I know he was somebody who served**
6 **in the Executive Secretary's office, and that office**
7 **provides support to the Secretary.**

8 Q His deposition was taken, and I'll just
9 tell you this. His deposition was taken last week,
10 and he identified you as the point of contact with
11 respect to issues involving setting up the different
12 offices in the Secretary's office, and that sort of
13 thing. Were you the point of contact?

14 MS. BERMAN: Objection. Mischaracterizing
15 Mr. Lukens' testimony.

16 **A I can't speak to what he -- he thought**
17 **about.**

18 Q Sure.

19 **A But if you are asking whether or not I was**
20 **the point of contact in that context, I think it**
21 **would depend on what the matter was.**

22 Q Okay. Did you have a lot of conversations

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1 with him?

2 **A I had not --**

3 MS. BERMAN: Objection to the form of the
4 question.
5 Sorry.

6 **A Not that I recall a lot of conversations**
7 **with Lou Lukens. I certainly did have conversations**
8 **with him.**

9 Q Okay. Can you tell me what those were?

10 MS. BERMAN: Objection. Vague.

11 **A No, I can't recall them.**

12 Q Okay.

13 **A I'm sorry, it was a long time ago.**

14 Q I don't want every single -- I don't want
15 you to describe every single conversation you had
16 with him. But with respect to setting up the --
17 making sure that everything is set up in the office.

18 MS. WILKINSON: Objection. Vague. Form.

19 **A So it's not my recollection that I was**
20 **typically engaging with Lou Lukens on a lot of those**
21 **matters.**

22 Q Okay. Did you have any discussions with

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1 anybody at the State Department, let's say,
2 November, December and January, before coming to the
3 State Department, with respect to where your office
4 would be located?

5 **A I believe by January, and probably close**
6 **to the time she was confirmed, I would have had**
7 **discussions about office location.**

8 Q Okay. How about devices to communicate
9 via e-mail?

10 MS. BERMAN: Objection. Vague. Whose
11 devices?

12 Q Devices for you, for example, Ms. Mills.

13 **A So I don't know when conversations about**
14 **our -- my device would have occurred. But I would**
15 **have imagined it would have occurred close in time**
16 **to when we were onboarding.**

17 Q Okay. Do you recall what the
18 conversations were?

19 **A No. I'm sorry. I mean, it's just harder**
20 **for me to -- to actually remember conversations at**
21 **the time. Probably just weren't significant in my**
22 **mind.**

40

1 Q Okay.

2 **A So I don't have a memory of -- now, sadly.**
3 **Many years ago.**

4 Q Okay. Did you receive a BlackBerry from
5 the State Department when you came on board?

6 **A Yes, I did have a State Department**
7 **BlackBerry.**

8 Q Okay. Did you ask for it?

9 **A I don't recall if I asked for it or not,**
10 **but I know I received one.**

11 Q Okay. And did you have a State Department
12 e-mail when you came on board?

13 **A I don't know when they created my State**
14 **Department e-mail, but I did have a State Department**
15 **e-mail that I used when I was at the department.**

16 Q Okay. And was that e-mail synced with the
17 BlackBerry that the State Department provided?

18 **A I believe it was. I'm only hesitating**
19 **because I know initially you couldn't access e-mail**
20 **from outside of the department. But I believe it**
21 **was synced from the beginning. So if I'm wrong**
22 **about that, it would have happened soon thereafter.**

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1 Q Okay. With respect to your e-mail account
2 from the State Department, do you remember if you
3 had to make a request for that, or was that
4 something just issued to you?
5 A I believe that was issued, but I could be
6 wrong about that. So I don't know. I don't have a
7 specific memory as to how it came about. But I
8 believe it was issued.
9 Q Okay. Do you recall who at the State
10 Department --
11 A I shouldn't say "issued." Sorry. Let me
12 correct that. I believe it was created, maybe
13 that's the best way. I don't know how they
14 structured that.
15 Q Okay. How did you find out about the
16 e-mail, your e-mail account, to use at the State
17 Department?
18 MS. WILKINSON: Again, I am going to
19 object to beyond --
20 MS. BERMAN: Objection. Beyond the form.
21 MS. WILKINSON: And beyond the scope.
22 You're supposed to talking about the

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1 creation and operation of Clintonemail.com for the
2 State Department business, the approach to
3 processing FOIA requests that implicated either the
4 Secretary Clinton or Ms. Abedin's e-mails, and the
5 processing of FOIA requests. Her State Department
6 e-mail is not part of those topics.
7 So I'm going to object and instruct her
8 not to answer, and ask you to focus on the areas of
9 discovery that you agreed upon were relevant for
10 this case.
11 MS. COTCA: Okay. And I would just ask
12 that if you have an objection or if you're going to
13 instruct the witness not to answer, that you just do
14 so without speaking objections. It's improper to be
15 coaching the witness during the deposition.
16 So I would just ask that you leave it at
17 the objection and the basis, without any further
18 speaking objections.
19 MS. WILKINSON: I'm not trying to coach
20 the witness. Of course I'm trying to give you a
21 basis so that you can either change your question or
22 so there's a record basis for why, especially when

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1 I'm instructing the witness not to answer, which I
2 don't want to do. And I understood that we were
3 going to stay within the scope.
4 So I'm happy to, as I say, in most of my
5 objections, say "form" or "foundation." And
6 otherwise with scope, I will continue to put the
7 basis on, just so you know why I think your question
8 has gone beyond. And if you can rephrase it, like
9 you have in other questions, I'm happy to have her
10 answer.
11 MS. COTCA: That's fine. If it's within
12 scope, if it's an objection based on scope and
13 you're instructing the witness not to answer,
14 "outside the scope" I think is sufficient. Thank
15 you, though.
16 Can you read back my last question.
17 (The reporter read the record as follows:
18 "How did you find out about the e-mail, your e-mail
19 account, to use at the State Department?")
20 MS. COTCA: And you're instructing the
21 witness not to answer that question?
22 MS. WILKINSON: I am.

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1 BY MS. COTCA:
2 Q And you're following your attorney's
3 advice not to answer the question.
4 Is that right, Ms. Mills?
5 A Yes.
6 Q Okay. When you started at the State
7 Department, whether it's shortly before or shortly
8 thereafter, are you aware of any discussions with
9 respect to e-mail account to be issued for Secretary
10 Clinton to use during her tenure at the State
11 Department?
12 A I was not aware of discussions about an
13 e-mail account for her to use.
14 Q Okay. Did you discuss with her with
15 respect to what e-mail she was going to use as
16 Secretary of State for the next four years?
17 A So the Secretary has spoken about the fact
18 that she had made a determination that she would use
19 her personal account, and that is exactly what she
20 did.
21 Q When did you have those discussions with
22 Secretary Clinton?

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1 **A So I --**
2 MS. BERMAN: Objection. Mischaracterizing
3 the prior testimony.
4 **A I don't know. Are you -- okay. Are we**
5 **waiting for her to do anything? You were looking at**
6 **her. Okay. Sorry.**
7 **So Secretary Clinton continued a practice**
8 **that she was using of her personal e-mail. And I**
9 **don't know that I could articulate that there was a**
10 **specific discussion as opposed to her continuation**
11 **of a practice she had been using when she was**
12 **Senator.**
13 Q So did you just assume that she was going
14 to use the e-mail that she had before as Secretary
15 of State?
16 **A I don't have a specific memory of the**
17 **conversations that may or may not have occurred.**
18 **I know that I understood she was going to**
19 **be using her personal e-mail, and that's what she**
20 **did.**
21 Q Okay. What's the e-mail account, so we
22 make sure we're talking about the same thing, that

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1 she used?
2 **A So Secretary Clinton when she was in the**
3 **Senate had an AT&T or what I call an AT&T account**
4 **that ultimately transitioned to an account that was**
5 **Clinton e-mail.**
6 Q Okay. What do you mean by Clinton e-mail?
7 **A What do you mean by e-mail account?**
8 Q I'm sorry. Can you repeat your answer,
9 then? Maybe I misunderstood. Maybe I didn't hear
10 your full answer.
11 **A So she had an AT&T.**
12 Q Yes.
13 **A BlackBerry that was associated with an**
14 **AT&T e-mail.**
15 Q Yes.
16 **A And then she transitioned to a Clinton**
17 **e-mail account.**
18 Q Okay. And what's the Clinton e-mail
19 account she transitioned to?
20 **A Can you be more specific?**
21 Q I mean, you said she transitioned to a
22 Clinton e-mail account.

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1 **A Yes.**
2 Q I'm not familiar with the Clinton e-mail
3 account. What is that?
4 **A I see. So it says -- it had her initials,**
5 **and then it had @Clintonemail.com.**
6 Q Okay.
7 **A Sorry for that. I didn't understand.**
8 Q That's okay. That's why I asked you to
9 clarify --
10 **A Yes.**
11 Q -- or ask me to clarify, and I'm happy to
12 do so.
13 Do you recall her specific e-mail address?
14 **A I don't recall her specific e-mail**
15 **account. It has her initials in it, and**
16 **@Clintonemail.com.**
17 Q Okay. Was that the only e-mail account
18 that she used during her time as Secretary of State,
19 for government business?
20 **A So Secretary Clinton used -- always used**
21 **one e-mail account when she was using an e-mail**
22 **account. So when she initially arrived she was**

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1 **continuing to use the AT&T accounts, and then**
2 **transitioned to the dot Clinton e-mail, or**
3 **Clintonemail.com account. And during her tenure**
4 **those were the two addresses, if you will, that she**
5 **used.**
6 Q Did she continue to use the BlackBerry.net
7 account throughout her tenure?
8 **A So no.**
9 Q Okay. When did she use that e-mail
10 account? And we're only speaking -- I'm speaking
11 for government business.
12 **A So I'm not aware of a BlackBerry.com**
13 **account.**
14 Q Okay. What's the initial account she used
15 at the Senate that you said?
16 **A AT&T.**
17 Q AT&T. I apologize. So did she continue
18 to use that AT&T account throughout her tenure?
19 **A No.**
20 Q When did she stop using it, as far as you
21 know?
22 **A My best recollection was sometime in**

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1 **March. That's my best recollection.**
2 Q Okay. Why do you recall it being in
3 March?
4 A So I recall that there was a point at
5 which she had to transition her e-mail address and
6 told everyone that she had a new e-mail address, and
7 that's the time period that I have the best
8 recollection around. It could have been -- so I
9 might be wrong. It might have been February, it
10 might have been April. But I remember it being
11 after we had gotten in. So I might be wrong about
12 that. Correct me if I am.
13 Q How did -- how did she communicate that to
14 you?
15 A I don't know that I have a specific
16 recollection of a communication as much as I have an
17 understanding that we needed to change the e-mail
18 address we were e-mailing her at.
19 Q Was there -- was there an e-mail that went
20 out within the Secretary's office with respect to --
21 to the change?
22 A I don't remember that. There might have

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1 **been. So I could be wrong, but I don't remember**
2 **that.**
3 Q Okay. How did the other staff in the
4 Secretary's office know about the e-mail transition?
5 A I don't know that I can speak to how
6 their -- what their knowledge is. I can only speak
7 to mine.
8 Q Okay. Did you communicate that to -- I
9 assume you had staff to help you out when -- and
10 provide support when you were serving as chief of
11 staff and counselor. Did you?
12 A I did have staff.
13 Q Okay. And who was that?
14 A I had different administrative staff that
15 provided support.
16 Q Okay. And who were they? Within the
17 Secretary's office. Directly reporting to you
18 within the Secretary's office.
19 MS. WILKINSON: Objection as to form.
20 Perhaps you can make a time-period-specific
21 question.
22 Q Well, during this time in March, did you

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1 have an assistant?
2 A So I don't recall the assistant's name at
3 that time, and I apologize. But she was someone who
4 had been provided by the department who was what we
5 call an OMS. And she provided support largely
6 through the first probably six, seven, eight months
7 that I was there. So I don't know that I can -- but
8 I apologize, I don't remember her name. And not
9 because she didn't do a great job.
10 Q Did you communicate to her about the
11 Secretary's transition?
12 A I don't know that I did or didn't. Maybe
13 some context would help.
14 My office is connected to hers, so we
15 could just walk between the two offices. So I don't
16 know that it would have been as necessary for any of
17 the support staff. Because they -- they are all
18 right in the same space.
19 Q Okay.
20 MS. COTCA: Could we mark this as Exhibit
21 2, please.
22 (Deposition Exhibit 2 marked for

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1 identification and is attached to the transcript.)
2 MS. WILKINSON: Ms. Cotca, do you have
3 copies for --
4 MS. COTCA: Yes.
5 MS. WILKINSON: Thank you so much.
6 MS. COTCA: I don't know if I have it for
7 everyone.
8 MS. WILKINSON: We can share.
9 (A discussion was held off the record.)
10 MS. BERMAN: You said Exhibit 2.
11 MS. COTCA: Yes, this is Exhibit 2.
12 MS. WILKINSON: What was Exhibit 1?
13 MS. COTCA: The subpoena.
14 BY MS. COTCA:
15 Q Ms. Mills, if you can take a look at
16 what's been handed to you as Exhibit 2.
17 A Okay.
18 Q Let me know when you're done looking at
19 it.
20 You've had a chance to look at it?
21 A I have.
22 Q Okay. And just for the record, can you

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1 state what the document is?
2 **A You have handed me a document that is an**
3 **e-mail that has the Secretary's e-mail address, to**
4 **Lona Valmoro and Huma Abedin, requesting a time that**
5 **she can meet with her undersecretaries each week,**
6 **and asking for recommendations.**
7 **And there is a response recommendation for**
8 **Mondays or Tuesdays. And a request as to whether or**
9 **not she wanted this as a meeting or a meal. And**
10 **then another response from the address of the**
11 **Secretary's, saying, Just a meeting.**
12 Q Okay. Thank you very much.
13 And what's the date -- what's the date for
14 these e-mails?
15 **A So the date of each of the e-mails in the**
16 **traffic is September 20, 2009.**
17 Q Right. And there are three e-mails here.
18 Right?
19 **A So there is an original e-mail from the**
20 **Secretary's e-mail account that is at -- on Sunday,**
21 **September 20th, at about almost 11 a.m., it appears.**
22 **And then a response that is at about noon or 12:12**

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1 **also on Sunday, the 20th of September. And then she**
2 **responds to that 12:12 e-mail from an e-mail account**
3 **that's assigned to her, at 12:43 p.m.**
4 Q Okay. Thank you very much.
5 Just so we're clear that we're speaking
6 about the same e-mail address for Clintonemail.com,
7 is that the e-mail address that the Secretary was
8 using during her tenure, the HDR22@Clintonemail.com?
9 **A So I don't know which of the two, because**
10 **they both got assigned to the account. And so this**
11 **might be a reflection of the timing of when**
12 **materials were.**
13 **But she typically used I thought HROD17.**
14 **But I could be wrong. It might have been that the**
15 **HDR22 was the account.**
16 Q Okay.
17 **A I'm not sure.**
18 Q And when you said "the timing," that's
19 with respect to when these were printed out. Is
20 that --
21 **A Yes. I assume.**
22 **Because she had one e-mail account after**

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1 **February, March, April, somewhere in that time**
2 **period, and she used it consistently during her**
3 **tenure there.**
4 Q Okay. Now, I want to just look at the
5 original e-mail on this exhibit, where the e-mail is
6 from Secretary Clinton to Lona Valmoro and Huma
7 Abedin. And it's from her HDR22@Clintonemail.com.
8 Do you see the cc line
9 HR15@att.blackberry.net?
10 **A Yes. I see that cc line.**
11 Q And -- okay. And did I read that
12 correctly, the e-mail address that's noted there?
13 **A Yes.**
14 Q Okay. And it appears, do you agree with
15 me, that the Secretary copied -- included that
16 e-mail as a cc in that communication?
17 **A That's what the document appears to show.**
18 MS. WILKINSON: Objection.
19 Excuse me.
20 Objection, form and foundation.
21 Q Okay. Do you know why Secretary Clinton
22 was cc'ing her AT&T.BlackBerry.net account?

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1 **A I do not.**
2 Q Do you know if it was active at the time?
3 **A I don't believe it was.**
4 Q Is that the account that she was using
5 prior to getting the Clintonemail account?
6 **A Yes.**
7 Q Okay. And then it looks like from the
8 response from Lona Valmoro, the Blackberry.net
9 account was also copied, was also on the cc, which
10 would be the second e-mail. Is that right?
11 **A The cc shows H2.**
12 Q Correct. And that's the same H2 that was
13 in the original e-mail?
14 MS. WILKINSON: Objection. Foundation.
15 MS. BERMAN: Objection to the form.
16 Objection as well.
17 Q Do you know what H2 is?
18 **A I do not.**
19 Q Did you ever meet -- e-mail Secretary
20 Clinton at the Blackberry.net account --
21 MS. WILKINSON: Objection. Form.
22 Q -- during -- after March of 2009?

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1 **A So I don't know that I would have**
2 **consciously e-mailed at an AT&T account, because**
3 **that account I understood was no longer operational.**
4 **There are times where e-mails**
5 **automatically populate, so that could happen. But**
6 **if you were asking what e-mail address I would be**
7 **e-mailing to, I would be e-mailing to the one at**
8 **Clinton.com. Or that would be my goal.**
9 Q And just -- are you aware if the Secretary
10 used any auto forward function?
11 **A I don't know.**
12 Q Okay. And just going back to my previous
13 question. And if you can refresh my recollection.
14 Why do you remember that it was March when the --
15 when the Secretary transitioned her e-mail?
16 MS. BERMAN: Objection. Asked and
17 answered.
18 Q You may answer.
19 **A I don't know that I can add more to what**
20 **I've already said.**
21 Q Do you remember your answer?
22 **A I'm happy to have her read it back.**

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1 Q Okay.
2 MS. COTCA: Could you please read it back.
3 (A discussion was held off the record.)
4 MS. WILKINSON: Go off the record for one
5 minute.
6 VIDEO SPECIALIST: We are off the record
7 at 10:14.
8 (A discussion was held off the record.)
9 VIDEO SPECIALIST: We are back on the
10 record at 10:15.
11 BY MS. COTCA:
12 Q Ms. Mills, do you remember the question
13 that was pending?
14 **A I don't. Could you just restate it? I**
15 **apologize.**
16 Q That's fine.
17 **A And then I will do my best to answer.**
18 Q Sure. Why is it that you think the --
19 Secretary Clinton started using the Clintonemail.com
20 in March?
21 **A I don't know that I could answer the**
22 **question as to why she started using the Clinton**

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1 **e-mail in March. If you're asking why I have a**
2 **recollection of that being that time period -- is**
3 **that your question?**
4 Q Yes, that's my question. Thank you.
5 **A Okay. Sorry.**
6 **So I've had occasion in the representation**
7 **of Secretary Clinton to have my memory refreshed**
8 **because of materials I had to look at. And that is**
9 **one of the things that I had got my memory refreshed**
10 **with respect to.**
11 Q Okay. When was that?
12 **A Which "that" in your question?**
13 Q When you've had your memory refreshed with
14 respect to the March.
15 **A So I couldn't tell you at what point that**
16 **was, but I've obviously been representing her with**
17 **respect to a number of the matters that have been**
18 **with respect to providing documents to the**
19 **department. And in the course of that, that is when**
20 **my memory would have been refreshed.**
21 Q Okay. Is it because that's when the
22 Secretary said that she started using the e-mail in

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1 March?
2 MS. BERMAN: Objection to the form of the
3 question.
4 **A I don't know that I can answer that**
5 **question.**
6 MS. WILKINSON: And -- and privilege.
7 She -- she learned this -- refreshed her
8 recollection -- refreshed her recollection when she
9 was acting as the Secretary's lawyer, producing
10 documents to the State Department.
11 Q Were you the Secretary's lawyer when she
12 was producing -- returning documents to the State
13 Department?
14 **A Yes.**
15 Q Okay. When did that representation start?
16 **A So I began representing the Secretary when**
17 **she departed from the department on a number of**
18 **matters, but this matter when it came up, she asked**
19 **me to assist her on it.**
20 Q Okay.
21 MS. COTCA: Let me mark this as Exhibit 3,
22 please.

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1 (Deposition Exhibit 3 marked for
2 identification and is attached to the transcript.)
3 (A discussion was held off the record.)
4 BY MS. COTCA:
5 Q Ms. Mills, you have Exhibit 3 in front of
6 you. If you could please take a look at it.
7 A Thank you.
8 Q Sure. I'll have some questions about it.
9 You've had a chance to look at it?
10 A I have.
11 Q Okay. Thank you.
12 Can you just for the record describe what
13 the document is?
14 MS. BERMAN: Objection to the form of the
15 question. I mean, the document speaks for itself.
16 Q Okay. You may answer.
17 A The -- the document is e-mail traffic
18 between Chris LaVine, who is sharing a news report
19 that was sent to me and that I forwarded with an
20 FYI.
21 Q And who did you forward that to?
22 A I forwarded it to Secretary Clinton.

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1 Q Okay. And when did you forward that to
2 Secretary Clinton?
3 A 30 -- sorry, I was just looking for the
4 date.
5 Q Sure.
6 A Sorry. 30 January, 2009.
7 Q Okay. And to which e-mail account for
8 Secretary Clinton did you forward that to?
9 A This document says HDR22.
10 Q What's the rest of the e-mail?
11 A Oh, sorry, @Clintonemail.com.
12 Q Okay. And looking further up on the
13 document, the top e-mail, does it appear that
14 there's an e-mail forward from Secretary Clinton?
15 A I don't understand your question.
16 Q Well, after you forwarded it to Secretary
17 Clinton, what's the next e-mail in the e-mail
18 traffic?
19 A I see. So the next e-mail then says,
20 Please print. And that is from Secretary Clinton at
21 the Clinton.com e-mail address, to Huma Abedin.
22 Q Okay. And, once more, Secretary Clinton's

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1 e-mail address in that e-mail is what?
2 A Well, as reflected on this piece of paper,
3 it says HDR22@Clintonemail.com.
4 Q Okay. And Ms. Abedin's e-mail as
5 reflected on this is what?
6 A H-A-B-E-D-I-N. So her first initial and
7 last name, @HillaryClinton.com.
8 Q Okay. Does this at all refresh your
9 recollection when Secretary Clinton began using the
10 Clintonemail.com?
11 A No.
12 Q It does not?
13 Was Ms. Abedin working at the State
14 Department at this time, on January 30th, 2009?
15 MS. WILKINSON: Objection. Foundation.
16 Unless you know.
17 A I believe she might have been. I don't
18 know that for sure. I don't know what date is her
19 official transition on date.
20 Q Okay. When did the Secretary start?
21 A The Secretary started on January 22nd, I
22 believe, if I'm right.

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1 Q Of 2009?
2 A Of 2009.
3 Q Okay.
4 A These are all in 2009.
5 Q Okay. And do you agree that your e-mail
6 to Secretary Clinton on January 30th, 2009, was
7 related to your work at the State Department?
8 MS. WILKINSON: Objection. Foundation,
9 and beyond the scope.
10 A I forwarded her the news article because I
11 thought she would find it interesting to read.
12 Q As the Secretary of the State Department?
13 A Well, yes, she was Secretary of State, but
14 it also references her.
15 Q Are you saying this is a personal e-mail?
16 MS. BERMAN: Object to the form of the
17 question.
18 A No.
19 MS. WILKINSON: Objection.
20 Q You can answer. Unless you're instructed
21 not to answer, you can answer the question.
22 A I see.

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1 **No. You asked a question about whether or**
2 **not it was or wasn't -- what I interpreted you to be**
3 **saying as whether or not it was or wasn't a federal**
4 **record. I'm saying that I forwarded to her a news**
5 **article because I thought she would find it of**
6 **interest and her name was in it.**
7 Q Right. Of interest as -- with respect to
8 her work at the State Department?
9 **A I don't know how to speak for what would**
10 **have happened in her brain.**
11 Q Why did you send it to her?
12 **A I thought she would find of it interest.**
13 Q Okay. Why did you think she would find it
14 of interest?
15 MS. WILKINSON: Objection. I'm going to
16 object and say beyond the scope.
17 And instruct you not to answer.
18 This is not litigation about whether
19 certain records were turned over correctly or not or
20 what decisions she made --
21 MS. COTCA: And I was going to actually
22 interrupt and stop you right there. I've already

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1 asked that no speaking objections be made. If you
2 would like to have a speaking objection on the
3 record, we can excuse the witness to leave the room,
4 and you can make your objection if you think that's
5 absolutely necessary.
6 Speaking objection that it's outside of
7 the scope is sufficient. Thank you --
8 BY MS. COTCA:
9 Q Are you not going to answer the question,
10 Ms. Mills?
11 **A Tell me the question that you're trying to**
12 **learn.**
13 Q Why did you think this would be of
14 interest?
15 MS. WILKINSON: Same objection.
16 And instructing you not to answer.
17 MS. COTCA: Okay.
18 Q So I'm clear with respect to what e-mails
19 the Secretary used in early 2009, you said that she
20 had an e-mail practice at the Senate. Do you recall
21 what that e-mail address was?
22 **A The one that I shared earlier.**

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1 Q Did you provide the full e-mail address?
2 **A So it was an at AT&T.**
3 Q Okay. Do you recall the entire e-mail
4 address before the at AT&T?
5 **A I don't. I saw the HR15, and that strikes**
6 **me as probably accurate, but it was -- I knew it was**
7 **an at AT&T --**
8 Q Okay. Thank you.
9 **A -- e-mail address.**
10 Q Okay. Do you know when -- did she ever
11 stop using that e-mail address?
12 **A Yes.**
13 Q When did she stop using that?
14 **A She transitioned from using that as her**
15 **primary e-mail to a Clinton.com e-mail address in**
16 **February, March, or April of 2009.**
17 Q Okay. And the e-mail address, the H2
18 e-mail address referenced in Exhibit 2 --
19 **A I'm not familiar with an H2 e-mail**
20 **address.**
21 Q Well, it's not -- that's not the e-mail
22 address. But the HR15@AT&T.BlackBerry.net account,

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1 that wasn't the Senate e-mail, was it? That's not
2 the e-mail address that she used during the Senate?
3 **A Yes, it is.**
4 Q Oh, that is the e-mail address that she
5 used?
6 **A Yes, it is.**
7 Q Okay. I wasn't sure if there was a third
8 e-mail address or not.
9 **A No.**
10 Q Okay.
11 MS. COTCA: I think we've been going about
12 an hour. If we can take a five-minute break.
13 MS. WILKINSON: Sure.
14 VIDEO SPECIALIST: We are off the record
15 at 10:25.
16 (A recess was taken.)
17 VIDEO SPECIALIST: We are back on the
18 record at 10:41.
19 BY MS. COTCA:
20 Q Ms. Mills, did you recall that it was
21 March when Secretary Clinton transitioned to the
22 Clintonemail.com because -- or when you reviewed the

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1 e-mails that she was returning to the State
2 Department?
3 **A No.**
4 **Q** You had that recollection before you
5 reviewed e-mails that she was returning to the State
6 Department?
7 **MS. WALSH:** Can you speak up, Ramona? I'm
8 sorry. I'm having a hard time hearing you. I mean,
9 not from the mike, just from me.
10 **MS. COTCA:** Sure.
11 **A I'm trying to think about how to answer**
12 **your question consistent with my obligations as --**
13 **as counsel.**
14 **But the answer is I did -- I did not have**
15 **that recollection based on materials returned to the**
16 **department.**
17 **MS. COTCA:** Can we mark this.
18 (Deposition Exhibit 4 marked for
19 identification and is attached to the transcript.)
20 **MS. COTCA:** I apologize, I only have one
21 copy.
22 **THE WITNESS:** Do you need to look at it

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1 first?
2 **MS. COTCA:** You can give it to your
3 counsel first.
4 **BY MS. COTCA:**
5 **Q** Ms. Mills, can you take a look now at
6 Exhibit 4. Once you've had a chance to look at it,
7 let me know.
8 **A Thank you.**
9 **Q** Sure. Do you recognize that document?
10 **A I do recognize this document.**
11 **Q** And what is it?
12 **A This is a letter from me, dated December**
13 **5th, to Under Secretary Kennedy.**
14 **Q** And can you just summarize it briefly.
15 **A The letter is conveying copies of the**
16 **Secretary's e-mail records to the department.**
17 **Q** Okay. Thank you.
18 Did you -- were you representing Secretary
19 Clinton at that time as her attorney?
20 **A Yes.**
21 **Q** Okay. Is there a reason that you didn't
22 include that in your letter to the State Department?

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1 **MS. BERMAN:** Objection. Vague.
2 **Q** Do you understand the question?
3 **A No.**
4 **Q** Okay. You were writing on behalf of
5 Secretary Clinton in that letter?
6 **A Yes.**
7 **Q** Okay. And you were representing her as
8 her attorney, that's your testimony?
9 **A I did also represent her as her attorney,**
10 **that is correct.**
11 **Q** Did you represent her as her attorney in
12 that context, in the context for that e-mail, for
13 that correspondence?
14 **A So in sending this, I was sending this**
15 **because I was her lawyer, who she had asked to**
16 **undertake this process in conjunction with David**
17 **Kendall, who is also her personal lawyer. And so**
18 **that was the reason I conveyed back.**
19 **It is also the case that the letter that**
20 **came in seeking her records came to me, and that is**
21 **the reason I conveyed it back.**
22 **Q** Okay. Do you recall when you first

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1 started representing Secretary Clinton in this
2 matter, in the matter described in the Exhibit 4?
3 **MS. WILKINSON:** Objection. Beyond the
4 scope.
5 **MS. COTCA:** Are you instructing her not to
6 answer?
7 **MS. WILKINSON:** No.
8 **Q** Okay. You may answer.
9 **A Thanks.**
10 **I started representing Secretary Clinton**
11 **in matters once she left the State Department. And**
12 **so whenever there was a matter that she asked me to**
13 **undertake on her behalf, I would.**
14 **Q** Okay. But that's not answering the
15 question.
16 My question was, when did you begin
17 representing the former Secretary for the matter at
18 issue that's described in Exhibit 4?
19 **MS. WILKINSON:** Same objection. Beyond
20 the scope.
21 **A So I don't know how to answer your**
22 **question better than indicating that I became her**

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1 **personal counsel when she left the department. And**
2 **this was a matter that arose after she left the**
3 **department, and she asked if I would undertake to**
4 **assist her in this matter.**
5 Q When did she ask you to undertake to
6 assist her in the matter?
7 A I don't know that I have a specific date
8 that she -- that she did that, but it was post
9 February of 2013.
10 Q Do you -- can you be more specific on time
11 frame?
12 A I can't.
13 MS. WILKINSON: Same objection as to
14 scope.
15 MS. COTCA: Will you mark this.
16 (Deposition Exhibit 5 marked for
17 identification and is attached to the transcript.)
18 MS. BERMAN: What exhibit?
19 MS. COTCA: Exhibit 5.
20 Q Ms. Mills, just please continue to review
21 it, and let me know when you're done reviewing the
22 exhibit.

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1 Have you had a chance to review it?
2 A I have.
3 Q Okay. And it looks like this document is
4 some e-mail traffic with you and others at the State
5 Department with the respect to the return of
6 Secretary Clinton's e-mails.
7 Is that a fair summary?
8 A Yes, it is e-mail traffic with me, and
9 then there's traffic that I'm not on that is among
10 the lawyers at the State Department.
11 Q Okay. And in this document it looks like
12 the time frame, your first e-mail to David Wade, is
13 dated August 22, 2014. Is that accurate?
14 A Yes.
15 Q Okay. Who is David Wade?
16 A David Wade at this time was the chief of
17 staff to Secretary Kerry.
18 Q Okay. At the State Department. Right?
19 A At the State Department. Sorry, Secretary
20 Kerry, John Kerry, who is the Secretary of State
21 currently.
22 Q Okay. Were you representing Secretary

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1 Clinton for the matter with respect to returning her
2 e-mail records to the State Department at this time
3 frame?
4 A So at the time that they requested her
5 e-mails, I was representing her with respect to
6 undertaking the return of those. And prior to that,
7 the request was made by her to address this matter
8 for her.
9 Q Do you recall the first time that you were
10 contacted with respect to returning of Secretary
11 Clinton's e-mails to the State Department?
12 MS. BERMAN: Objection. Relevance.
13 Beyond scope.
14 MS. COTCA: The scope is the return of
15 Secretary Clinton's e-mails to the State Department
16 which were searched and reviewed in this -- for this
17 FOIA litigation.
18 MS. BERMAN: Do you see that in the scope
19 of discovery? I do not. The scope is, is the
20 creation and use of Clintonemail.com.
21 MS. COTCA: And processing of FOIA
22 requests.

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1 MS. BERMAN: And the State Department's
2 approach and practice for processing FOIA requests
3 that potentially implicated former Secretary
4 Clinton's e-mails.
5 MS. COTCA: Correct.
6 MS. BERMAN: The State Department's
7 approach and practice for processing FOIA requests,
8 not the return of Secretary Clinton's e-mails.
9 MS. COTCA: And those records were
10 processed and searched for this FOIA litigation.
11 MS. BERMAN: By the State Department.
12 MS. COTCA: Correct.
13 MS. BERMAN: It's not in dispute at all in
14 this case which records were returned to the State
15 Department, which records were processed for the
16 FOIA case.
17 MS. COTCA: Okay. We can argue about that
18 later.
19 BY MS. COTCA:
20 Q Do you remember the question, Ms. Mills?
21 A I don't.
22 MS. COTCA: Would you read it back to

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1 Ms. Mills, please.
2 (The reporter read the record as follows:
3 "Do you recall the first time that you were
4 contacted with respect to returning of Secretary
5 Clinton's e-mails to the State Department?")
6 **A So I believe that was in late summer of**
7 **2014.**
8 Q Okay.
9 Okay. I just want to -- if you can take a
10 look at your initial -- original e-mail in Exhibit
11 5. And it's your first paragraph. It would be on
12 the last page of the exhibit where you say, "I
13 wanted to follow up on your request last month about
14 hard copies of Secretary Clinton's e-mails to and
15 from."
16 Do you see that?
17 **A I do.**
18 Q Okay. The date of the e-mail is August
19 22nd. So is it fair, I mean, to say that you were
20 contacted in July of 2014, at a minimum?
21 **A So I don't know how to -- so my -- my --**
22 **my experience of my memory with respect to that time**

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1 **period was that there was a set of conversations**
2 **around materials that were going to be provided to**
3 **the Hill, and questions that they had with respect**
4 **to media inquiries that they anticipated.**
5 **And then subsequent to that there was**
6 **communication with respect to the department**
7 **potentially needing all of her dot gov e-mails.**
8 **And in terms of timing of that, I believe**
9 **that was sometime in the late summer. And I don't**
10 **know if my last month was accurate or not accurate.**
11 **But that's my best understanding.**
12 Q Does this refresh your recollection?
13 **A It doesn't. So when you said that, I**
14 **would have still said late summer, just because**
15 **that's my best memory. But that's my memory.**
16 Q Okay. July includes late -- late summer.
17 Is that fair?
18 **A Well, the end of July, probably, yeah.**
19 **But I don't know.**
20 Q Okay. Thank you.
21 I want to go back to the e-mail for
22 Secretary Clinton that she started using at the

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1 State Department.
2 **A So Exhibit --**
3 Q No, I'm not going to any exhibit.
4 **A Sorry.**
5 Q I just want to go back in time to 2009
6 when Secretary Clinton transitioned to what you've
7 identified as the Clinton e-mail.
8 **A Clinton.com e-mail.**
9 Q Yes. Okay. How was that set up; do you
10 know?
11 **A I was not --**
12 **MS. BERMAN: Object to the form of the**
13 **question.**
14 Q You may answer.
15 **A I was not actually involved in the**
16 **original setup of the e-mail.**
17 Q Okay. But even if you were not involved
18 in it, do you have any knowledge with respect to how
19 it was set up?
20 **A The knowledge that I have has come through**
21 **my representation of her as counsel.**
22 Q When you say as -- your representation of

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1 Secretary Clinton as counsel --
2 **A As an attorney.**
3 Q Oh, as an attorney.
4 **A Correct. So the counselor role at the**
5 **State Department is not a lawyer role. The**
6 **counselor role at the State Department is actually a**
7 **policy role. And so it's on particular policy**
8 **issues that might be relevant to the Secretary.**
9 **And so for Secretary Clinton those were**
10 **things like food security and Haiti and certain**
11 **development initiatives.**
12 Q Okay. So when you learned with respect to
13 how the Clinton e-mail was set up, that -- your
14 testimony -- I just want to make sure I understand
15 it correctly -- is that was learned in the context
16 of you representing Secretary Clinton as her legal
17 attorney.
18 **A In terms of how it was actually set up,**
19 **yes.**
20 Q Okay. When did you learn that? I don't
21 want to go into discussions that you had with
22 Secretary Clinton as her attorney, but I am curious

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1 with respect to what -- the time frame of that.
2 **A And when you say "that," can you be just**
3 **more specific?**
4 Q When you learned how the e-mail was set
5 up.
6 **A So can you -- I'm going to just ask you to**
7 **be a little more specific. I obviously knew she was**
8 **using a personal e-mail, so I don't want to suggest**
9 **that I didn't know she was using a personal e-mail.**
10 **I knew she was using a personal e-mail.**
11 Q Okay. So let's backtrack a little bit.
12 And my question was what you knew with respect --
13 about how that e-mail account was set up.
14 MS. BERMAN: Object to the form of the
15 question.
16 **A Okay. So I'm not a technologically savvy**
17 **person. I'm happy to own that straight up. So I**
18 **don't know that I could tell you how an AOL account**
19 **is set up or a Gmail account is set up or anybody**
20 **else's e-mail is set up.**
21 **I can tell you that it was not a State**
22 **Department e-mail. And so to the extent that your**

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1 **question is when was I -- when did I learn she was**
2 **not using a State Department e-mail, I was aware**
3 **that she wasn't using a State Department e-mail when**
4 **she transitioned in.**
5 Q That's not my question, though.
6 **A Thank you.**
7 Q Sure. My question was with respect to the
8 testimony you just gave about -- that you learned
9 how it was set up in -- in your representation of
10 Secretary Clinton as her attorney.
11 **A In terms of the technicalities of how her**
12 **e-mail is set up, in terms of those -- those issues,**
13 **yes, I have a -- my fulsome understanding of that**
14 **comes from my representation of her.**
15 Q Okay. And I'm not asking about what those
16 discussions were, but I am asking you about that
17 time frame. When -- when did you learn that?
18 **A I don't know if I could tell you when I**
19 **learned that. I know that -- because, obviously,**
20 **over the past now year and a half I've been stepping**
21 **through that process. So I don't know that I have a**
22 **pinpoint moment where I could tell you where there**

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1 **was an aha or I know or I don't know kind of moment.**
2 Q Sure.
3 **A But it was certainly, I would say my best**
4 **understanding of that would have been post her time**
5 **at the department when I've had to step through some**
6 **of the issues that have obviously been raised about**
7 **her e-mail account.**
8 Q Okay. Was it in 2014?
9 **A I don't know the answer to that question.**
10 **Like, I don't know if it was before or later. Like,**
11 **I don't know how to answer that question based on**
12 **having a temporal understanding.**
13 **But I know that I have had conversations**
14 **with respect to the setup of her e-mail, and I've**
15 **had those conversations over a period of time.**
16 Q Okay. But it was definitely after, from
17 what I understand your testimony, after you left the
18 State Department, or you're not sure about it?
19 **A So in terms of understanding how her**
20 **e-mail was set up in terms of the technicalities of**
21 **how it was structured, that was something that I**
22 **learned after her time period at the department.**

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1 Q And who -- who did you talk to about that?
2 MS. BERMAN: Objection.
3 MS. WILKINSON: Objection. Calls for
4 privilege.
5 MS. BERMAN: And speculation. Assumes
6 facts not in evidence.
7 MS. COTCA: What's the privilege?
8 MS. WILKINSON: She could have talked to
9 her client.
10 MS. COTCA: I'm not asking with respect --
11 Q Who else did you speak to outside of your
12 client about that?
13 MS. WILKINSON: Or agents of her client.
14 Q Okay. Let me -- who else did you speak
15 with outside of your client or agents of your
16 client?
17 **A So I spoke to her counsel, who I believe**
18 **falls into that context. There are other counsel.**
19 Q Who is her other counsel?
20 **A David Kendall is her other counsel.**
21 Q Is there anybody else?
22 **A There are attorneys that work at**

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1 **Williams & Connolly.**
2 Q And who are they?
3 **A I don't know that I could name the names.**
4 Q I'm not asking for the entire firm
5 directory.
6 **A I know. But I'm being transparent with**
7 **you. I don't know that I can name. And I -- that's**
8 **not a reflection -- because most of my conversations**
9 **with are David Kendall.**
10 **But I know that there are other attorneys,**
11 **obviously, there who work on matters that involve**
12 **representing Secretary Clinton. And then there were**
13 **obviously agents of her that I also engaged in**
14 **conversation with.**
15 Q Okay. Just for the attorneys, was it also
16 Heather Samuelson?
17 MS. WILKINSON: I'm going to object right
18 now. Beyond the scope.
19 MS. COTCA: What's the other objection?
20 MS. WILKINSON: And you were asking about
21 for nonagents, not for agents. You're trying to ask
22 for nonattorney --

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1 MS. COTCA: I'm asking who represented
2 Secretary Clinton.
3 MS. WILKINSON: That's totally irrelevant
4 to the areas that we're here to talk about.
5 MS. BERMAN: Objection as well beyond --
6 well beyond the scope.
7 MS. WILKINSON: And I'm going to instruct
8 her not to answer on these issues.
9 If you want to get back to the issues that
10 are the scope -- within the scope of discovery, she
11 was answering all those questions.
12 Q We want to know the agents of all the --
13 the names of all the agents that you spoke to.
14 MS. WILKINSON: Same objection. And I'm
15 instructing my client not to answer. Beyond the
16 scope.
17 Q We want to know the names of all the
18 attorneys for Secretary Clinton that you also spoke
19 with.
20 MS. WILKINSON: Same. It's beyond the
21 scope.
22 MS. BERMAN: Beyond the scope. Objection.

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1 Q And also the names of all nonagents --
2 MS. WILKINSON: Same --
3 Q -- who you spoke with.
4 MS. WILKINSON: Same. It's beyond the
5 scope. And even though I don't agree with you that
6 by making my objections I'm somehow influencing the
7 witness, to accommodate you I'm going to ask
8 Ms. Mills to step out so I can make a full factual
9 record.
10 (A discussion was held off the record.)
11 MS. WILKINSON: So I want the record to
12 reflect that Ms. Mills --
13 MS. COTCA: Just one moment for Ms. Mills
14 to leave the room.
15 (Ms. Mills left the conference room.)
16 MS. WILKINSON: Ms. Mills is leaving the
17 room.
18 You are asking her questions about work
19 she did after she left the department, on behalf of
20 Secretary Clinton, as her lawyer, preparing her
21 client in an investigation and in turning over
22 documents to the State Department.

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1 You asked her how she learned the
2 information after she left the department. She told
3 you she had no knowledge of how the Clinton noncomm
4 account was set up in 2009, when it was. And that's
5 what is relevant in the scope here, not what she
6 learned after the fact as a lawyer. And that's why
7 I'm instructing her not to answer.
8 MS. COTCA: Okay. I did not -- for the
9 record, I did not ask any questions with respect to
10 what she learned in the context of representing her
11 for any investigation. Only specifically with
12 respect to Secretary Clinton returning records back
13 to the State Department.
14 MS. WILKINSON: When you got to questions
15 about who she talked to, you didn't know why she was
16 collecting that information. And it's not -- it's
17 not within the scope. And it is beyond the scope.
18 And so she's not going to answer those questions.
19 You asked her what was in the scope, which
20 we let her answer, which is did she know how that
21 account was formed in 2009, in March 2009. She did
22 not know how it was set up. She said she did know

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1 that she transitioned to it. That's all we agree
2 within the scope.
3 Something she learned after the fact as an
4 attorney in representing her client is not something
5 that's within the scope.
6 MS. COTCA: And we did not ask what she
7 learned from the -- Secretary Clinton. We asked who
8 she spoke with about that.
9 MS. BERMAN: And what is the --
10 MS. WILKINSON: That's still beyond the
11 scope.
12 MS. BERMAN: What is the relevance of that
13 to the scope of permissible discovery?
14 MS. COTCA: The setup of the server.
15 MS. BERMAN: But you can't get at that --
16 it's not information she contemporaneously had at
17 the time. It's all information she learned later.
18 It's not her independent knowledge.
19 MS. COTCA: Correct. But it goes to who
20 knew about the server and its setup at the time it
21 was set up.
22 MS. BERMAN: It's privileged.

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1 MS. COTCA: Which is completely within the
2 scope of Judge Sullivan's order. And I'm asking
3 names. I didn't ask anything else. I'm asking who
4 she spoke with.
5 MS. BERMAN: You're asking for attorney
6 names, who all of that is privileged.
7 MS. COTCA: Who represented Secretary
8 Clinton is not a privilege. What's the privilege
9 for who represented Secretary Clinton?
10 MS. WILKINSON: What's the relevance?
11 MS. BERMAN: What's of relevance of that
12 if any of those conversations are privileged?
13 MS. COTCA: It's discovery.
14 MS. BERMAN: It's not discovery writ
15 large. It is limited discovery with a very defined
16 scope of permissible discovery.
17 MS. WILKINSON: Let me make a suggestion
18 again. Why don't you ask her if she even understood
19 whether there was a server, if she understood how
20 the server was set up in 2009 at the time.
21 She is not going to answer questions about
22 after the State Department period what she learned

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1 as her lawyer. Nowhere in the court's order that,
2 by the way, you agreed to were the limits of your
3 discovery, is that a topic.
4 MS. COTCA: Okay.
5 MS. WILKINSON: So if you would start and
6 ask her the relevant questions first, I think we
7 would have a lot better basis to be able to move
8 along. Instead of -- and figure out what she did
9 know about the questions that are within the scope.
10 And we do -- we do want to let her answer your
11 questions.
12 But you're going over and over outside the
13 scope of the questions instead of even figuring
14 out -- you still haven't asked her the basic
15 questions that are in the scope of your -- that
16 you're allowed to ask. Which makes it seem like you
17 don't really care about what you were supposed to
18 ask her, and you're asking her all these things --
19 MS. COTCA: Let me know when you're done.
20 MS. WILKINSON: -- that are not relevant.
21 MS. COTCA: Are you done?
22 MS. WILKINSON: I am.

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1 MS. COTCA: Okay. Just for the record, to
2 make it clear, we did not ask anything with respect
3 to what she learned. We asked who she spoke with.
4 And let's go off the record.
5 VIDEO SPECIALIST: We are off the record
6 at 11:05.
7 (A recess was taken.)
8 VIDEO SPECIALIST: We are back on the
9 record at 11:07.
10 BY MS. COTCA:
11 Q Ms. Mills, with respect to conversations
12 you had about how Secretary Clinton's e-mail was set
13 up, the Clinton e-mail account, did you ever speak
14 with Bryan Pagliano?
15 MS. WILKINSON: Objection. Form,
16 foundation, timing, and beyond the scope.
17 If you can rephrase your question as to
18 when you're talking about.
19 Q Ever.
20 MS. WILKINSON: Objection. Vague.
21 MS. COTCA: Okay. Are you instructing her
22 not to answer?

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1 MS. WILKINSON: No.
2 Q Please answer.
3 **A Okay. Sorry. Could you repeat your**
4 **question?**
5 Q Did you ever speak with Mr. Bryan Pagliano
6 about how Secretary Clinton's e-mail was set up?
7 **A Yes.**
8 Q When was that?
9 **A It would have been during the period in**
10 **which I was representing Secretary Clinton when it**
11 **came to the setup of her e-mail.**
12 Q Okay. Who is Bryan Pagliano?
13 MS. WILKINSON: Object.
14 Q Who is Bryan Pagliano? Do you know him?
15 **A Yes. He's an employee -- he was a former**
16 **employee at the State Department.**
17 Q And what was his role or what did he do
18 for the State Department?
19 **A My best understanding of his work at the**
20 **department was he was working in the technology part**
21 **of the department and he is somebody who has**
22 **technology expertise.**

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1 Q Okay. Did you know him prior to coming to
2 the State Department?
3 **A Yes.**
4 Q Okay. When did you first start knowing
5 Mr. Pagliano?
6 **A I believe I met Mr. Pagliano in 2008. I**
7 **met him during the course of Secretary Clinton's**
8 **campaign.**
9 Q Okay. When you spoke with Mr. Pagliano
10 about the setup of the server, was Mr. Pagliano
11 working for either Secretary Clinton or Bill Clinton
12 at the time?
13 MS. WILKINSON: Okay. Objection. And I'm
14 going to instruct the witness not to answer unless
15 you set up the timing. Because I can't tell whether
16 it's beyond the scope or not.
17 So if you could please either answer or
18 ask the question with regard to timing, again, so I
19 can see whether I have to instruct her not to
20 answer.
21 MS. COTCA: I believe the witness has
22 already testified when she spoke with Mr. Pagliano

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1 about the setup of the server.
2 MS. WILKINSON: She didn't give a time
3 period.
4 MS. COTCA: Okay.
5 Q Can you give me a time period of when you
6 spoke with Mr. Pagliano about the setup of the
7 server?
8 **A I know I spoke with Mr. Pagliano about the**
9 **setup of the server during the period in which I was**
10 **representing Secretary Clinton, which would have**
11 **been after two thousand -- which would have been**
12 **post her departure from the State Department. At**
13 **least that's my best recollection.**
14 Q So that would be post February of 2013?
15 **A Yes.**
16 Q Okay. Was he working for the Clintons at
17 the time that you spoke to him about the -- about
18 the setup of the server?
19 MS. WILKINSON: Objection. Foundation.
20 If you know.
21 **A Well, I don't know how to answer your**
22 **question because I don't know the time period. And**

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1 **I know that -- at least I have come to understand**
2 **that he obviously did service the setup of her**
3 **e-mail during the period where he was at the**
4 **department.**
5 Q Okay. Did you think -- was -- let me
6 rephrase that.
7 Was Mr. Pagliano an agent of the Clintons
8 at the time that you spoke to him about the setup of
9 the server?
10 MS. WILKINSON: Objection.
11 MS. BERMAN: Objection.
12 MS. WILKINSON: Far beyond the scope. I'm
13 going to instruct her not to answer. It's a legal
14 question.
15 MS. BERMAN: Objection. Calls for a legal
16 conclusion, and beyond the scope of permissible
17 discovery.
18 Q What did Mr. Pagliano tell you in those
19 conversations you had about the setup of the server?
20 MS. WILKINSON: Objection. Beyond the
21 scope. And I'm going to instruct her not to answer.
22 MS. BERMAN: Objection. Beyond the scope,

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1 and potentially calls for privilege.
2 MS. COTCA: Whose privilege?
3 MS. BERMAN: This -- all this -- this was
4 all during the time when she was representing
5 Hillary Clinton.
6 MS. COTCA: Are you representing
7 Mrs. Clinton?
8 MS. WILKINSON: I am. And, yes, it also
9 calls for privilege.
10 MS. COTCA: Okay. I'm just wondering, the
11 privilege for the State Department, I'm wondering
12 what privilege.
13 MS. BERMAN: As you well know, I am not
14 representing Secretary Clinton.
15 MS. WILKINSON: I'm representing
16 Ms. Mills, as we know, and she represents Hillary
17 Clinton as her personal lawyer. And you are now
18 asking about work she has done for Hillary Clinton
19 as her lawyer. And it is beyond the scope of the
20 permissible discovery, and so I am instructing her
21 not to answer.
22 Q And just for the record, Ms. Mills, you

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1 are following the advice of your attorneys not to
2 answer the questions when she instructs you not to
3 answer?
4 A I have -- yes, I am.
5 Q Okay.
6 Okay. Did you speak with Justin Cooper at
7 any point about the setup of the server?
8 A Yes.
9 Q Okay. When did you speak with Justin
10 Cooper about the setup of the server?
11 A It would have been in the course of the
12 representation of Secretary Clinton that I would
13 have spoken to him about the setup of her server.
14 Q Who is Mr. Cooper?
15 A Mr. Cooper was a senior advisor to
16 President Clinton and a personal aid who managed
17 issues related to President Clinton's business as
18 well as their household.
19 Q Okay. Did he set up or register the
20 domain name for --
21 MS. WILKINSON: Object.
22 Q -- Secretary Clinton's e-mail?

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1 MS. WILKINSON: Objection. Goes beyond
2 the scope. These are all not within the scope of
3 discovery and could call for privileged information.
4 A I don't actually know who actually
5 registered.
6 Q What did Mr. Cooper tell you?
7 MS. WILKINSON: Objection. Same bases.
8 Beyond the scope. Could call for privileged
9 information.
10 MS. BERMAN: Objection as well.
11 Q Did you have any discussions with
12 Mr. Cooper, prior to you or Secretary Clinton
13 leaving the State Department, about the setup of the
14 server?
15 A I don't recall any discussions about the
16 setup of the server.
17 Q Did you ever discuss with him about the
18 server itself?
19 A So I don't have a technological
20 background, so I'm confident I would have had
21 conversations about the fact that she used an
22 e-mail. But in terms of the technicalities of how

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1 it was managed, that's not something that I had --
2 or at least I don't have any recollection of having
3 conversations around that until the time period
4 where I was representing Secretary Clinton with
5 Mr. Cooper.
6 Q I'm sorry. What is the matter that you
7 represented Secretary Clinton with respect to
8 contacting Justin Cooper and Mr. Pagliano?
9 MS. WILKINSON: Objection. Beyond the
10 scope of discovery. In fact, it may call for
11 privileged information, so I'm not going to answer
12 that question.
13 Q Did you ever represent Mr. Pagliano or
14 Justin Cooper?
15 MS. WILKINSON: Objection. Beyond the
16 scope.
17 Don't answer.
18 Q Are you following your attorney's advice
19 not to answer?
20 A Yes.
21 Q Okay. How about Oscar Flores; did you
22 ever speak to Oscar Flores with respect to the setup

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1 of the server?

2 **A I may have spoken to Oscar Flores.**

3 MS. BERMAN: Objection. Sorry.

4 **A I may have. It would have been likely in**

5 **the course of the representation of Secretary**

6 **Clinton in this matter.**

7 Q In this -- and I want to clarify what

8 "this matter" is. Is it this case?

9 **A So I apologize.**

10 MS. WILKINSON: Objection. Objection.

11 Please. Before you -- she answers. It's beyond the

12 scope.

13 Ms. Mills is not a party to this matter

14 that is the subject of the discovery, or this

15 limited deposition. And she's not going to reveal

16 the nature of her representation of the Secretary.

17 MS. COTCA: Okay. That's fair. But

18 that's not the question.

19 Q With respect to when you said, "this

20 matter," can you clarify?

21 **A I would clarify that it's not with respect**

22 **to the underlying litigation that you all have going**

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1 **on.**

2 Q Okay. Who is Oscar Flores?

3 **A Oscar Flores is a personal aid to**

4 **Secretary Clinton and a household employee of**

5 **President and Secretary Clinton.**

6 Q And what did Oscar Flores tell you with

7 respect to the setup of the server?

8 MS. WILKINSON: Objection. Beyond the

9 scope. It may call for privileged information.

10 MS. COTCA: Are you instructing her not to

11 answer?

12 MS. WILKINSON: I am.

13 Q How about anybody at the State Department;

14 did you speak with anybody at the State Department

15 about the setup of the server?

16 MS. BERMAN: Objection. Could you clarify

17 the time frame?

18 MS. COTCA: Sure. Let's break it down.

19 Q After you left the State Department.

20 **A I don't recall having a conversation with**

21 **anyone after she left the State Department about the**

22 **setup of her server.**

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1 Q Did you have any discussions with anybody

2 at the State Department about the setup of her

3 server prior to you leaving the State Department?

4 **A I don't believe I did.**

5 Q How about before you came and served as

6 chief of staff?

7 **A I don't believe I did.**

8 Q Are you familiar with Platte River

9 Networks?

10 **A Yes.**

11 Q Okay. Who are they, or what is it?

12 **A Platte River Networks is a company that**

13 **provides e-mail servicing and other technological**

14 **support.**

15 Q Okay.

16 **A It's a private company.**

17 Q And they provided support for Secretary

18 Clinton's e-mail?

19 **A Yes.**

20 Q Okay. When did you first learn about

21 Platte River Networks serving her server?

22 **A I don't know when I first learned about**

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1 **Platte River. I know that Platte River obviously**

2 **transitioned her e-mail in 2013.**

3 Q Did you have any discussions with them

4 prior to leaving the State Department, when you were

5 getting ready to leave the State Department?

6 **A I don't recall. I might have, but I don't**

7 **recall that.**

8 Q Okay. When you spoke with Platte River

9 Networks, did you learn about how the server was set

10 up at that point?

11 MS. BERMAN: Object to form of question.

12 **A I don't know the answer to your question.**

13 **And -- I don't know the answer to your question.**

14 Q How about Datto Network?

15 **A I'm not familiar with Datto Network.**

16 Q How about Datto, Inc.?

17 **A So I know the enterprise that you are**

18 **speaking of. But I've not had occasion to engage**

19 **with them.**

20 Q Okay. And what do you know about --

21 what's the context of your knowledge about Datto,

22 Inc.?

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1 MS. WILKINSON: Objection. Beyond the
2 scope.
3 MS. COTCA: Are you instructing her not to
4 answer?
5 MS. WILKINSON: No.
6 **A I understand that they have a contracting**
7 **relationship with Platte River Networks.**
8 Q Okay. Did you learn that Datto Network
9 transitioned over e-mail from Secretary Clinton from
10 Platte River Networks?
11 MS. BERMAN: Objection. Assumes facts not
12 in evidence.
13 MS. WILKINSON: Objection. Foundation.
14 **A I don't know that to be the case.**
15 Q Do you know whether they had any dealings
16 with respect to Secretary Clinton's e-mail account?
17 MS. WILKINSON: Objection. Foundation.
18 Scope.
19 **A So my knowledge of what they might have**
20 **had with respect to Secretary Clinton came through**
21 **my representation of Secretary Clinton.**
22 Q That was after you left the State

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1 Department?
2 **A Yes.**
3 Q Okay. Did you contact Datto, Inc., ever,
4 or anybody from Datto, Inc.?
5 **A Not to my recollection.**
6 Q Ms. Mills, we've gone over the e-mail
7 account that Secretary Clinton used. What is the --
8 Huma Abedin also used an e-mail account connected to
9 the Clinton server. Right?
10 MS. WILKINSON: Objection. Foundation and
11 form.
12 **A With respect to Ms. Abedin, she had a**
13 **State Department e-mail, and she had an e-mail that**
14 **was @Clinton.com.**
15 Q Okay. Do you know that e-mail account?
16 MS. WILKINSON: When you -- do you mean
17 account or you mean address?
18 Q I mean the address. I'm sorry.
19 MS. COTCA: Thank you.
20 **A I would recognize it if I saw it. Is it**
21 **on --**
22 Q I think it's on Exhibit 3.

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1 Is that on Exhibit 3?
2 MS. WILKINSON: Objection. Vague. Can
3 you just ask the question.
4 **A I don't see it on Exhibit 3.**
5 Q Okay. There's actually a different
6 address on Exhibit 3. It's
7 HAbedin@HillaryClinton.com.
8 What did Ms. Abedin use that -- what's
9 that e-mail address?
10 MS. WILKINSON: Objection. Foundation.
11 **A That's not the e-mail address on**
12 **Clintonemail.com.**
13 Q Okay. Is that a e-mail account that
14 Ms. Abedin used while she was at the State
15 Department --
16 MS. WILKINSON: Objection.
17 Q -- as far as you know?
18 **A No, not to my knowledge.**
19 MR. MYERS: Ramona, could you speak up a
20 little bit?
21 MS. COTCA: Oh, sure.
22 MR. MYERS: Thank you.

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1 BY MS. COTCA:
2 Q Do you know whether Ms. Abedin had more
3 than one e-mail account on the Clinton server?
4 **A I don't know.**
5 Q And you said that Ms. Abedin also had a
6 State.gov account, e-mail address for the State
7 Department?
8 **A Yes.**
9 Q Okay. Do you know how she was issued that
10 e-mail address?
11 **A I don't know.**
12 Q Do you know if she had to request an
13 e-mail address for it to be issued?
14 **A I don't know.**
15 Q I want to go back to when you started at
16 the State Department. Was there a directory or
17 something similar to a directory, with officials who
18 worked within the Secretary's office and their
19 contact information, just for staff to be able to
20 use if they needed to contact anybody?
21 **A Not to my knowledge.**
22 Q Who was in the Secretary's office?

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1 MS. WILKINSON: Objection. Form. Just
2 establishing a time period again.
3 MS. BERMAN: Objection. Vague.
4 Q Say when you started at the State
5 Department back in January of 2009, who was the
6 staff, who worked within the Secretary's office?
7 MS. BERMAN: Objection. Vague, and
8 relevance.
9 A Okay. So the Secretary's office has an
10 existing staff when you walk in the door, which is
11 an executive secretary. There are two special
12 assistants. There is also an executive assistant.
13 There are others, as well, that I don't know as
14 well.
15 Q Did you have an assistant?
16 A I had what was termed -- what they're
17 called an office management specialist when I came
18 in. So an OMS. So it is someone who helps you when
19 you are transitioning in, who has been at the
20 department. And they provide support to you as you
21 transition in.
22 Q Okay. Do you know if Ms. Abedin had an

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1 assistant?
2 A I don't know.
3 Q And, obviously, Ms. Abedin also was in the
4 Secretary's office. Correct?
5 A So, yes. She was the deputy chief of
6 staff and managed operations. Correct.
7 Q Okay. So when you first came on board, if
8 somebody needed to reach out to either Ms. Abedin or
9 you or the Secretary, and they needed to e-mail
10 something, how -- how did they know whose e-mail
11 accounts -- or their e-mail addresses?
12 MS. BERMAN: Objection. Vague.
13 A So if you could just be a little bit more
14 specific, I can be helpful.
15 Q Okay. Well, you said there was no
16 directory or no staff sheet with who's in the office
17 and what are their extensions and what are their
18 e-mail addresses.
19 A Of the Secretary's office.
20 Q Correct. We're strictly speaking with
21 respect to the Secretary's office.
22 A So --

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1 MS. BERMAN: Objection. Characterizing
2 her testimony. She said she didn't recall any
3 directory.
4 A So if someone was seeking to reach the
5 Secretary or somebody in the Secretary's staff, they
6 could do that in a number of ways.
7 They could visit you, they could --
8 Q By e-mail.
9 A Oh, I'm sorry.
10 Q Let's narrow it down. By e-mail.
11 A Okay. By e-mail, if your e-mail was in
12 the State Department system, you could spell --
13 start spelling the person's last name, and it would
14 populate with the address associated with people who
15 had similar last names. And then you could look
16 through them to identify who you were looking for.
17 Q Okay. And, let's say, for Secretary
18 Clinton, she did not have a State.gov e-mail
19 address.
20 A Correct.
21 Q Okay. So how would they be able to reach
22 her by e-mail if somebody needed to e-mail her?

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1 A If she had e-mailed with them they would
2 be able to reach her. They could come upstairs and
3 seek her e-mail address from the special assistants
4 or others who were familiar with it. Or they could
5 seek to engage her.
6 As a practical matter, Secretary Clinton
7 overwhelmingly met with people. So her modality of
8 engagement was not traditionally the e-mail. She
9 traditionally used meetings and phone calls as the
10 way in which she engaged in her day-to-day business
11 for the department.
12 Q Okay. And, again, though, my question
13 was, though, within the Secretary's office. So if
14 the special assistants needed to e-mail something to
15 Secretary Clinton, how did they first learn of her
16 e-mail account, e-mail address?
17 A I can't speak to how they learned. But
18 the specialists sit right out in front of her
19 office.
20 Q Do they ever e-mail her?
21 A I don't know the answer to your question.
22 But they frequently walked in and out of her office

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1 **to engage with her, to provide her with materials.**
2 Q The Clinton e-mail address that we've --
3 that you've identified for Secretary Clinton, she
4 used that for her State Department business.
5 Correct?
6 **A Correct.**
7 Q Okay. And would you agree with me that
8 Secretary Clinton used it widely throughout the
9 department and outside the department for her work
10 business?
11 MS. BERMAN: Objection.
12 Q During her tenure there?
13 MS. BERMAN: Objection. Vague.
14 **A I know that she e-mailed a number of**
15 **people both inside the department for the work that**
16 **she did, as well as in the government.**
17 Q Okay. Jacob Sullivan, who is he?
18 **A Jacob Sullivan was deputy chief of staff**
19 **and managed policy at the department, and then**
20 **subsequently became the head of policy and planning.**
21 Q Okay. He was within the Secretary's
22 office. Correct?

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1 **A Correct.**
2 Q Okay. And Secretary Clinton e-mailed with
3 Mr. Sullivan for government-related business?
4 **A To my knowledge, yes.**
5 Q Okay. And just by our count of the
6 records that Secretary Clinton returned, we counted
7 3,887 e-mails that were sent and 1,412 e-mails that
8 were received.
9 **A By whom?**
10 Q Between Mr. Sullivan and Secretary
11 Clinton.
12 MS. WILKINSON: Objection. There's no
13 question there. You're just making a statement.
14 Q Did Mrs. Clinton e-mail with Huma Abedin?
15 **A Yes.**
16 Q For State Department business?
17 **A Yes.**
18 Q Okay. And do you know how frequently they
19 e-mailed?
20 **A I don't.**
21 Q Okay. Again, just for the record, by our
22 count it was --

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1 MS. WILKINSON: Objection.
2 MS. BERMAN: Objection. There's no
3 question.
4 MS. WILKINSON: You're not here to make a
5 record. This is a deposition.
6 MS. COTCA: Correct.
7 Q Do you have any reason to dispute that of
8 the Secretary e-mails that she returned to the State
9 Department, Ms. Abedin sent 3,000 -- or Mrs. Clinton
10 sent 3,490 e-mails to Mrs. Abedin and Ms. Abedin
11 received 872 e-mails from Secretary Clinton?
12 MS. WILKINSON: Objection. Form,
13 foundation, and beyond the scope.
14 **A So I know that the Secretary returned over**
15 **30,000 e-mails. I don't know the breakdown of that**
16 **in terms of how they broke down by individual.**
17 Q Okay. Who is William Burns?
18 **A Bill Burns was the Deputy Secretary of**
19 **State.**
20 Q At what time?
21 **A Bill Burns was the Deputy Secretary of**
22 **State during her tenure. And he was promoted to**

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1 **that position while she was Secretary.**
2 Q Okay. And do you know, did Secretary
3 Clinton e-mail with Bill Burns during her time at
4 State Department for government business?
5 **A To my knowledge, she did.**
6 Q How about -- and I'm just going to go
7 through a few names just --
8 **A Okay. Thank you for that. I appreciate**
9 **that preview.**
10 Q How about Jack Lew?
11 **A To my knowledge, she did.**
12 Q And who is he?
13 **A He was Deputy Secretary of State.**
14 Q When?
15 **A He was Deputy Secretary of State for most**
16 **of her tenure. Not all of it, but for most of it.**
17 Q How about Thomas Nides?
18 MS. WILKINSON: Objection for a moment.
19 Could I ask you -- I mean, I don't mind you asking
20 these questions, but I don't understand the
21 relevance to the permissible scope because I'm not a
22 party to the case.

<p style="text-align: right;">117</p> <p>1 Are these part of the FOIA requests that 2 implicate Secretary Clinton and Ms. Abedin's e-mails 3 or the processing of the FOIA requests in this 4 action? 5 MS. COTCA: These go to Secretary 6 Clinton's use of her e-mail account to the State 7 Department. To officials within the State 8 Department. 9 MS. WILKINSON: But I don't see that as 10 a -- the topic I thought was the approach and 11 practice for processing FOIA requests and the 12 creation and operation of Clintonemail.com, not who 13 she e-mailed to generally. 14 Again, if you can -- 15 MS. COTCA: Again, if you want we can have 16 a discussion and we can actually go off the record. 17 And we can go out -- and we can ask Ms. Mills to 18 leave the room. 19 MS. WILKINSON: I'm just asking you for 20 clarification. 21 MS. COTCA: You know, if you're going to 22 have these sort of questions and statements,</p>	<p style="text-align: right;">119</p> <p>1 MS. WILKINSON: You know, in most 2 depositions people try to work together. Because I 3 do want you to be able to get the questions asked 4 and answers that you're entitled to. 5 So I'm not trying to just make an 6 objection for the sake of it. I'm actually trying 7 to see if there's a basis, then I would be happy to 8 have my client answer the question. 9 In any deposition I've done, normally 10 people are more than willing to do that, because the 11 idea is to get you the information you're entitled 12 to and that you need. 13 MS. WALSH: Do you guys need a copy of the 14 order? I've got an extra one. 15 MS. WILKINSON: So is -- is it your 16 position -- and I'll let her answer, maybe I won't 17 instruct her not to answer. Is it your position 18 that those questions go to the first topic, the 19 creation and operation of Clintonemail.com? 20 MS. COTCA: We don't -- we don't need 21 to -- I don't need to explain with respect to the 22 strategy of how the questions are asked or with</p>
<p style="text-align: right;">118</p> <p>1 Ms. Mills, if you can exit the room. 2 THE WITNESS: Okay. 3 MS. COTCA: Sorry. 4 THE WITNESS: No. No. That's quite all 5 right. 6 MS. COTCA: Unless you withdraw the 7 objection. 8 MS. WILKINSON: No, I don't. 9 (Ms. Mills left the conference room.) 10 MS. WILKINSON: I'm trying to get a basis 11 for asking the questions. So I don't want to have 12 to object. 13 MS. COTCA: This isn't with respect to 14 processing of FOIA; this is respect to Secretary 15 Clinton's use of her e-mail as the Secretary of 16 State. 17 MS. WILKINSON: But that's not what the 18 order says. It says the creation, operation of 19 Clintonemail.com. 20 MR. ORFANEDES: This is not a debate. If 21 you have a scope objection, say "scope," and we'll 22 move on. If your witness --</p>	<p style="text-align: right;">120</p> <p>1 respect to where they fit in within the scope. We 2 believe they are within the scope of Judge 3 Sullivan's order. 4 If you have an objection as to scope and 5 if you want to instruct the witness not to answer, 6 please do so. And refrain to just doing that when 7 the witness is here. 8 MS. WILKINSON: I just want to make a 9 record. We're trying to work it out. I wasn't 10 asking you for your strategy. I was asking you 11 whether you thought -- what topic it was under. And 12 you're telling me you won't answer. 13 MS. COTCA: I already told you that it was 14 within the first topic. It wasn't within the 15 processing of FOIAs. And that's pretty obvious, 16 that this scope is within that. 17 MS. BERMAN: Would this be a good time to 18 take a break since we've been going for a while? 19 MS. COTCA: Sure. 20 VIDEO SPECIALIST: This ends Tape 1. We 21 are off the record at 11:34. 22 (A recess was taken.)</p>

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1 VIDEO SPECIALIST: Here begins Tape 2 in
2 the deposition of Cheryl Mills. We are back on the
3 record at 11:48.
4 BY MS. COTCA:
5 Q Ms. Mills, we were just going through some
6 of the other officials at the State Department and
7 Secretary Clinton's practice of e-mailing with them
8 on her Clintonemail.com e-mail address. Susan Rice,
9 who is she?
10 A Well, can you be more specific in you mean
11 as to what -- because she's held a number of
12 positions. So tell me what you mean.
13 Q Do you know who she is?
14 A She currently serves as the national
15 security counsel.
16 Q Okay. And does she serve in any capacity
17 at the State Department during your tenure there?
18 A She was -- during Secretary Clinton's
19 tenure there and mine, she served as the ambassador
20 to the United Nations.
21 Q Okay. And do you know if Secretary
22 Clinton e-mailed with Ms. Rice?

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1 A I don't know.
2 MS. COTCA: Okay. Could you mark this as
3 an exhibit, please.
4 (Deposition Exhibit 6 marked for
5 identification and is attached to the transcript.)
6 MS. WILKINSON: Do you have copies?
7 MS. COTCA: Oh, yes. What exhibit is
8 that?
9 MS. WILKINSON: Exhibit 6.
10 MS. COTCA: You know what? Just mark --
11 Can we go off the record for one moment.
12 VIDEO SPECIALIST: We're off the record at
13 11:49.
14 (A recess was taken.)
15 VIDEO SPECIALIST: We are back on the
16 record at 11:51.
17 BY MS. COTCA:
18 Q Ms. Mills, you've been handed, I believe
19 it's Exhibit 6? Yes.
20 A Yes.
21 Q Did you have a chance to review it?
22 A I have not. I will review.

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1 Q Will you, please. And let me know when
2 you're finished reviewing it.
3 Ms. Mills, I see that you're highlighting
4 some portions of the exhibit, which is fine. But
5 just for the record --
6 A I'm sorry.
7 Q No. That's fine. But just for the
8 record, if we can confirm that there were no
9 highlights when you were handed the exhibits, and
10 that those are your highlights.
11 MS. WILKINSON: Don't highlight.
12 A Sorry. I apologize. I was just trying to
13 read, pay attention as I was reading. So I won't
14 highlight anymore.
15 Q Okay. But those are your highlights for
16 the record, you've highlighted that exhibit?
17 A I -- I have. Thank you.
18 Q Okay. And there were no highlights, no
19 highlight marks before when I handed you the
20 exhibit.
21 A When you handed me the exhibit, there were
22 no highlights on it.

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1 Q Thank you.
2 A And I apologize for distorting the record,
3 and I will not do that again. So thank you.
4 MS. WILKINSON: Ms. Cotca, I think what I
5 got are two of the same pages in the last two pages.
6 Could be wrong.
7 MS. COTCA: They're not. They're close,
8 but I don't think they're identical.
9 MS. WILKINSON: Okay.
10 MS. COTCA: Are they identical on your
11 copy?
12 MS. WILKINSON: It's hard for me to tell.
13 MS. COTCA: Okay.
14 MS. WILKINSON: Oh, I see.
15 BY MS. COTCA:
16 Q Ms. Mills, have you reviewed --
17 A Yes, I have.
18 Q -- reviewed the exhibit?
19 A Thank you.
20 Q Sure. And is it a fair description if I
21 just say there are a number of e-mails in this
22 exhibit, with Secretary Clinton?

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1 **A Yes.**
2 Q Okay. So I just want to go through some
3 of them with respect to who she communicated with
4 when she was at the State Department.
5 **A Thank you.**
6 Q Sure. We've talked about, we've asked
7 about Susan Rice.
8 **A On the first page.**
9 Q On the first page of the exhibit.
10 Is that Susan Rice who served as the
11 ambassador?
12 **A Yes.**
13 Q In that e-mail? Okay.
14 And that's an e-mail to Secretary Clinton.
15 Right?
16 **A This is an e-mail to Secretary Clinton.**
17 **This is an e-mail from Secretary Clinton to Susan**
18 **Rice on her State.gov account, and then Susan**
19 **responding.**
20 Q Okay. And it looks like the e-mail from
21 Secretary Clinton initially -- at the beginning it
22 states, Susan, please feel free to use, paren, open

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1 paren, whatever my current address may be. I don't
2 know if that's an exclamation mark or not, close
3 parenthesis.
4 Do you see that?
5 **A I do see that.**
6 Q Okay. Why did Secretary Clinton e-mail
7 Susan Rice?
8 MS. WILKINSON: Objection. Foundation.
9 **A I don't know why she chose to at that --**
10 **on that -- on that occasion to e-mail her.**
11 Q Okay. Well, I guess my question -- let me
12 rephrase the question.
13 **A Okay.**
14 Q Did Susan Rice request -- make a request
15 for Secretary Clinton's e-mail account?
16 MS. WILKINSON: Objection. Foundation.
17 The document speaks for itself.
18 **A I don't know.**
19 Q Okay. Do you know if Secretary Clinton
20 requested directly to Secretary -- I'm sorry, if
21 Susan Rice made a request to Secretary Clinton for
22 the Secretary's e-mail address?

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1 **A I don't know.**
2 Q Okay. And then the next page, can you
3 just describe what that page is --
4 MS. BERMAN: Objection --
5 Q -- of the exhibit?
6 MS. BERMAN: -- the document speaks for
7 itself.
8 **A This is an e-mail exchange with Secretary**
9 **Clinton and myself in part of it.**
10 Q Okay. And at the original e-mail, do you
11 see that -- where Amanda Anderson sent you an e-mail
12 as well as Lauren Jilloty?
13 **A Yes, I see that.**
14 Q Okay. Asking to send her e-mail address,
15 the subject matter being the Secretary's e-mail.
16 Do you see that?
17 **A I see that.**
18 Q Okay. Is that a request for Secretary
19 e-mails -- for Secretary Clinton's e-mail account to
20 be sent, the e-mail address to be sent to Emanuel
21 Rahm?
22 MS. BERMAN: Objection. The document

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1 speaks for itself.
2 **A The e-mail says the Secretary and Rahm are**
3 **speaking, and she has just asked him to e-mail her.**
4 **Can you send me her address, please.**
5 Q Okay. Whose address is that?
6 MS. BERMAN: Objection.
7 Q If you know. If you can deduct from the
8 document.
9 **A So the document says the Secretary and**
10 **Rahm are speaking. She just asked him to e-mail her**
11 **address. Can you send me her e-mail address,**
12 **please.**
13 **And then I -- sorry.**
14 Q No, no, no. I'm sorry. Go ahead.
15 **A And then I sent an e-mail to the Secretary**
16 **saying, Do you want him to have your e-mail.**
17 **And the Secretary then responded to me,**
18 **saying, yes.**
19 **And then I responded saying, K. Will give**
20 **him directly.**
21 **And this exchange is happening on our**
22 **State e-mail accounts.**

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1 Q Okay. Except for Secretary Clinton's
2 e-mail. Correct?

3 A **Correct. Secretary Clinton's e-mail is**
4 **Clintonemail.com. It was her practice to e-mail for**
5 **State matters on individuals' government accounts.**

6 Q Okay. Did you provide Emanuel Rahm the
7 Secretary's e-mail address?

8 A **I don't know. I would hope I did, because**
9 **I said I would. But I don't have a recollection of**
10 **it.**

11 Q And the next page of the document?

12 MS. WILKINSON: Can we just be -- maybe
13 you want to be clear that these are multiple
14 e-mails. You've just compiled them.

15 MS. COTCA: Yes. I think that was said at
16 the beginning.

17 MS. WILKINSON: Okay. Sorry.

18 Q That's Page 3 of Exhibit 6, I think.

19 A **Correct. Exhibit 6. Page 3, which is a**
20 **new e-mail.**

21 Q Okay. John Kerry, he is the current
22 Secretary of State. Correct?

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1 A **So I'm assuming this is John Kerry who was**
2 **the -- who is currently Secretary of State. I don't**
3 **personally know John Kerry's original e-mail**
4 **address, so -- but it would appear from the face of**
5 **the document that that's what it's referencing. But**
6 **I am deducing that, as opposed to knowing his e-mail**
7 **account.**

8 Q Okay. Did you know -- I mean, did
9 Secretary Clinton e-mail with John Kerry during her
10 time at the State Department?

11 A **She may very well -- she very may well**
12 **have. I don't -- I don't know that I had a**
13 **contemporaneous understanding of that.**

14 Q And that's -- the date of the document is
15 March 18, 2012. Correct?

16 A **The -- yes. Both e-mails are on March 18,**
17 **2012.**

18 Q Okay.

19 A **Sunday.**

20 Q Okay. The next page of the document.
21 That's an e-mail that appears to be an e-mail,
22 correct, to Secretary Clinton, from Steven Chu?

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1 A **At the Department of Energy. Correct.**

2 Q Okay. Did Secretary Clinton and Secretary
3 Chu e-mail?

4 A **So I can only look at this e-mail and --**
5 **and say the answer to that question would be --**
6 **appear to be yes. But I didn't have contemporaneous**
7 **knowledge of her e-mails with --**

8 Q How did the Secretary --

9 A **-- Steven Chu.**

10 Q Okay. How did Secretary Chu learn of
11 Mrs. Clinton's e-mail address?

12 A **I have no idea.**

13 Q The next two pages appear to be two pages
14 of an e-mail string of the exhibit.

15 Do you see that?

16 A **I do.**

17 Q Okay. And these e-mails appear to be a
18 string. If you'll look at the second page of the
19 document, in your original e-mail. There is a
20 statement from you, You can lose the
21 cmills@HillaryClinton.com.

22 A **Correct.**

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1 Q Do you see that statement?

2 A **Yes.**

3 Q Okay. And that's an e-mail from you to
4 whom?

5 A **To Dennis McDonough.**

6 Q Who was that?

7 A **Dennis McDonough was the deputy national**
8 **security counsel.**

9 Q Okay. At that time? Back in January
10 of --

11 A **I'm sorry. I'm always using the time**
12 **period of this date. So I should say on January --**
13 **with -- on July 9, 2009, with respect to the e-mail**
14 **that you're asking me about, and you said who was**
15 **he.**

16 Q Yes.

17 A **He was serving in the capacity as the**
18 **deputy national security counsel, to the best of my**
19 **memory.**

20 Q Okay. What is that e-mail account that's
21 referenced there for -- for you?

22 A **Which one?**

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1 Q The CMills@HillaryClinton.com.
2 A **The CMills@HillaryClinton.com was a**
3 **campaign e-mail address.**
4 Q Okay. When did you begin using that
5 e-mail address?
6 MS. BERMAN: Objection.
7 A **I don't know.**
8 MS. BERMAN: Beyond of scope of admissible
9 discovery.
10 MS. WILKINSON: Same objection.
11 Q Let me lay some foundation. Did you use
12 that e-mail account when you were at Secretary -- at
13 the State Department?
14 A **No.**
15 Q When did you discontinue -- did you
16 discontinue using that e-mail account?
17 A **Yes.**
18 Q Okay. When was that?
19 A **I would have discontinued probably using**
20 **that e-mail account sometime in January of 2009.**
21 Q Okay. Is it still active?
22 MS. BERMAN: Objection. Beyond the scope

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1 of discovery.
2 MS. WILKINSON: Same objection.
3 Q Was it still active in July 9 of 2009?
4 A **I actually don't know. I didn't have a**
5 **strategy for accessing it, so I don't know the**
6 **answer to that question. It might have continued to**
7 **have a life, but I didn't access that e-mail.**
8 Q Okay. Did he send you an e-mail to the
9 HillaryClinton.com e-mail account before you
10 responded on July 9, 2009?
11 A **I just don't know.**
12 Q Okay. Next page, please, of the exhibit.
13 Did Secretary Clinton e-mail with David
14 Axelrod?
15 A **I don't know how frequently she e-mailed**
16 **with David Axelrod. I know, based on this e-mail**
17 **traffic, that I provided her with his address.**
18 Q Okay. Who was David Axelrod at that time?
19 A **I don't know what role David Axelrod was**
20 **servicing in at that time.**
21 Q Was he at the White House?
22 A **So David Axelrod was both in the White**

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1 **House for a period of time during Secretary**
2 **Clinton's tenure and also not in the White House**
3 **during a period of time.**
4 **And I just don't have enough facility in**
5 **my mind to know which period this was in, even by**
6 **looking at the dates. I just don't remember if he**
7 **came into the government first with the President**
8 **and then left or if he came in later and then --**
9 **because that's the best of my recollection. But he**
10 **did serve in government for a period of time.**
11 Q Okay. What capacity did he serve in when
12 he was at the White House?
13 A **I don't know what his -- I don't know what**
14 **his title was or what his capacity was. I know that**
15 **he served as someone who obviously was advising the**
16 **White House, but I couldn't tell you more than that.**
17 Q When you say "advising the White House,"
18 advising the President?
19 A **Yes.**
20 Q Okay. How about John Podesta; did
21 Secretary Clinton e-mail with John Podesta?
22 A **Are you on another e-mail now?**

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1 Q No. I'm just asking you.
2 A **So I don't know that I could have**
3 **contemporaneously told you the answer to that**
4 **question. I see an e-mail here.**
5 Q You're on the next page. Okay.
6 A **Yes.**
7 Q And she e-mailed with John Podesta, as
8 well?
9 A **This e-mail traffic reflects an e-mail**
10 **with John Podesta, correct.**
11 Q Okay. Who was John Podesta at the time?
12 A **In June of 2009 I believe John Podesta**
13 **would have been the president of the Center for**
14 **American Progress.**
15 Q And -- okay. Who is Nora Toiv?
16 A **Nora Toiv was an assistant in my office.**
17 Q Okay. When did she serve as an assistant?
18 A **She started sometime after I was there, so**
19 **probably not until six months or so after I was**
20 **there.**
21 Q And how long did she stay in that role?
22 A **She was there for most of my tenure, but**

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1 **she left prior to my departure.**
2 Q Okay. And when you say she served as an
3 assistant, or -- was that your assistant -- was she
4 your assistant?
5 **A She was assistant in our -- in my office,**
6 **correct.**
7 Q Okay. Chief of staff and counselor. Is
8 that the office --
9 **A Correct.**
10 Q -- you're referring to? Okay.
11 Did Secretary Clinton e-mail with
12 Ms. Toiv?
13 **A This e-mail traffic reflects that she did.**
14 Q Okay. Did she e-mail with Ms. Toiv on her
15 non-State.gov e-mail account?
16 **A Typically Secretary Clinton e-mailed**
17 **government officials on their State account,**
18 **including Nora.**
19 Q Okay. But it looks like Nora Toiv's
20 e-mail account is redacted -- e-mail address is
21 redacted in these two pages?
22 **A Yes.**

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1 Q The last two pages of the exhibit. Making
2 sure we're looking at the same thing.
3 **A I am. This exhibit Nora notes that, For**
4 **reference, this is my Gmail, thanks. To which**
5 **Secretary Clinton responds, That's all I have.**
6 **Please send me your State address. Thanks. Nora**
7 **reminds her, You've always e-mailed me on my State**
8 **e-mail, which is toivnf@State.gov.**
9 Q And then Secretary responds ...
10 **A Even weirder. I do have your State, not**
11 **your Gmail.**
12 Q And then she says, How did that happen.
13 Must be the Chinese. Is that accurate?
14 **A That's what the e-mail reflects.**
15 Q Okay. And then the last page, though,
16 what was Secretary Clinton's response, her last
17 response?
18 MS. WILKINSON: What -- objection to the
19 characterization as "the last response."
20 Q The top e-mail of that page.
21 **A Well, this e-mail is a continuation of**
22 **traffic, I think.**

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1 Q Well, that e-mail, just to make sure we're
2 looking at the same thing, the last page, that's
3 actually not. Do you see that anywhere on the
4 second to the last page?
5 **A So I don't know how records get produced.**
6 **Because obviously these are records that have been**
7 **produced -- I'm not going to speculate where they**
8 **came from.**
9 **But I think part of the confusion, at**
10 **least for me as I'm reading these, is they have a**
11 **variety of different e-mail addresses that I don't**
12 **believe actually are reflective of the Secretary's**
13 **at that time. And I think it's more a reflection of**
14 **the time and when these got produced.**
15 **And some of these are just aggregated.**
16 **Because this second e-mail page is actually still in**
17 **the same traffic. It starts with the same, For**
18 **future reference, this is my -- my Gmail. Thanks.**
19 **And then she has the same thing, That's all I have.**
20 **And then it says, You've always e-mailed me on my**
21 **State. And then it says, Weird, since my address**
22 **book has your Gmail. Maybe the Chinese hacked it.**

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1 **And focuses on you. Which at least I interpret as a**
2 **joke.**
3 **And then it says, Even weirder. So I**
4 **think of the weirder as after being weird. So I**
5 **don't know how these records were created or why**
6 **they're just aggregated in the way they are. But**
7 **there is a set of things that for me make it**
8 **difficult to understand the train and also the**
9 **addressing on them.**
10 **But at least if you were asking me, I**
11 **would say that these were part of the same exchange.**
12 Q Sure. Okay. Thank you for that.
13 It just looks like there are -- to me it
14 just looks like there are two responses from
15 Secretary Clinton, one at 10:11 a.m. and one at
16 10:09 a.m. One even starting with, Even weirder.
17 And then the second response starting with Weird,
18 since my address book.
19 **A Yeah, that's not my -- I don't have the --**
20 **I don't reach the same conclusion that you do. To**
21 **me it looks like it's a common e-mail thread.**
22 Q It's a common e-mail thread. I guess I

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1 just want to point -- direct you to the top e-mails
2 of the -- of each of the last two pages. Do you see
3 the last page where it starts, "Weird, since my
4 address book"?

5 **A Which one are you on, the first page --**
6 **the second one or the last one?**

7 Q The last one.

8 **A Okay.**

9 Q What's the e-mail at the top of that page?

10 **A Secretary --**

11 Q What does that start with?

12 **A So, I'm sorry. The content or the --**

13 Q Who is that e-mail from? Is that from --

14 **A So the e-mail is from Secretary Clinton's**
15 **Clinton dot e-mail account or one of the accounts,**
16 **yeah, that are reflected in you all's documents.**

17 Q To?

18 **A Nora Toiv.**

19 Q Okay. And what is that e-mail? Can you
20 read out the substance of the e-mail? What does she
21 say?

22 **A "Weird since my address book only has your**

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1 **Gmail."**

2 Q Okay. And I want to stop you there.
3 Okay. Go to the second to the last page of the
4 exhibit.

5 And what is the first line of Secretary
6 Clinton's e-mail?

7 **A "Even weirder."**

8 Q Right. So is that -- it looks to me like
9 those are two separate responses.

10 **A So this might be just semantics about how**
11 **we view a thread. You might view a thread**
12 **differently than how I view a thread. So now I**
13 **understand what you're trying to say, I think. But**
14 **I view this as a common thread.**

15 Q Okay. Do you know how Secretary
16 Clinton -- or why she had Nora Toiv's Gmail address?

17 **A I don't.**

18 **Are we done with this exhibit?**

19 Q Yes. You may put it aside.

20 **A Thank you.**

21 Q Sure.

22 I want to go back to 2009 when you started

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1 for the State Department.

2 Did Secretary Clinton use a BlackBerry to
3 e-mail while she was at the State Department?

4 **A Yes.**

5 Q Okay. And was her Clinton e-mail account
6 set up to her BlackBerry?

7 **A When Secretary Clinton arrived at the**
8 **State Department, she was using an AT&T BlackBerry.**

9 Q Was that her personal BlackBerry?

10 **A The AT&T account was not a State**
11 **BlackBerry, or an e-mail address.**

12 Q Okay. But the BlackBerry, was that a
13 State Department BlackBerry, or was it personal?

14 **A Oh, the device itself was her device.**

15 Q Okay. And when she transitioned, did
16 she -- from her AT&T e-mail account, did she get a
17 new BlackBerry?

18 **A I don't know the answer to that question.**

19 Q But when she transitioned to the Clinton
20 e-mail, did she use that e-mail address to
21 communicate via her BlackBerry at the State
22 Department?

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1 **A Yes.**

2 Q Okay. Was Secretary Clinton ever issued
3 a -- a BlackBerry from the State Department so she
4 could e-mail?

5 **A Not to my knowledge.**

6 Q Okay. Were you?

7 **A Yes.**

8 Q Okay. Can you talk to me sort of what
9 devices you were issued from the State Department so
10 you could e-mail when you were there?

11 MS. BERMAN: Objection. Beyond the --
12 beyond the scope of permissible discovery.

13 MS. WILKINSON: Same objection.

14 Q Okay. Did Huma Abedin, did she use a
15 BlackBerry to e-mail when she was at the State
16 Department?

17 **A Yes.**

18 Q Okay. How many BlackBerrys did she use?

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

20 MS. BERMAN: Objection. Beyond the scope
21 of discovery.

22 Q Okay. Were there discussions when you

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1 came to the State Department with respect to
2 requests for -- so that the Secretary could use her
3 BlackBerry to e-mail in her office?
4 **A Could you just state that again?**
5 Q Were there discussions when you came to
6 the State Department with respect to -- with respect
7 to requests for BlackBerrys so Secretary -- the
8 Secretary could e-mail while she was in the office?
9 **A Yes.**
10 Q Okay. Can you -- what do you recall about
11 those discussions?
12 **A I know that at the time when Secretary**
13 **Clinton started at the department, we had asked**
14 **whether or not there could be a BlackBerry that was**
15 **a department-issued BlackBerry that would be able**
16 **to -- be able to be used inside her office space.**
17 **The seventh floor, where many of the**
18 **senior leadership work, is considered a safe. Or a**
19 **SCIF, if you will, is the terminology. And inside**
20 **the SCIF typically you're not able to use your**
21 **mobile device.**
22 **And so the question was, one, can she get**

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1 **a device that would be able to be compatible with**
2 **being able to use it in her office.**
3 Q Okay. Did she end up being able to get
4 one --
5 **A No.**
6 Q -- that she could use in her office?
7 **A No.**
8 Q Okay. I'll just show you --
9 MS. COTCA: Well, let's mark it.
10 (Deposition Exhibit 7 marked for
11 identification and is attached to the transcript.)
12 Q Can we staple all of that so it stays as
13 one exhibit.
14 **A Full service.**
15 Q Thank you. Thank you.
16 **A Sure.**
17 Q Take some time to review through that.
18 It's a series of e-mails which I think is about
19 these requests that you just told us about.
20 **A Thank you.**
21 Q Sure. Have you had a chance to review
22 them?

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1 **A I have.**
2 Q Okay. Thank you.
3 Is it fair to just summarize that these
4 are a series of e-mails that relate to the request
5 for the BlackBerrys? Is that a fair description?
6 MS. WILKINSON: Objection. Form.
7 Q For the -- okay.
8 Is it fair that these are a series of
9 documents -- of e-mails that you were part of with
10 respect to the Secretary's request to use the
11 BlackBerry so she could e-mail in her office?
12 Is that a fair description?
13 **A So I'm -- I'm on some of them, and I'm not**
14 **on some of the others.**
15 Q Right. But with respect to the subject
16 matter there, is that a fair description?
17 **A So the subject matter was with respect to**
18 **Secretary Clinton and staff use of being able to use**
19 **the BlackBerry device inside a SCIF. And this set**
20 **of e-mails appear to relate to that set of**
21 **conversations about how you could best achieve that**
22 **outcome inside the SCIF using a State BlackBerry.**

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1 Q There is some discussion actually on Page
2 2 of the exhibit where you say, Let's set up an
3 office across the hall for her to use.
4 Do you see that?
5 **A Yes.**
6 Q Okay. Can you tell me what that was
7 about?
8 **A So the State Department had advised --**
9 **their diplomatic security team had advised that she**
10 **could not use and none of the staff could use a**
11 **BlackBerry inside the SCIF. Whether or not it was**
12 **State or not issued by State, you couldn't use a**
13 **BlackBerry inside the SCIF.**
14 **And so in order to be able to check your**
15 **BlackBerrys, you needed to leave the seventh floor**
16 **area where all our offices were. And so if you**
17 **walked outside in the hallway or if you went to the**
18 **counsel's office, in her instance that would be an**
19 **area that was not inside a secure space, and you**
20 **could check your BlackBerry, whether or not that was**
21 **a State BlackBerry or -- or not a State BlackBerry.**
22 Q Okay. And then there's -- what was the

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1 discussion with respect to setting up a standalone
2 separate network PC?
3 MS. WILKINSON: Objection. Form.
4 Foundation.
5 Q Okay. Was there a discussion with respect
6 to setting up a standalone separate network PC --
7 MS. WILKINSON: Objection. Foundation.
8 Q -- in that office?
9 **A So in the e-mail there is a reference.**
10 **And just to be specific, so that I know, there is a**
11 **reference in the first few pages with respect to**
12 **setting up the office across the hall for her to**
13 **use, as well as the potential to set up a PC in her**
14 **office.**
15 Q Okay.
16 **A And that's on the first e-mail, which is**
17 **an e-mail train with several folks, including**
18 **myself.**
19 Q Okay. And I'm -- I just have some
20 questions with respect to setting up the PC.
21 That was setting up the PC for whom?
22 **A That would have been a personal computer**

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1 **that would have been set up in Secretary Clinton's**
2 **office.**
3 Q Inside the SCIF or outside the SCIF?
4 **A Inside. Secretary Clinton's office is 100**
5 **percent inside the SCIF.**
6 Q Okay. So the discussions with respect to
7 the office across the hall, that's in a different
8 office from -- that's outside the Secretary's
9 office. Correct?
10 **A That's outside the Secretary's office.**
11 Q Okay.
12 **A It's also outside of the SCIF. So anyone**
13 **can check their State or non-State BlackBerrys**
14 **inside that office space.**
15 Q Okay. Was the office set up across the
16 hall for Secretary Clinton to use?
17 **A Yes.**
18 Q Okay. How -- what was set up for her to
19 use there?
20 **A I don't know that I have a specific**
21 **recollection other than, obviously, there was a**
22 **phone there so that she could use a phone if she was**

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1 **there, and there was a desk and chairs and a place**
2 **to sit.**
3 Q Okay. And did she go -- did she use that
4 office for e-mailing purposes?
5 **A I don't know. Because typically her way**
6 **of engaging with folks was in meetings and was**
7 **through phone calls. And so I don't know how**
8 **frequently she went out to go use that space.**
9 Q Okay. But you would agree with me that
10 the Secretary e-mailed thousands of e-mails for
11 State business during her tenure there. Right?
12 **A Yes. I would certainly. If you look at**
13 **the e-mails, she -- she sent or received at least 20**
14 **a day.**
15 Q Okay. So when she was e-mailing, where
16 did she go to e-mail?
17 **A So typically she didn't e-mail inside the**
18 **SCIF. And so generally a lot of her days were spent**
19 **in meetings and on phones with people. And if she**
20 **was e-mailing during the day, then it might be that**
21 **she was at a meeting, she was traveling. There was**
22 **any number of ways in which she might not be in a**

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1 **place where she was prohibited from using her**
2 **BlackBerry to send an e-mail.**
3 Q Okay. And was a standalone PC ever set up
4 in the Secretary's office?
5 **A Not to my knowledge. Or there was not one**
6 **set up that she used. I don't know if it was never**
7 **set up, or set up and pulled away. I don't know the**
8 **answer to that question. But not to my knowledge**
9 **did she ever use a standalone PC.**
10 Q Okay. Why was -- why was there
11 consideration to set up the standalone PC?
12 MS. WILKINSON: Objection. Foundation.
13 **A I can't speak to what others'**
14 **objections -- I mean objectives were. But the**
15 **standalone PC would present an opportunity to**
16 **potentially check your e-mail.**
17 Q Is that why you requested for possibility
18 of a standalone separate network PC or --
19 **A I didn't request that.**
20 Q Okay. I'm sorry. Patrick Kennedy
21 e-mailed you about the idea of setting up a
22 standalone separate network PC. Is that --

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1 **A He did e-mail me that.**
2 Q Okay. And what did you think about that
3 idea?
4 **A So I know that these records reflect that**
5 **Secretary Clinton was not a computer user. And so I**
6 **don't know that it solved the solution of being able**
7 **to be in communication electronically with her**
8 **staff.**
9 Q Okay. Did you discuss setting up the --
10 the idea of setting up a separate PC, a separate
11 network PC, for the Secretary with the Secretary
12 herself?
13 **A I don't recall whether or not I did or**
14 **didn't. I might have.**
15 Q Do you know why it was never set up?
16 **A I don't know why it was not set up. I do**
17 **know that she was not someone who used a computer.**
18 **And so to the extent the objective was to place that**
19 **computer there for her use, it would not have been**
20 **used.**
21 Q Okay. And again still within the time
22 frame, the beginning of 2009. Bryan Pagliano, did

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1 he work for the State Department?
2 **A I don't believe Bryan Pagliano started at**
3 **the State Department at the beginning of 2009.**
4 Q But he came over to the State Department
5 at some point. Is that right?
6 **A At some point he did come to work for the**
7 **department.**
8 Q Okay. Do you know when that was?
9 **A I don't.**
10 Q Do you know how it is that he came to work
11 for the State Department?
12 **A I know that he was hired into the**
13 **technology division. Certainly when there were**
14 **talented individuals that either the Secretary or**
15 **the White House wanted to recommend for the purposes**
16 **of being hired in positions that could be filled,**
17 **individuals were considered, and ultimately then, if**
18 **they were successful in being interviewed by the**
19 **different departments, hired.**
20 Q Did Secretary -- did the Secretary request
21 that he come over to the State Department?
22 **A Not to my knowledge.**

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1 Q Did you know Mr. Pagliano prior to him
2 starting at the State Department?
3 MS. WILKINSON: Objection.
4 MS. BERMAN: Objection.
5 MS. WILKINSON: Asked and answered.
6 **A I don't know that I can add to what I've**
7 **already said on that one.**
8 Q I'm sorry. I'm not trying to ask a trick
9 question, but did you know him before --
10 **A So I said I had met him during the 2008**
11 **campaign.**
12 Q Thank you. Thank you.
13 Do you know if he was hired -- was he
14 hired as -- as a Schedule C?
15 **A I actually don't know that. I mean, I**
16 **thought he might be, but I don't know for sure.**
17 MS. COTCA: Can you mark that as Exhibit
18 12 -- or not 12. Wherever we left off.
19 MS. WILKINSON: This is Exhibit 8.
20 (Deposition Exhibit 8 marked for
21 identification and is attached to the transcript.)
22 Q If you can just review it. I'm not going

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1 to ask you very specific questions about it, but ...
2 Let me know when you're finished reviewing
3 it.
4 **A Do you want me to staple this one?**
5 Q Yes. Thank you. Actually, I'll do it at
6 the end.
7 Have you had a chance to review it?
8 **A I have. Thank you.**
9 Q Okay. Thank you.
10 Is it fair to say these are a series of
11 e-mails relating to the hiring of Mr. Pagliano by
12 the State Department?
13 **A Yes.**
14 Q Okay. Thank you.
15 Does this help at all refresh your
16 recollection whether Mr. Pagliano was hired as
17 Schedule C?
18 **A I don't know if he ended up being hired as**
19 **a Schedule C or not. I believed he was, but I don't**
20 **know that for sure.**
21 Q Okay. And just the last page of the
22 exhibit, there's an e-mail to Patrick Kennedy. If

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1 you can look at that. "Please let me know when you
2 are ready to give Bryan his assignment at IRM."
3 Did I read that correctly?
4 Do we not have the same --
5 **A No, I have a different last page than you.**
6 **Q** If I may take a look at the exhibit.
7 They are in different order.
8 **A Sorry. I just stapled them in the order**
9 **they were handed to me.**
10 **Q** Okay. Sure.
11 The page that -- I don't know what page of
12 the exhibit it is now. Can you count that?
13 **A Yes, I can.**
14 **Q** For the record.
15 **A Page 5.**
16 **Q** Page 5. Do you see that, where the e-mail
17 to Patrick Kennedy says, "Hi, Pat. Please let me
18 know when you are ready to give Bryan his assignment
19 at IRM"?
20 **A Yes.**
21 **Q** Did I read that correctly?
22 **A Yes.**

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1 **Q** What is IRM?
2 **A I don't know what IRM stands for. I know**
3 **it's the acronym that's associated with the**
4 **technology department at the State Department.**
5 **Q** Okay. Is there a separate department that
6 handles technology just for the Secretary's office?
7 **A So I don't know how to think about the**
8 **divisions. I do know that there was a group called**
9 **Poems that typically is who I called when I was an**
10 **issue with respect to my e-mail or my devices. And**
11 **so did other folks who were in the seventh floor,**
12 **which would be the Secretary and extended senior**
13 **leadership's offices.**
14 **Q** Okay. And do you know if -- if he worked
15 for IRM --
16 **A I believe --**
17 **Q -- when he was hired?**
18 **A -- that's where he worked for, but I don't**
19 **know that for sure. I mean, I don't know exactly**
20 **where he was assigned, but I believe he was in IRM.**
21 **Q** Does this at all help refresh your
22 recollection with respect to when he started working

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1 for the State Department?
2 **A It doesn't.**
3 **Q** Okay.
4 **A Process of -- processing paperwork and**
5 **individuals is an extensive one in the government.**
6 **Q** Okay. These e-mails seem to be dated
7 between February, March, 2009. Would it be long
8 after these e-mails that he was hired?
9 **A I don't know.**
10 MS. BERMAN: Objection.
11 **Q** Can you tell?
12 MS. BERMAN: Asked and answered.
13 **A I don't know.**
14 **Q** Do you know, was it typical for employees
15 hired by the State Department to work for the IRM to
16 be hired as Schedule C?
17 **A I don't know.**
18 **Q** He didn't have, though, any policy role in
19 his work at the State Department.
20 **A I don't know that to be the case.**
21 **Q** Was Mr. Pagliano hired by the State
22 Department in some capacity relating to policy for

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1 the State Department?
2 MS. WILKINSON: Objection. Foundation.
3 **A I don't know that -- I don't know that --**
4 **I don't know what the scope of his duties were and**
5 **what he ultimately ended up handling at the State**
6 **Department.**
7 **Q** Okay. I thought you said that he was
8 hired as a technician, or IT.
9 MS. BERMAN: Objection.
10 **A That's not my recollection. So if I**
11 **stated that, I -- I don't know that I would have**
12 **stated that he was a technician.**
13 **Q** Or to provide technical support?
14 **A No, I don't know that. I think of him as**
15 **someone who has an expertise with technology, and I**
16 **know he was hired in the technology department.**
17 **Q** Okay. Thank you.
18 Did Mr. Pagliano ever service Secretary
19 Clinton's server when he was at the State
20 Department?
21 MS. WILKINSON: Objection. Foundation.
22 **A I don't know that I had contemporaneous**

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1 **knowledge of that.**
2 Q Do you have knowledge of that now?
3 **A In the course of my representation of**
4 **Secretary Clinton, I do have knowledge of that.**
5 Q Did you -- when you were working for the
6 State Department, did you interact with
7 Mr. Pagliano?
8 **A On occasion I would interact with**
9 **Mr. Pagliano.**
10 Q Okay. Can you tell me what -- what those
11 interactions were about?
12 MS. WILKINSON: Objection. Beyond the
13 scope.
14 MS. BERMAN: And objection, vague.
15 **A So I don't know that I have a lot of**
16 **recollections, but I would meet with him from time**
17 **to time. I don't know that I could tell you what**
18 **the different issues might be about.**
19 Q Well, why did you meet with him?
20 **A Well, so, he was someone who both I knew**
21 **from having previously worked with him, so he was**
22 **somebody who was a person I would engage with in**

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1 **that regard. But there might have been any number**
2 **of reasons that he might have set up a meeting. I**
3 **don't recall an occasion where I would have reached**
4 **out to set up a meeting.**
5 Q Okay. Did he interact with Huma Abedin
6 that you witnessed during your time at the State
7 Department?
8 **A I'm sure if he saw her they would have**
9 **exchanged pleasantries. But I don't know that I**
10 **have an occasion where I remember them engaged on a**
11 **particular matter for the department.**
12 Q Okay. Do you know if they engaged with
13 respect to issues or problems related to the
14 Secretary's e-mail?
15 MS. WILKINSON: Objection. Foundation.
16 **A I don't know.**
17 Q Did Mr. Pagliano often interact with the
18 Secretary?
19 **A In my presence, I don't recall occasions**
20 **where he interacted with the Secretary.**
21 Q How about with anybody within the
22 Secretary's office?

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1 MS. WILKINSON: Objection. Foundation.
2 **A In my presence, I don't recall him**
3 **engaging with folks in the Secretary's office.**
4 Q Okay. There were times when the
5 Secretary's e-mail didn't work, or she was having
6 issues with people receiving her e-mails, and that
7 sort of thing.
8 Do you recall that?
9 MS. WILKINSON: Objection. Form. Time?
10 **A I don't recall that.**
11 Q You don't recall that at all?
12 **A I don't.**
13 Q Okay. Just from the records that -- I
14 mean, I'm happy to show them to you. But from the
15 records that the Secretary returned to the State
16 Department -- here they are.
17 MS. COTCA: Exhibit 9.
18 THE WITNESS: Thank you.
19 (Deposition Exhibit 9 marked for
20 identification and is attached to the transcript.)
21 Q Have you had a chance to look at it?
22 **A Yes.**

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1 Q Okay. Just some e-mails where it looks --
2 the subject matters are test e-mails with you and
3 the Secretary or Huma Abedin and the Secretary. And
4 then it looks like the last two pages is a string of
5 e-mails with the Secretary regarding e-mail troubles
6 that she was having.
7 **A So the last e-mail that you're**
8 **referencing, I'm not on that e-mail chain. That's**
9 **an e-mail chain between Huma Abedin and the**
10 **Secretary.**
11 Q Okay.
12 **A So I'm on the second one that says Test.**
13 Q Okay.
14 **A But not the first one.**
15 Q Okay. I guess just pointing your
16 direction towards the last two pages of the exhibit.
17 The e-mails between Ms. Abedin and Secretary
18 Clinton, where she's talking about, Means your
19 e-mail must be back. It seems that there was --
20 that Secretary Clinton was having issues with her
21 e-mails being delivered.
22 MS. WILKINSON: Objection.

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1 Q Is that fair?

2 A **Objection. Foundation. She's -- are you**

3 **using it to refresh her recollection? Because --**

4 MS. COTCA: Sure.

5 A **So I don't have a recollection of this. I**

6 **don't have a recollection of this time period or set**

7 **of exchanges.**

8 Q Okay. You don't have -- but do you have a

9 recollection with respect to Secretary Clinton

10 having an issue with her e-mails, either receiving

11 or sending e-mails to people she was wanting to

12 communicate with?

13 MS. BERMAN: Objection. Asked and

14 answered.

15 A **So to step back, the State Department**

16 **system also had a set of challenges. So sometimes**

17 **there would be challenges that were with the State**

18 **Department system. Sometimes there were natural**

19 **disasters, Sandy, and that would affect everybody's**

20 **e-mail system, State Department's e-mail system,**

21 **potentially her e-mails.**

22 **If your question is am I aware of that**

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1 **kind of engagement with respect to the e-mails, yes.**

2 **I don't have any more specific knowledge that I**

3 **recall. So there might be things that happened and**

4 **contemporaneously I knew. I don't recall anything**

5 **else.**

6 Q Okay. During -- you mentioned Hurricane

7 Sandy.

8 A **Yes.**

9 Q Was Secretary Clinton's e-mail down?

10 A **I believe so. That's my best**

11 **recollection, but I could be wrong about that. It**

12 **might not have been affected.**

13 Q Okay. Did Mr. Pagliano address the issue

14 with her e-mail being down during Sandy?

15 A **I actually don't know.**

16 Q During that time?

17 A **I don't know. He might have.**

18 Q Did you have any involvement with respect

19 to helping getting the Secretary's e-mail back up

20 and going?

21 A **Sorry, I'm the last person people would**

22 **ask for technology questions, so. Not because**

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1 **I'm -- you know, I'm the last person people would**

2 **ask.**

3 **So -- so, no, they properly didn't**

4 **probably think I could contribute in that regard.**

5 Q Okay. So who did the Secretary go to when

6 her e-mail was down?

7 MS. BERMAN: Objection.

8 MS. WILKINSON: Objection. Foundation.

9 MS. BERMAN: Assumes facts not in

10 evidence.

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

12 Q Her e-mail was down --

13 A **I don't know the answer to that question**

14 **as to who she would reach to. But I -- but she**

15 **didn't reach to me.**

16 Q Okay. Was it any of the assistants in the

17 Secretary's office?

18 MS. WILKINSON: Objection. Asked and

19 answered.

20 A **So I -- I don't know -- I don't know the**

21 **answer. I don't know that I can help you any more**

22 **than that. I don't know who she would reach to for**

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1 **that.**

2 Q Do you know, was -- was her e-mail fixed

3 after --

4 A **I know that she subsequently was able to**

5 **e-mail, and she continued to use her e-mail.**

6 Q Do you know how it was resolved?

7 A **I don't know how it was resolved.**

8 Q Do you know who may know?

9 MS. BERMAN: Objection. Asked and

10 answered.

11 A **I don't have a recollection of it. And I**

12 **apologize, but I -- I just don't. And I know that,**

13 **certainly given the limits of my own technical**

14 **capacity, that I was probably not high on the list**

15 **of people to reach to.**

16 Q When the Secretary was having the e-mail

17 issue, let's just say, for -- during Hurricane

18 Sandy, does she discuss that with Huma Abedin?

19 MS. WILKINSON: Objection. Foundation.

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

21 Q You don't -- you're not aware of any of

22 those discussions?

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1 MS. WILKINSON: Objection. Asked and
2 answered.
3 **A I don't have a recollection of those**
4 **discussions. That's not to say it didn't happen; I**
5 **just don't remember.**
6 Q Do you recall Ms. Abedin complaining about
7 her e-mail not working during that time?
8 **A I don't know if I have a particular**
9 **recollection of her complaining about that. I think**
10 **at that time period everybody's e-mail was affected.**
11 **I mean, it was kind of a -- if you were on the East**
12 **Coast, everybody's e-mail was affected. So I don't**
13 **know if I have a particular paradigm for her**
14 **saying --**
15 Q Did Ms. Abedin --
16 **A -- that.**
17 Q -- do anything as a result to try to get
18 the issue resolved with the Clinton e-mail during
19 Hurricane Sandy?
20 **A I don't know.**
21 Q You said your e-mail was down during
22 Hurricane Sandy?

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1 **A No. I said there were a lot of folks that**
2 **were down. I can't remember if the department's**
3 **were down during that time period or not. We might**
4 **have been. I just don't remember.**
5 Q And the first two pages, they're just some
6 test e-mails. Or the second page of the exhibit,
7 you sent a test e-mail to Secretary Clinton.
8 **A Yeah. I don't remember that.**
9 Q You don't know why you would have sent her
10 a test e-mail?
11 **A I don't, actually.**
12 Q Okay.
13 **A It's just that I don't remember it. I'm**
14 **not -- that's all.**
15 Q Okay. Do you remember ever sending her
16 test e-mails because she was having issues receiving
17 e-mails?
18 **A No. That's why it's odd to me. Obviously**
19 **I sent her an e-mail that says Test, but I don't**
20 **have a recollection of it.**
21 Q Okay. And what is the date of that
22 e-mail?

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1 **A August 11, 2009.**
2 Q Okay. And then the first page of the
3 exhibit?
4 **A The first page of the exhibit is an e-mail**
5 **that says, Test, between Huma Abedin and H2. And**
6 **the date of that e-mail is April 24, 2009.**
7 Q Do you know what the difference is between
8 H and H2 as they're referenced on the first and
9 second page of the exhibit?
10 **A I'm not familiar with H or H2 as an e-mail**
11 **address.**
12 Q Well, it's -- I don't think it's an e-mail
13 address, but it's just a reference to an e-mail
14 address. Right?
15 MS. WILKINSON: Object. Objection. Form.
16 **A So I'm -- I'm not familiar with that.**
17 Q Okay. The first e-mail is from Ms. Abedin
18 to H2.
19 **A That's what the document shows, yes.**
20 Q Right. Did Ms. Abedin send test e-mails
21 to Mrs. Clinton?
22 **A I can only --**

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1 MS. BERMAN: Objection. Lack of
2 foundation.
3 **A I can only see what's here in the**
4 **document. I don't have any personal knowledge.**
5 Q Okay. And the question is in the context
6 of Mrs. Clinton's e-mail being down.
7 **A I don't know if Mrs. Clinton's e-mail was**
8 **down, or Secretary Clinton's e-mail was down on**
9 **these occasions. I just know that there's a test**
10 **being sent. So I don't know why.**
11 MS. COTCA: We're at 1 o'clock. Can we go
12 off the record.
13 MS. WILKINSON: Sure.
14 VIDEO SPECIALIST: We are off the record
15 at 12:55.
16 (A recess was taken.)
17 VIDEO SPECIALIST: We are back on the
18 record at 13:48.
19 BY MS. COTCA:
20 Q Ms. Mills, why did Secretary Clinton
21 choose not to have a State.gov e-mail account?
22 **A I don't know that I can speak for her. I**

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1 **think she's spoken for this herself and said that**
2 **part of what she was seeking was obviously the**
3 **convenience of being able to use a common device,**
4 **and so that's what she did.**
5 Q Were there discussions during the time
6 between 2009, 2013, about her having a State.gov
7 e-mail account?
8 A **She didn't have a State.gov e-mail**
9 **account, to my knowledge, while she was there.**
10 Q Right. The question is, were there any
11 discussions about one being issued to her?
12 A **There might have been. There might well**
13 **have been.**
14 Q When were those discussions?
15 A **Oh, I don't know that. I don't have a**
16 **recollection of that. But there absolutely might**
17 **have been discussions about whether or not she would**
18 **or wouldn't. I know -- certainly know when I first**
19 **came in, one of the questions that we were stepping**
20 **through was getting her a BlackBerry. And that**
21 **BlackBerry would have been a State account. And so**
22 **ultimately what the department indicated was that**

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1 **she couldn't use a BlackBerry, whether or not it was**
2 **State or not, inside the SCIF. And so she**
3 **ultimately didn't end up then getting a State**
4 **BlackBerry.**
5 Q Okay.
6 A **Which would have had a State e-mail**
7 **account.**
8 Q Okay. Do you recall discussions about her
9 obtaining a State e-mail after the initial
10 discussions about her being able to use the
11 BlackBerry in the SCIF?
12 A **I don't recall, but I'm happy to have my**
13 **memory refreshed.**
14 Q Sure.
15 (Deposition Exhibit 10 marked for
16 identification and is attached to the transcript.)
17 MS. WILKINSON: Do you mind just
18 including -- just announcing the exhibit number once
19 you start asking just so we know we're all referring
20 to the same document.
21 MS. COTCA: Is this Exhibit 10?
22 BY MS. COTCA:

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1 Q Ms. Mills, why don't you take a look at
2 Exhibit 10. Let me know when you're done reviewing
3 it.
4 A **Did you intend it in two parts? Is there**
5 **an order you want me to review them in, or staple**
6 **them in?**
7 Q There shouldn't be two parts.
8 MS. BERMAN: We have two copies.
9 A **I have two copies. I apologize.**
10 **Okay, I've reviewed it.**
11 Q Thank you very much.
12 Exhibit 10 contains, let's see, an e-mail
13 from Stephen Mull to you, on August 30th, 2011. And
14 as you can see on the second page of the exhibit, he
15 is writing to you with respect to a request from the
16 Secretary for a department-issued BlackBerry to
17 replace her personal unit.
18 Do you recall those communications?
19 A **So that's not --**
20 MS. BERMAN: Object to the form of the
21 question.
22 A **That would not be how I would characterize**

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1 **this e-mail. And I can speak to the set of issues,**
2 **if you'd like.**
3 Q Sure. Do you -- sure. Please do.
4 MS. WILKINSON: Objection. Vague. Ask
5 your question.
6 Q Well, you said that you can speak to the
7 issues.
8 A **You're characterizing this e-mail as about**
9 **her BlackBerry. This e-mail was actually about her**
10 **communications equipment and communications**
11 **equipment when she's away from the department.**
12 Q Okay. The personal unit that's referenced
13 there in -- on the second page of the e-mail, the
14 last paragraph, is that not a BlackBerry? Is that
15 not a reference to a BlackBerry?
16 A **So the -- this graph does have a reference**
17 **to a BlackBerry.**
18 Q Okay.
19 A **My -- my engagement was with respect to**
20 **the communications equipment. I would anticipate**
21 **that might be why he's saying separately, my**
22 **engagement with respect to the fact that a frequent**

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1 challenge for the Secretary was being able to make
2 phone calls and not have those phone calls be
3 dropped and secure calls be able to be -- go
4 through.
5 So my engagement was with respect to a set
6 of issues around her communications, and in
7 particular her ability to communicate effectively.
8 Q Okay. I'd just like to address you to the
9 last paragraph on the second page.
10 A Yes.
11 Q "Separately we are working to provide the
12 Secretary per her request a department-issued
13 BlackBerry to replace her personal unit."
14 Do you recall discussing that with Stephen
15 Mull?
16 A I do not.
17 Q You don't have any recollection with
18 respect to any discussions in this time frame, 2011?
19 A I don't have a recollection in this time
20 frame of discussion with respect to issuing her a
21 BlackBerry.
22 Q A State Department BlackBerry --

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1 A Correct.
2 Q -- just to be clear.
3 A Correct.
4 Q Okay. Then do you see where he writes in
5 the next sentence, "We will prepare two versions for
6 her to use, one with operating State Department
7 e-mail account which would mask her identity but
8 which would also be subject to FOIA requests"?
9 A Yes, I see where he says that.
10 Q Do you see that?
11 Okay. Do you know why he wrote that with
12 respect to the State Department e-mail account and
13 why he would write the reference to it being subject
14 to FOIA requests?
15 A I do not.
16 Q Did you discuss with Stephen Mull at any
17 point with respect to Secretary Clinton's use of
18 e-mail and FOIA?
19 A I don't recall having a conversation with
20 him with respect to her use in e-mail and FOIA.
21 Q Okay. Do you recall this e-mail exchange
22 between you and Stephen Mull?

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1 A I don't know that I recall this e-mail
2 exchange. I recall that there were discussions that
3 I would have had about the fact that her secure
4 calls and nonsecure calls and the comms equipment
5 that was with her was not working, and that was a
6 persistent challenge throughout her tenure as
7 Secretary.
8 Q Just for the record, who is Stephen Mull?
9 A Stephen Mull at this time I believe would
10 have been the Executive Secretary. I believe that's
11 the position he would have been holding at this
12 time. I'm trying to look at the date on these
13 e-mails.
14 What year is this? 2011. I believe Steve
15 Mull at that time was the Executive Secretary.
16 Q And what is the role -- what was his role
17 as Executive Secretary?
18 A The Executive Secretary managed a lot of
19 the operational issues related to the platform that
20 supports the Secretary of State.
21 Q The last sentence of that same paragraph,
22 "We're working with Monica to hammer out the details

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1 of what will be best to meet Secretary's needs."
2 Do you see that?
3 A I do see that.
4 Q Do you know who Monica, who Monica is who
5 he -- who's referenced in that e-mail?
6 A I assume, but I don't know, that he means
7 Monica Hanley.
8 Q Okay. And actually she is cc'd I believe
9 on the e-mail, so ...
10 A Yes. Thank you.
11 Q Okay. And who is Monica Hanley?
12 A Monica Hanley was the Secretary's personal
13 aid.
14 Q When did she become her personal aid?
15 A Well, so Monica worked for Huma Abedin.
16 And so she was a person who Huma hired, I'm not
17 sure, probably sometime in the beginning. But
18 I'm -- I don't know for sure what day she arrived.
19 Q Beginning of 2009?
20 A I believe she would have begun at the
21 beginning of 2009. That might be inaccurate, so.
22 That's the best of my memory.

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1 Q Sure. And how long did she work there as
2 her aid?
3 **A I believe Huma was there for the entire**
4 **tenure of Secretary Clinton.**
5 Q Are we talking -- I'm asking about Monica
6 Hanley.
7 **A I'm sorry. I believe Monica was there**
8 **during the entire tenure of Secretary Clinton. I**
9 **apologize.**
10 Q Okay. Did Monica discuss the details
11 discussed in this e-mail with Steve Mull --
12 MS. WILKINSON: Objection.
13 MS. BERMAN: Objection.
14 Q -- as far as you know?
15 **A I don't know.**
16 Q Everything I'm asking here is just based
17 on your knowledge.
18 **A Okay. So I don't have a recollection of**
19 **whether or not Monica did or didn't, to my**
20 **knowledge.**
21 Q And then -- well, did you discuss -- did
22 you discuss the possibility of having a

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1 State-Department-issued BlackBerry that's referenced
2 in the second part of this e-mail?
3 **A I don't recall that I did. I recall that**
4 **my concerns or considerations that got prompted was**
5 **the persistent challenge she was having with respect**
6 **to her calls being handled and managed.**
7 Q Okay. Did you discuss that with
8 Ms. Abedin at any point?
9 MS. BERMAN: Objection. What's the
10 "that"?
11 Q What I was asking about earlier with
12 respect to the State Department BlackBerry, the
13 possibility of that being issued.
14 **A I may have. I don't -- I don't know. I**
15 **don't have a recollection of that.**
16 Q Do you see the e-mail where Ms. Abedin
17 responds to Steve Mull and says, "Steve, let's
18 discuss the State BlackBerry. Doesn't make a whole
19 lot of sense"?
20 **A I do see that in this -- on that document.**
21 Q Do you know why she thought -- why
22 Ms. Abedin thought it didn't make a whole lot of

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1 sense?
2 MS. WILKINSON: Objection. Foundation.
3 **A I don't know what -- why Huma thought what**
4 **she thought.**
5 Q Did you discuss with Ms. Abedin why she
6 thought it didn't make a whole lot of sense?
7 **A I don't recall whether or not I did or**
8 **didn't. I might have. I don't recall.**
9 Q Did -- at any point did you discuss with
10 Ms. Abedin or anybody within the Secretary's office
11 the Secretary's e-mail, and that being subject to
12 FOIA?
13 **A I don't have a recollection of having a**
14 **discussion with somebody in the Secretary's office**
15 **and her e-mail being subject to FOIA. It was my**
16 **impression it was.**
17 Q Your impression it was -- that her
18 Clinton.com e-mail --
19 **A Would be captured, yes.**
20 Q Would be captured by?
21 **A It was my impression that when she**
22 **e-mailed, because it was her practice to e-mail**

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1 **people on their State accounts when she was doing**
2 **State business, that any of those communications**
3 **would be captured and maintained by the State**
4 **Department system.**
5 Q Okay. And I would like to move into that
6 topic right now. I mean, I've mentioned FOIA.
7 You're familiar with FOIA? You know what it is?
8 **A We are done with this?**
9 Q Yes.
10 **A Thanks.**
11 Q You're familiar with FOIA?
12 **A I am familiar with FOIA.**
13 Q Okay. Just briefly, Freedom of
14 Information Act request.
15 Did you receive -- did you receive --
16 well, strike that.
17 When you were at the Secretary's -- in the
18 Secretary's office --
19 **A Could you say that again? I just couldn't**
20 **hear you.**
21 Q Sure.
22 MS. BERMAN: Could you speak up a little

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1 bit, Ramona? It's a little hard to hear you. I
2 feel like there's a fan or something on in here,
3 which it's hard to hear you.
4 MS. COTCA: There is, back there.
5 Q When you were in the Secretary's office,
6 how were FOIA requests that came to the Secretary's
7 office processed?
8 MS. WILKINSON: Objection. Form.
9 **A So I can speak to my experience. The**
10 **State Department itself has an office that actually**
11 **manages and responds to FOIAs. If there was a**
12 **request that came, those requests typically, if they**
13 **were coming to me, would come to my office for me,**
14 **and I would have to do a search and respond.**
15 Q Okay. You said there was an office at the
16 State Department where the FOIA requests initially
17 went to. What was that office?
18 **A So it's actually the office that handles**
19 **FOIAs. I don't know the acronym that's associated**
20 **with it. But I knew that there was an office that**
21 **actually managed FOIA requests as they came in and**
22 **responding to them.**

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1 Q Okay. And when a FOIA request came that
2 implicated your e-mail, how was that processed?
3 **A I don't know how to speak about how they**
4 **processed that or what searches they undertook. But**
5 **if the request was sent to me, then I would**
6 **undertake a search of my records and provide those**
7 **materials for them to ultimately make a**
8 **determination as to what was responsive to be**
9 **released.**
10 Q Okay. And how did you go about searching
11 your e-mails?
12 **A I would --**
13 MS. BERMAN: I'm going to object to the
14 question as beyond the scope of permissible
15 discovery, which relates to FOIA requests for -- the
16 processing of FOIA requests potentially implicating
17 former Secretary Clinton and Ms. Abedin's e-mails.
18 MS. COTCA: Okay.
19 MS. WILKINSON: Same objection.
20 Q When FOIA requests came implicate -- to
21 the Secretary's office implicating the Secretary's
22 e-mails, how did the office go about searching the

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1 Secretary's e-mail to respond to FOIA?
2 **A So I don't know how the Executive**
3 **Secretary or the special assistant staff would have**
4 **undertaken to look for the responsive records,**
5 **but -- so I don't have an answer for that question,**
6 **although I'm assuming that they would undertake that**
7 **process.**
8 Q Which offices did you say?
9 **A So the Secretary's office, when it comes**
10 **to matters that actually related to information with**
11 **respect to the Secretary's office, there is the**
12 **Executive Secretariat, which manages the engagement**
13 **about papers and meetings, materials, and also**
14 **special assistants who serve outside who also manage**
15 **that set of information, as well.**
16 Q Okay. So the Executive Secretariat's
17 office who manage the records, let's say with the
18 FOIA requests that implicated the Secretary's
19 e-mail, how did they go about searching for the
20 Secretary's e-mails in response to a FOIA request --
21 **A So I don't know --**
22 Q -- for her e-mail?

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1 **A I don't know what their process was for**
2 **how they went about that. Yeah. I don't.**
3 Q Okay. Did they have access to the
4 Secretary's e-mail account so they could search her
5 e-mails in response to the FOIA request?
6 **A To my knowledge, they did not have access**
7 **to her e-mail account. To my knowledge, the**
8 **information where her e-mail was -- if there was a**
9 **topic that would have been related, would have been**
10 **in the communications that she would have either had**
11 **on paper, communications that she would have had in**
12 **other materials that she received, or in exchanges**
13 **that she had with e-mail with individuals on their**
14 **State account.**
15 Q And what about if the subject matter
16 contained communications between the Secretary and
17 others outside of the State Department?
18 **A So I don't know what would have been their**
19 **process for how they would have captured that. And**
20 **I think that's one of the things that is a challenge**
21 **and one of the things that I think as the Secretary**
22 **has spoken about, it would have been smarter for her**

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1 **to have had or better for her to have had an**
2 **account. And if she had it to do over again, she**
3 **would.**
4 Q Did you or anybody inform anybody within
5 the Executive Secretariat's office that Secretary
6 Clinton's account was not captured on the State
7 Department's system?
8 **A So I don't have a recollection, with**
9 **respect to FOIA, of making that type of an**
10 **affirmative engagement. Because Secretary Clinton**
11 **e-mailed relatively a wide swath of folks, more than**
12 **a hundred, certainly, in the department. And so her**
13 **use of her e-mail was not something that was**
14 **unknown.**
15 Q Okay. But I guess my question is
16 different. My question is whether you or anybody
17 within the Secretary's office informed the Executive
18 Secretariat, when they were doing their searches to
19 respond to FOIA requests implicating the Secretary's
20 e-mails --
21 **A I don't recall --**
22 Q -- that --

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1 **A I'm sorry, I thought you were done.**
2 Q No.
3 -- that the Secretary's account was not on
4 the State.gov e-mail system?
5 **A I don't recall having a conversation about**
6 **her account not being on the State.gov system. I**
7 **would also be surprised that they would be unaware**
8 **that it was not on the State.gov system.**
9 **The Secretary e-mailed with, as you**
10 **indicated, a number of folks in the State**
11 **Department, and her immediate staff was aware of her**
12 **e-mailing with folks in the department because she**
13 **typically e-mailed with people on their State**
14 **accounts.**
15 Q Did anybody ever address any concerns that
16 they couldn't access the Secretary's account to
17 respond to FOIA?
18 **A I'm not aware of it. They might have.**
19 **And certainly from my standpoint I wish that had**
20 **been something we thought about. But I'm not aware**
21 **of that exchange.**
22 Q So in the context of processing FOIA

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1 requests and responding to them, where they
2 implicated the Secretary's e-mails, how would
3 someone know where to search?
4 MS. WILKINSON: Objection. Lack of
5 foundation. How would someone know?
6 Q Who's responding to -- who is
7 conducting -- from the Executive Secretariat's
8 office, how would they know where to search for
9 responsive e-mails if they didn't have access to the
10 Secretary's account?
11 MS. WILKINSON: Objection. Form and
12 foundation.
13 **A So I don't know how to answer how they**
14 **would have conducted their search because I**
15 **obviously didn't participate in that process.**
16 **But her -- her e-mail was with individuals**
17 **on their State account. And so if there is a search**
18 **done of the State account system, her e-mails are**
19 **e-mails that -- to the extent they were responsive**
20 **with respect to the topic or the issue, would be**
21 **ones that would be captured.**
22 Q Well, you would agree with me, right, that

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1 the Secretary communicated with people outside the
2 State Department for government business. Right?
3 **A So I would agree with you the Secretary on**
4 **occasion did that. The overwhelming bulk of her**
5 **e-mails would be e-mails that were on the State**
6 **system and with individuals who were a part of the**
7 **department.**
8 Q Okay. And she communicated with you to
9 your personal e-mail account. Right?
10 **A On occasion, really most of the time she**
11 **communicated with me on State matters on my State**
12 **account.**
13 Q And how about communications with
14 Ms. Abedin? She communicated with her on her
15 Clintonemail.com account. Correct?
16 **A She communicated with Ms. Abedin on her**
17 **State account as well, but also on her Clinton**
18 **e-mail account.**
19 Q Okay. So did it ever occur to you when --
20 from 2009 to 2013, before you left, that
21 communications between the Secretary and, let's say,
22 you, to your personal e-mail account, that related

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1 to State business, that those actually weren't
2 available to the government or to the State
3 Department to respond to FOIA requests?
4 **A I wish it had. But no is the answer. In**
5 **the sense of I was an overwhelming user of the State**
6 **Department system. And so most of my communications**
7 **with her and everybody else was on the State system.**
8 **And I don't think I reflected on were there**
9 **occasions where there might still be something with**
10 **respect to a personal e-mail where someone had**
11 **either e-mailed me or I had responded back or the**
12 **system had been down and we ultimately needed to use**
13 **it, that there was information that hadn't been**
14 **captured. And I wish it had.**
15 **Q Other than Ms. Abedin and the Secretary,**
16 **are you aware of anybody else from the State**
17 **Department who also had an e-mail account on that**
18 **system?**
19 **A I'm not aware of anyone else from the**
20 **State Department who had an e-mail on that system.**
21 **Q Did Jacob Sullivan have an e-mail account**
22 **on that system?**

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1 **A And by "that system," you mean the**
2 **Clintonemail.com system?**
3 **Q Correct.**
4 **A I'm not aware of Jake having an e-mail on**
5 **the Clinton.com system.**
6 **Q How about Mr. Pagliano?**
7 **A I'm not aware of Mr. Pagliano having an**
8 **e-mail on the Clintonemail.com system.**
9 **Q Okay. So just so I understand, the**
10 **process when you received a FOIA request that**
11 **related to your e-mails, you or somebody searched**
12 **your e-mail account to respond to the FOIA request.**
13 **But that wasn't done for purposes of responding to**
14 **FOIA requests relating to the Secretary's e-mail**
15 **account.**
16 **MS. BERMAN: Object to the form of the**
17 **question.**
18 **A I don't know that.**
19 **MS. WILKINSON: And foundation.**
20 **Q What was your answer?**
21 **A I don't know that.**
22 **Q Well, when you -- when you received --**

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1 when there was a FOIA request that came to you that
2 was relevant to your e-mail, was your e-mail account
3 searched?
4 **A So I can't speak to what the FOIA office**
5 **might do. But when they communicated a request to**
6 **me -- so there might be multiple searches going on**
7 **is my point -- I would share the information that I**
8 **had from my system, whether or not that was in paper**
9 **or whether or not that was on my e-mail, with the**
10 **responding party that asked for it. And then the**
11 **FOIA office would make a judgment about what was**
12 **appropriate and not appropriate for release.**
13 **Q Okay. And I want to focus on that part,**
14 **on that second part of it, where you would search or**
15 **provide to the FOIA officer, whoever was processing**
16 **the request. How did you go about or how did**
17 **somebody go about searching your records?**
18 **A So I would go about that process of**
19 **searching my records or use my assistants to help me**
20 **search my records to make sure we were providing**
21 **whatever paper records that might be responsive, as**
22 **well if there were electronic records, to make sure**

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1 **we were doing that, as well.**
2 **Q Okay. And that would include your**
3 **State.gov e-mail account?**
4 **A That would include my State.gov account.**
5 **But that's just what I did. I don't know whether or**
6 **not there was a more comprehensive electronic search**
7 **that was also being done by the FOIA office. I**
8 **wouldn't have had visibility into that.**
9 **Q Okay. What about Ms. Abedin, if there was**
10 **a request with respect to records related to her**
11 **e-mails?**
12 **A I don't know how --**
13 **MS. WILKINSON: Objection. Foundation.**
14 **A I don't know how they would have**
15 **undertaken that with her.**
16 **Q Did -- did the Secretary have a practice**
17 **of printing and saving her e-mails somewhere, hard**
18 **copy?**
19 **A I don't --**
20 **MS. BERMAN: Objection. Is there a time**
21 **frame for that or ...**
22 **Q General practice during -- during her**

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1 tenure.

2 **A So I'm not familiar with a practice where**

3 **she would print and save her e-mails. I obviously**

4 **have seen a lot of e-mails where she would say,**

5 **Please print. But I don't know that she had a**

6 **practice of printing and saving her e-mails.**

7 Q Do you know if the ones that were printed,

8 were they retained and saved within the Secretary's

9 office?

10 MS. WILKINSON: Objection. Foundation.

11 **A I don't know the answer to that question.**

12 Q Okay. So did you think there was some

13 other search -- for FOIA requests with respect to --

14 that related to the Secretary's e-mail, did you

15 think there was some other search being processed

16 outside of the Secretary's office?

17 **A So I don't know that I -- I would have**

18 **been able to answer that question any differently**

19 **than this. I -- it was my impression that**

20 **electronic records were maintained by the department**

21 **for good. And that as matters were actually**

22 **addressed, they would take whatever steps were**

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1 **appropriate to both maintain those records and, if**

2 **they needed to access them, to do so.**

3 **I don't know that I had a specific**

4 **understanding as to what process they might or might**

5 **not have used in looking at those records for the**

6 **purposes of responding to FOIA.**

7 Q You oversaw -- during the ARB

8 investigation of the attacks on Benghazi, what was

9 your role with respect to -- you oversaw the search

10 of records from the Secretary's office. Correct?

11 MS. BERMAN: Objection. Excuse me.

12 Beyond the scope of permissible discovery.

13 MS. WILKINSON: Same. Objection.

14 MS. COTCA: Are you instructing her not to

15 answer?

16 MS. WILKINSON: No.

17 Q Okay.

18 **A So, actually, I was on point for how we**

19 **responded to the overarching matter. So as opposed**

20 **to with respect to records, the broader matter.**

21 **Obviously we had to respond to congressional**

22 **requests. But the broader matter was obviously the**

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1 **death of our ambassador and another individual who**

2 **lost his life as well. And so making sure that we**

3 **had stepped through and navigated all the issues**

4 **that are associated with notification of family and**

5 **management of all of the different issues that**

6 **flowed out of that, just because it was a crisis.**

7 **And when there were different crises, I**

8 **often would be a person who was point on trying to**

9 **manage the multiple different issues that were**

10 **associated with them.**

11 Q Okay. And I want to focus on the various

12 document requests relating to what happened in the

13 attacks in Benghazi.

14 You conducted -- well, did you search your

15 e-mail account for records that were relevant?

16 **A So I had --**

17 MS. BERMAN: Objection.

18 Sorry.

19 Can you try to phrase that in a way that

20 is within the permissible scope of discovery of

21 having to do with FOIA requests?

22 MS. COTCA: Well, it's relevant within --

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1 as to how the searches were being processed and if

2 there's any difference with respect to how searches

3 were being processed for FOIA requests.

4 MS. BERMAN: No. The scope of discovery

5 is the approach and practice for processing FOIA

6 requests.

7 MS. COTCA: Okay.

8 MS. WILKINSON: And that potentially

9 implicated Secretary Clinton and Ms. Abedin's

10 e-mails, not her e-mails.

11 MS. COTCA: Right. But if there's a

12 difference in practice for searching Secretary's

13 e-mails as opposed to Ms. Mills' e-mails, why was

14 there a difference in that practice? I think that's

15 relevant.

16 MS. WILKINSON: That's different. But you

17 asked her -- excuse me. You asked her a very

18 specific question, did she search her e-mails.

19 That's what I object to and I don't want her to

20 answer.

21 That's not, from what I understand, unless

22 I'm wrong, the subject to this -- the subject of

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1 this deposition. I don't disagree that you can ask
2 her if there was a change in practice or a
3 difference in practice.
4 MS. COTCA: The -- the search for records
5 relating to Benghazi, though, implicated the
6 Secretary's e-mails as well as Ms. Abedin's e-mails.
7 So we do think it's within the scope.
8 MS. BERMAN: Again, are you talking about
9 a FOIA -- in response to a FOIA request?
10 MS. COTCA: It's just an example of a
11 search for documents. There are plenty of FOIA
12 requests that came into the office related to the
13 Benghazi attacks.
14 MS. BERMAN: I understand that. I'm very
15 familiar with that.
16 MS. COTCA: Okay.
17 MS. BERMAN: So if you could just phrase
18 your questions in terms of FOIA requests and
19 searches related to Benghazi as opposed to other
20 types of record searches that were not related to a
21 FOIA request. That's all I'm asking.
22 MS. WILKINSON: For example, there were

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1 congressional requests. So we want you to keep it
2 to the FOIA request as is within the court's order.
3 MS. COTCA: Okay.
4 Q Ms. Mills, did you have a different
5 practice of searching your e-mail in response to
6 FOIA, as opposed to other document requests that
7 came?
8 A So my practice when I was asked for my
9 records was to do the best I could to search my hard
10 copy and my electronic records to provide whatever
11 was being requested.
12 Q Okay. And did you have a different -- you
13 used the term, you "stepped through" things. I
14 imagine that's -- that's a process or what do you
15 refer to when you use that terminology, "step
16 through"?
17 A Oh, that's just one of my colloquialisms.
18 That means I'm looking through my records to see
19 whether or not there's something that's responsive.
20 Q Okay. So did you step through differently
21 when you had a FOIA request relating to Benghazi as
22 opposed to other document requests related to

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1 Benghazi?
2 A I don't recall having a FOIA request
3 related to Benghazi that I was stepping through
4 while I was there.
5 Q Okay. Did you search your e-mail account
6 or have somebody search your e-mail account for
7 records responsive -- that related to the Benghazi
8 attacks?
9 MS. BERMAN: Objection to the question.
10 Again, it's -- this is -- this has to do -- the
11 scope of discovery has to do with former Secretary
12 Clinton's e-mail and Ms. Abedin's e-mail, not
13 Ms. Mills' e-mail.
14 MS. WILKINSON: I agree.
15 MS. COTCA: Ms. Mills communicated with
16 the Secretary often, and so her e-mail would relate,
17 would be captured within Secretary's e-mails
18 relating to Benghazi. I think that falls within the
19 scope.
20 MS. WILKINSON: You need to lay the
21 foundation.
22 MS. BERMAN: You can ask a question that

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1 way, limit it in that way.
2 Q Ms. Mills, did you communicate with the
3 Secretary about the Benghazi attacks by e-mail?
4 A I may have. I don't recall. Because in
5 realtime obviously her office is about, happily or
6 sadly, five to seven feet from mine. And so given
7 the sets of events that were happening in that time
8 period, there was a lot of, obviously, direct
9 communication.
10 Q Okay. Did you communicate with Ms. Abedin
11 about the Benghazi attacks via e-mail?
12 A I absolutely might have. I don't have a
13 recollection of doing that, but I might have.
14 Q Okay. So with respect to a request for
15 documents relating to the Benghazi attacks, did you
16 ever search your e-mail account?
17 A With respect to FOIA?
18 MS. BERMAN: Objection. Can you narrow it
19 as we discussed. That was a very broad question.
20 MS. COTCA: Again, I would just ask that
21 if there is an objection to scope that you limit it
22 to that and just say "scope" and you object, and

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1 then we can take it before Judge Sullivan if there
2 is an issue.
3 But I would ask that all counsel no longer
4 provide speaking objections. It's highly improper,
5 it's coaching the witness.
6 MS. BERMAN: Well, we have a difference of
7 opinion on that. And I think the record will
8 reflect.
9 MS. COTCA: And I think the rules of
10 discovery provide that there should be no speaking
11 objections. And I would expect that all counsel
12 would adhere to that and not make any more speaking
13 objections.
14 Q Ms. Mills, did you ever search your e-mail
15 account with respect to document requests related to
16 Benghazi?
17 MS. WILKINSON: Objection. Beyond the
18 scope.
19 MS. BERMAN: Objection.
20 MS. COTCA: Are you instructing your
21 witness, the witness not to answer?
22 MS. WILKINSON: If I instruct her, I will

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1 say so.
2 MS. COTCA: Okay. I just want to make
3 sure.
4 Q Could you please answer the question.
5 A Okay. Just repeat it one more time. I
6 apologize.
7 Q Did you ever search or somebody search
8 your e-mail account for records related to the
9 Benghazi attacks?
10 MS. WILKINSON: Objection. Beyond the
11 scope.
12 MS. BERMAN: Objection. Beyond the scope
13 of permissible discovery.
14 A So in response to requests that came in
15 from Congress, I did review my records to provide
16 material that would be responsive.
17 Q Okay. Did everybody in the State
18 Department -- I mean in the Secretary's office do
19 that with respect to the document requests that came
20 in from Congress --
21 MS. BERMAN: Objection.
22 Q -- related to the Benghazi attacks?

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1 MS. BERMAN: Objection. Beyond the scope
2 of permissible discovery, on multiple fronts.
3 MS. WILKINSON: Objection. Beyond the
4 scope.
5 A I don't know the answer to your question.
6 I would imagine that they would have. But if you're
7 asking me, I don't know.
8 Q Okay. Do you -- were you the point person
9 for coordinating the searches for records from the
10 Secretary's office related to Benghazi?
11 MS. BERMAN: Objection. Beyond the scope
12 of permissible discovery.
13 MS. WILKINSON: Objection. Beyond the
14 scope.
15 A I don't know how to speak to the
16 characterization. Because my role as a point person
17 was a point person on Benghazi writ large, as
18 opposed to on documents.
19 That is not to say that we didn't try to
20 make sure that we were providing them as quickly as
21 possible and as thoroughly as possible, because that
22 is something that the Secretary gave as a directive

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1 to try and do.
2 Q My understanding was that you testified in
3 front of Congress.
4 Do you remember your testimony before --
5 providing testimony before the select committee, the
6 Benghazi Select Committee?
7 A Yes.
8 Q And my understanding is that you testified
9 that you were the point person with respect to
10 searching of records that related to the Benghazi
11 attacks in the Secretary's office.
12 MS. WILKINSON: Objection. Form.
13 A That's not my recollection. So I might
14 have done that, but that's not my recollection.
15 Q Okay. When a FOIA request came -- would
16 come in implicating your e-mail, not necessarily
17 related to Benghazi, but was it your practice for
18 somebody to search your e-mail account?
19 MS. BERMAN: Objection. Beyond the scope
20 of permissible discovery.
21 A So my practice was to either search my
22 e-mail or use my administrative assistants to help

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1 **me search.**
2 Q Okay. Was that the practice -- why was
3 that your practice?
4 MS. BERMAN: Objection. Beyond the scope
5 of permissible discovery.
6 MS. WILKINSON: Objection. Beyond the
7 scope.
8 Q Go ahead. You can answer it.
9 **A Thank you. I don't know how to -- I don't**
10 **know why it was my practice; that was my practice.**
11 Q Well --
12 **A I was seeking to be responsive to the**
13 **request that came to me, so I was doing the best I**
14 **could to do that. And the way I would do that was**
15 **to undertake a search to do that.**
16 Q Okay. So when there was a FOIA request
17 with respect -- that related to the Secretary's
18 e-mails, was that -- did she have the same practice
19 of having somebody search her e-mail account for
20 responsive records?
21 MS. WILKINSON: Objection. Foundation.
22 Q You may answer, if you know.

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1 **A I can only speak to my knowledge. To my**
2 **knowledge, that was not the way in which information**
3 **that related to her records, electronic records,**
4 **would have been captured.**
5 Q I'm not asking about how they would have
6 been captured. I'm asking about the search, and how
7 searches were conduct -- were done to respond to
8 FOIA.
9 So when there was a FOIA request that came
10 in that related to the Secretary's e-mails, why was
11 there a different practice and her e-mail account
12 was not searched, but your e-mail account was
13 searched?
14 MS. WILKINSON: Objection.
15 MS. BERMAN: Objection. Mischaracterizing
16 the prior testimony.
17 MS. WILKINSON: Objection. Foundation and
18 form.
19 **A FOIA requests for information related to**
20 **the Secretary came in to the front office, which in**
21 **that instance would be the Executive Secretariat and**
22 **the supporting staff. I can't speak to what**

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1 **processes or protocols they went to. And I don't**
2 **want to understate them or overstate them. I don't**
3 **know.**
4 Q Okay. But your answer before when I asked
5 you why you had that practice for searching your
6 e-mail accounts, you said you wanted to be
7 responsive and helpful. Do you recall that?
8 **A I recall when you -- when you asked me**
9 **with respect to mine. And so a request would come**
10 **to me. But I was not the Secretary of State. So**
11 **when requests would come to the Secretary of State,**
12 **that might follow a different process because it's**
13 **the Secretary of State, as opposed to ones that came**
14 **to me. I can only speak to the ones that came to**
15 **me.**
16 Q Who would know why there was a different
17 process for searching the Secretary's e-mail
18 account, as opposed to your e-mail account?
19 MS. BERMAN: Objection. Mischaracterizing
20 the witness's testimony.
21 MS. WILKINSON: Objection. Foundation and
22 form.

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1 **A I don't know the answer to your question,**
2 **is maybe the best way to answer that.**
3 **I know that if there was a FOIA request,**
4 **it came in through one process. I can only speak to**
5 **what came to me.**
6 MS. WILKINSON: We're going to take a
7 break, please. Go off the record.
8 VIDEO SPECIALIST: We are off the record
9 at 14:28.
10 (A recess was taken.)
11 VIDEO SPECIALIST: We are back on the
12 record at 14:30.
13 BY MS. COTCA:
14 Q With respect to FOIA requests that came to
15 the Secretary's office that implicated Ms. Mills'
16 e-mail accounts -- Ms. Abedin, I'm sorry.
17 MS. WILKINSON: It is Friday afternoon.
18 **A I was going to say, that's me. No.**
19 Q Thank you. Ms. Abedin's e-mail. Was her
20 e-mail account searched by anybody within the
21 Secretary's office?
22 **A I don't know.**

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1 Q What about the Secretary? What about
2 Secretary Clinton; was her e-mail account ever
3 searched in response to -- in response to a FOIA
4 request?
5 **A I don't know the answer to that question.**
6 MS. BERMAN: Objection.
7 Q How about Jake Sullivan; what was the
8 practice of searching his e-mails for -- in response
9 to FOIA requests?
10 MS. BERMAN: Objection. Beyond the scope
11 of permissible discovery.
12 MS. COTCA: Benghazi FOIA requests are
13 relevant to.
14 MS. BERMAN: You didn't ask about
15 Benghazi.
16 **A Could you state your question again?**
17 Q With respect to Jacob Sullivan and FOIA
18 requests implicating his e-mail, how -- what was the
19 process for searching his e-mails?
20 MS. BERMAN: Objection to the scope.
21 Beyond the scope of permissible discovery.
22 **A I don't know the answer to that question.**

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1 Q Who else was in the Secretary's office?
2 MS. BERMAN: Objection. Vague.
3 **A There were a lot of individuals who worked**
4 **in the Secretary's office.**
5 Q Who else -- I'm sorry. Can you repeat
6 your answer?
7 **A There are a number of people employed by**
8 **the Secretary's office.**
9 Q Okay. Of her close advisors within the
10 Secretary's office, Jacob Sullivan, what was his
11 role?
12 **A Jacob Sullivan was the deputy chief of**
13 **staff, and he was also subsequently the head of**
14 **policy planning.**
15 Q Okay. How about Huma Abedin?
16 **A Huma Abedin was the deputy chief of staff**
17 **and chief of -- deputy chief of staff for**
18 **operations.**
19 Q Okay. Any other close advisors within the
20 Secretary's office?
21 **A I don't know your definition of "close."**
22 **But there are individuals who obviously supported**

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1 **the Secretary, from the Executive Secretary, the**
2 **special assistants, deputy assistant secretaries.**
3 **Those are all part of, I would say the staff of the**
4 **department, that provided both leadership and advice**
5 **to the Secretary, in addition to a whole host of**
6 **other individuals as well.**
7 Q With respect to FOIA requests that came in
8 to the Secretary's office, how were any of their
9 e-mail accounts searched?
10 MS. BERMAN: Objection. Beyond the scope
11 of permissible discovery, and vague.
12 MS. WILKINSON: Objection. Foundation.
13 **A I don't know how their e-mails were**
14 **searched.**
15 Q Were you ever concerned that the
16 Secretary's -- when you were at the State
17 Department, were there any concerns that you had
18 that the Secretary -- that Secretary's e-mails were
19 not being searched in response to FOIA requests?
20 **A I don't recall having that concern.**
21 Q Were you ever concerned that they were not
22 being properly searched in response to FOIA

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1 requests?
2 **A I don't recall having that concern.**
3 MS. COTCA: Can you mark this as an
4 exhibit.
5 (Deposition Exhibit 11 marked for
6 identification and is attached to the transcript.)
7 Q Oh, I'm sorry. Have you had a chance to
8 review?
9 **A I have.**
10 Q It's Exhibit 11. Right?
11 **A Yes.**
12 Q Okay. And it contains a few e-mails. As
13 I read it, it looks like it's an automated response
14 from your e-mail account when you were out of the
15 office. Am I reading it correctly?
16 **A That's what it would appear to be to me as**
17 **well.**
18 Q Okay. And one is dated June 13, 2012; one
19 is dated November 15, 2011. Is that right?
20 **A Correct.**
21 Q Okay. What was your automated response?
22 MS. BERMAN: Objection. The document

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1 speaks for itself.
2 MS. WILKINSON: Or form. Vague.
3 Q Okay. Do you -- can you look at your --
4 your e-mails in both of these pages. Do you see the
5 line, "As a reminder, government e-mail is
6 maintained as federal records"?

7 **A Yes.**
8 Q Okay. And just for the record, which
9 e-mail account is this an automated response from?

10 **A So it would appear that this is not my**
11 **State.gov account.**
12 Q Okay. And you set -- why did you set
13 automated responses to your personal e-mail account?

14 **A So if someone who was a family member,**
15 **friend, or otherwise was e-mailing me, I said I was**
16 **out and so I wouldn't be responding to that e-mail.**
17 Q Okay. Why did you write in your automated
18 response, As a reminder, government e-mail is
19 maintained as federal records, to your personal
20 e-mail account?

21 **A So if my husband was e-mailing me or**
22 **others who are in my family were, I wanted them to**

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1 **remember that while they might be e-mailing me on**
2 **personal matters, everything gets captured.**
3 Q And what do you mean by, "everything gets
4 captured"?

5 **A It was my belief that the State Department**
6 **system, when an e-mail was on the State Department**
7 **system, it was maintained for good.**
8 Q Okay. Do you recall a FOIA request that
9 came in to the Secretary's office from CREW?

10 **A If you could help me refresh my**
11 **recollection, that would be great.**
12 **(Deposition Exhibit 12 marked for**
13 **identification and is attached to the transcript.)**
14 MS. WILKINSON: Is that getting marked as
15 an exhibit?
16 MS. COTCA: Yes. It's already marked as
17 Exhibit 12.
18 MS. WILKINSON: Okay. Thank you.
19 Q Have you reviewed the document?
20 **A I have reviewed the document.**
21 Q Okay. And just for the record, it's
22 Exhibit 12. Right?

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1 **A This is Exhibit 12.**
2 Q Okay. And that's a letter from -- well,
3 what is the document?
4 **A It's a letter from Senator Grassley to**
5 **Secretary Kerry on January 27, 2016.**
6 Q Have you seen -- thank you for that.
7 Have you seen this document before?
8 **A I don't know if I've seen this document,**
9 **but I've seen references to this document before.**
10 Q Okay. Do you recall a FOIA request that
11 came in from CREW that's discussed in this document?
12 **A I don't recall the specific FOIA request**
13 **in terms of what was in the request. But I've**
14 **obviously seen references to this in the media since**
15 **then.**
16 Q Do you recall a FOIA request that came in
17 relating to -- when you were at the State
18 Department, of course, relating to the e-mail
19 accounts used by Secretary Clinton and records that
20 would provide for what the e-mail address was?
21 **A I don't have a specific recollection of**
22 **it. But I certainly have read in the media exactly**

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1 **what is in here. And so while it doesn't**
2 **necessarily refresh my recollection, I do know that**
3 **this -- obviously this matter took place.**
4 Q Okay. Do you recall or did Brock Johnson
5 bring this FOIA request to your attention?
6 **A I don't have a specific memory of that.**
7 Q Did you ever -- or did you speak with
8 Heather Samuelson regarding the CREW request?
9 **A I don't have a memory of that.**
10 Q Have you discussed this FOIA request with
11 Ms. Samuelson since you left the State Department,
12 or since this has been in the media reports?
13 **A Yes.**
14 Q Okay. And what were those discussions?
15 MS. WILKINSON: Objection. Beyond the
16 scope and, also, it depends on the context. Because
17 Ms. Samuelson also serves as one of the Secretary's
18 lawyers.
19 Q With -- with -- specifically in the
20 context of your involvement with this FOIA request
21 when you were at the State Department.
22 **A I remember when this was in the paper,**

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1 asking whether or not she had a recollection with
2 respect to that.
3 Q And what did she say?
4 A I'm now trying to remember whether or not
5 her recollection was she did or she didn't. But --
6 but I don't recall. But I do know that I asked her,
7 did she remember the references that were being made
8 in the paper with respect to this particular matter.
9 Q Okay. And this was just dated a few
10 months ago, January 27, 2016. So it would have been
11 fairly recent that you spoke with her about that?
12 A I would anticipate that it would be, but I
13 don't know if this is the only time it's been
14 referenced in the media, because I don't know when
15 it was referenced that I read it.
16 Q You mean since this letter.
17 MS. WILKINSON: Objection.
18 A I don't --
19 MS. WILKINSON: Foundation.
20 A I don't know that it's since this letter.
21 Q You don't know. All right.
22 Are you aware that it was also referenced

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1 in the OIG's report that came out in January of this
2 year?
3 MS. WILKINSON: I think you --
4 Q This FOIA, the CREW FOIA request.
5 MS. WILKINSON: If you're -- I think
6 you're referring to the wrong year. Look at the
7 front of the letter.
8 MS. COTCA: No, that's not right.
9 MS. WILKINSON: The letter is not right?
10 MS. BERMAN: That's a typo.
11 MS. WILKINSON: Oh, there you go. Sorry.
12 Q Are you aware -- are you familiar with the
13 OIG --
14 A I did not make a typo.
15 MS. WILKINSON: We'll tell Senator
16 Grassley that you said that he incorrectly typed his
17 letter.
18 Q What was my question, or do you need it to
19 answer?
20 A That would be great, I appreciate that.
21 (The reporter read the record as follows:
22 "Are you aware that it was also referenced in the

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1 OIG's report that came out in January of this
2 year?")
3 A So I believe that's a reference that would
4 be one that I think this letter was referencing.
5 So, yes, I think so.
6 Q Okay. So is it fair to say that the
7 discussions you had with Ms. Samuelson would have
8 been after the report came out?
9 A I -- I don't know if that's fair to say.
10 I don't have a recollection. But I know I did have
11 a conversation with her, and my conversation was
12 does she remember this set of events with respect to
13 it coming in.
14 I don't know if it's fair to say if it was
15 before or after. I can make that assumption, but I
16 don't know.
17 Q Okay. But you don't remember what she
18 told you with respect to whether she remembers it or
19 not?
20 A I don't believe she did remember it, but I
21 don't know that.
22 Q Did you discuss with anybody else this

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1 FOIA request, the CREW FOIA request referenced in
2 this letter, or the OIG report?
3 A Not that I recall.
4 Q Did the State IG contact you to speak to
5 you in preparation of their report?
6 MS. WILKINSON: Objection. Beyond the
7 scope, and I'm going to instruct her not to answer.
8 MS. BERMAN: Objection. Beyond the scope
9 as well. And specifically an excluded category.
10 MS. COTCA: It's a completed
11 investigation. It's not a pending investigation.
12 THE WITNESS: Can we take a break?
13 MS. BERMAN: That's correct.
14 MS. WILKINSON: If you are --
15 MS. COTCA: Sorry. I lost my train of
16 thought now.
17 MS. WILKINSON: You can say you want to
18 take a break.
19 THE WITNESS: Oh, okay. Great.
20 MS. WILKINSON: Can we go off the record?
21 She wants to take a break.
22 MS. COTCA: Can -- can we finish this line

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1 of questioning before we take a break? We just took
2 a break about 15 minutes ago, 20 minutes ago, and I
3 would like to move through these fairly quickly.
4 MS. WILKINSON: The witness is allowed to
5 take -- she's asked to take the break. I don't
6 think she has to say why she needs to take the
7 break.
8 MS. COTCA: I don't believe she asked to
9 take a break; I think you requested a break.
10 THE WITNESS: No. Actually, I --
11 MS. WILKINSON: No. She tapped me on the
12 shoulder and said, Can we take a break.
13 MS. COTCA: Okay.
14 VIDEO SPECIALIST: We are off the record
15 at 14:48. And this ends Tape 2.
16 (A recess was taken.)
17 VIDEO SPECIALIST: Here begins Tape 3 in
18 the deposition of Cheryl Mills. We are back on the
19 record at 14:53.
20 BY MS. COTCA:
21 Q Ms. Mills, did the State IG contact you to
22 speak about a CREW FOIA request?

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1 MS. WILKINSON: Objection. Beyond the
2 scope. I'm going to instruct her not to answer.
3 MS. COTCA: Because it's beyond the scope?
4 MS. WILKINSON: Yes.
5 MS. COTCA: That's the basis?
6 MS. WILKINSON: Yes.
7 Q Ms. Mills, did you refuse to speak with
8 the State IG about the FOIA CREW request?
9 MS. WILKINSON: Objection. Beyond the
10 scope.
11 I'm going to instruct her not to answer.
12 Q So, Ms. Mills, as we sit here today, you
13 don't have a recollection whether, with respect to
14 the CREW FOIA request, whether you transmitted it to
15 Ms. Samuelson, instructing her to make queries about
16 the status of the State Department's response to
17 that FOIA request?
18 A I don't have a recollection of that,
19 correct.
20 Q Any recollection of that. Correct?
21 A I don't have a recollection of that as I
22 sit here, so I don't -- I don't have a response

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1 other than that.
2 Q Okay. What's the records and
3 correspondence office?
4 A Am I looking at this document?
5 Q No.
6 A Oh, sorry. Okay. Sorry. Okay. Sorry.
7 Q The records and correspondence office at
8 the State Department.
9 A I don't -- so I know the department
10 obviously maintains records, and I don't know that I
11 would say that there is a particular office. There
12 obviously is a particular office, so I don't know
13 how to think about the organizational structure.
14 Q Okay. For FOIA requests that came to the
15 Secretary's office, do you know if there was a
16 specific office within the Secretary's office that
17 would respond to FOIA requests?
18 A I don't know that.
19 Q How about Clarence Finnegan -- Clarence
20 Finney. Do you know Clarence Finney?
21 A I'm sure I have met Clarence Finney. I
22 don't -- I can't pull a picture of him in my mind,

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1 but I'm sure I've met him.
2 Q At the State Department?
3 A Clarence Finney at the State -- worked at
4 the State Department. He might have been part of
5 the Executive Secretariat's office. I'm not
6 confident of that.
7 Q Do you know what he did at the Secretary's
8 office?
9 A I don't -- I don't know the scope of his
10 responsibilities. I do associate him with records,
11 but I don't know the scope of his duties.
12 Q Okay. Do you have -- did you engage with
13 him in conversation or any communications with
14 respect to any FOIA requests that came during your
15 time there?
16 A I don't recall doing so.
17 Q Do you recall if he engaged with anybody
18 else within -- or did he ever engage with Ms. Abedin
19 with respect to FOIA requests?
20 MS. WILKINSON: Objection. Foundation.
21 A I don't know.
22 Q Do you know who Mr. Finney reported to?

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1 **A I don't.**
2 Q Did you ever inform Mr. Finney about the
3 Clinton e-mail account during your time there, with
4 respect to FOIA requests?
5 **A I don't have a recollection of doing so.**
6 Q Do you know if he was aware of Secretary's
7 use of the Clinton e-mail for government business?
8 **A I don't know.**
9 Q Who is John Bentel?
10 **A I don't believe I know John Bentel.**
11 Q Do you know of Mr. Bentel?
12 MS. WILKINSON: Objection. Form.
13 **A So I might have read about him in the**
14 **newspaper, but I don't believe I know John Bentel,**
15 **and I don't know if I can tell you more than that.**
16 Q Do you know -- did you know he was
17 director of IRM for the Secretary's office during
18 your tenure there?
19 MS. BERMAN: Objection to the form of the
20 question.
21 MS. WILKINSON: Objection.
22 **A I don't know that I made that association,**

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1 **so no.**
2 Q Okay. Did you ever engage in any
3 communications while you were at the State
4 Department with Mr. Bentel?
5 **A I don't recall having a conversation with**
6 **him, but I might have.**
7 Q Did he have any role in -- with respect to
8 setting up the Clinton e-mail server?
9 **A I don't know.**
10 Q Was he told by anyone that the server, the
11 Clinton server, or Mrs. Clinton's personal e-mail
12 system, was approved by legal at the State
13 Department?
14 **A I don't know.**
15 Q Do you know if he ever -- or did he ever
16 respond to any concerns that was raised by staff at
17 the State Department with respect to Secretary
18 Clinton's e-mail account and the ability of
19 searching that account in response to FOIA requests?
20 **A I don't know.**
21 Q Okay. I want to move forward,
22 fast-forward to 2013. When did you leave the State

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1 Department?
2 **A I stopped being the counselor and chief of**
3 **staff in February of 2013.**
4 Q Now I want to talk about the planning and
5 transition to depart from the State Department with
6 respect to Secretary Clinton.
7 Was there any planning with respect -- in
8 the context of her departure, with respect to saving
9 her e-mails that she communicated while she was at
10 the State Department?
11 MS. WILKINSON: Objection. Foundation.
12 If you know, or if you know who.
13 **A So I don't know the answer to the question**
14 **from my perspective.**
15 Q Do you know who, if anybody else, did?
16 **A I don't know what others might have done**
17 **in that regard.**
18 Q Were there any preparations with respect
19 to making sure that her e-mails were retained by the
20 State Department before she left?
21 **A I don't know. I don't know of any from my**
22 **perspective.**

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1 Q Did you have any discussions with the
2 Secretary prior to leaving about the e-mails that
3 were stored on her Clintonemail.com account to make
4 sure that those would be available for Secretary
5 Kerry coming in?
6 MS. BERMAN: Objection. Goes beyond the
7 scope of permissible discovery.
8 **A I don't recall having those discussions.**
9 **And, you know, I can only speak to what I can**
10 **recall.**
11 Q Okay.
12 **A And I don't recall having those**
13 **discussions.**
14 Q Did it ever occur to you when you were
15 getting ready to leave that preparations should be
16 made with respect to saving Mrs. Clinton's e-mails
17 so Secretary Kerry would have them if he needed to
18 look something up that Secretary Clinton did when
19 she was the head of State?
20 MS. BERMAN: Objection. Goes beyond the
21 scope of permissible discovery.
22 MS. WILKINSON: And objection to form.

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1 **A I wish I had. I didn't, that I can**
2 **recall. At that time period there was obviously a**
3 **lot going on. The Secretary was not only**
4 **transitioning, there had been a -- we had lost our**
5 **first ambassador in quite some time, and we were**
6 **stepping through the sets of issues associated with**
7 **that. And she, too, had fallen ill, and there --**
8 **and there had been a period of time where we were**
9 **obviously navigating a whole set of issues in that**
10 **space. So I don't know that this was something that**
11 **I focused on, and certainly I wish I had.**
12 **Q Well, what about -- let's talk about the**
13 **Secretary's records, file cabinet, let's say, her**
14 **hard-copy records that she had at the State**
15 **Department.**
16 What happened to those when she left?
17 **MS. BERMAN: Objection. Goes beyond the**
18 **scope of permissible discovery.**
19 **MS. WILKINSON: Same. And form and**
20 **foundation.**
21 **A So I can only speak to what I know. The**
22 **Executive Secretariat always is in that position of**

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1 **managing both paper and materials and information**
2 **that relate to the Secretary.**
3 **I can't speak to what their processes and**
4 **protocols are. But just as when we came in, they**
5 **provide information with respect to materials and**
6 **other things. That's the same.**
7 **Q And who was the Executive Secretariat when**
8 **you left?**
9 **A When we left, I believe there had been a**
10 **transition. And so there had been a transition from**
11 **Steve Mull, I believe, to John Bass. But I could be**
12 **incorrect about that.**
13 **Q Okay. And John Bass, when you were**
14 **leaving, what did his office do with respect to the**
15 **Secretary's federal records that were in paper form?**
16 **MS. BERMAN: Objection. Beyond the scope**
17 **of permissible discovery.**
18 **A I don't know the answer to your question.**
19 **Q Okay. Do you know if he did anything with**
20 **respect to saving Secretary Clinton's e-mails from**
21 **her time at the State Department so they could be**
22 **records managed after she left the State Department?**

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1 **MS. BERMAN: Objection. Goes beyond the**
2 **scope of admissible discovery.**
3 **A I don't know.**
4 **Q What were the procedures and protocols in**
5 **place for when you left?**
6 **MS. BERMAN: Objection.**
7 **MS. WILKINSON: Objection.**
8 **MS. BERMAN: Vague.**
9 **Q With respect to records management.**
10 **MS. BERMAN: And objection, goes beyond**
11 **the scope of permissible discovery.**
12 **A I can't speak to what their protocols and**
13 **their processes were. I just know that the**
14 **department is very precedent-driven and they have a**
15 **set of practices that they follow.**
16 **Q All right. What did you do with your**
17 **records, your paper records, when you left?**
18 **MS. BERMAN: Objection. Goes beyond the**
19 **scope of permissible discovery on multiple fronts.**
20 **MS. WILKINSON: Objection. Beyond the**
21 **scope.**
22 And I'm going to instruct her not to

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1 answer.
2 **Q Did you have any discussions with Patrick**
3 **Kennedy during the transition period, transitioning**
4 **out of the State Department, with respect to what**
5 **would happen to Secretary Clinton's e-mails that**
6 **were on her -- stored on her account?**
7 **MS. BERMAN: Objection. Goes beyond the**
8 **scope of permissible discovery.**
9 **A I don't recall having such discussions.**
10 **Q Did he do anything to make sure that the**
11 **Secretary's e-mails would be saved for records**
12 **management for purpose of the State Department -- by**
13 **the State Department prior to her leaving?**
14 **MS. BERMAN: Objection. Goes beyond the**
15 **scope of permissible discovery.**
16 **A I don't know.**
17 **Q He never addressed the issue with you?**
18 **MS. BERMAN: Same objection.**
19 **A I don't have a recollection of him**
20 **addressing that issue with me.**
21 **Q Did he address that with anybody from your**
22 **office?**

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1 MS. BERMAN: Objection. Goes beyond the
2 scope of permissible discovery.
3 **A I don't know.**
4 Q You don't know?
5 **A I don't know if he discussed it with other**
6 **people apart from me. I can only speak to what I**
7 **know, or at least in my -- in my best effort I can**
8 **only speak to what I know.**
9 Q Do you know if he had any discussions
10 about that with the Secretary prior to her leaving?
11 **A I --**
12 MS. BERMAN: Objection. Goes beyond the
13 scope of permissible discovery.
14 **A I don't know.**
15 Q Did you and the Secretary have any
16 discussions with respect to inventorying or
17 identifying federal records from her e-mails?
18 MS. BERMAN: Objection. Goes beyond the
19 scope of permissible discovery.
20 **A I don't recall having those kinds of**
21 **discussions.**
22 Q Did you have that -- those kinds of

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1 discussions with anybody else --
2 MS. BERMAN: Same objection.
3 Q -- prior to leaving?
4 MS. BERMAN: Same objection.
5 **A So with respect to my records, I -- I used**
6 **the State e-mail system, and I used the -- I had**
7 **records that were in my office. So, obviously, I**
8 **did provide my records with respect to the records**
9 **that were in my office.**
10 Q Okay. The question is, did you have any
11 discussions about inventorying or identifying
12 federal records amongst Secretary Clinton's e-mails?
13 **A I don't recall having those --**
14 MS. BERMAN: Same objection.
15 **A -- discussions.**
16 Q Were there any discussions that you had
17 prior to leaving with respect to how the State
18 Department was going to access Secretary Clinton's
19 e-mails on her Clintonemail.com server --
20 MS. BERMAN: Objection. Vague --
21 Q -- in response to --
22 MS. BERMAN: Sorry.

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1 Q Well, for government business.
2 MS. BERMAN: Objection. Vague.
3 **A I don't recall having discussions about**
4 **how someone might access her e-mail apart from what**
5 **was already in the State Department system. So I**
6 **don't -- I wish I did.**
7 Q So you never thought about how were the
8 federal records that were stored on her e-mail
9 account, how would the State Department have access
10 to that after she left?
11 MS. BERMAN: Objection. Goes beyond the
12 scope of permissible discovery.
13 **A I assumed, I now know inaccurately, that**
14 **records that were on a State system were ones that**
15 **were kept forever. Obviously I've come to learn**
16 **that that's not the case. And I thought since the**
17 **Secretary's practice was to e-mail people on their**
18 **State records, that there was resident in the**
19 **department a set of records with respect to her work**
20 **at the department. And I thought they would have**
21 **been there.**
22 Q But what about -- but what about the

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1 federal records that were the e-mails between the
2 Secretary and other people outside of the State
3 Department; what about those e-mails?
4 **A I wish I had thought about that subset. I**
5 **mean, I think about when she's engaging in her State**
6 **business as the business she does with people who**
7 **are in the department and people who are in the**
8 **government. And so I thought of those as records**
9 **that were being captured.**
10 **I wish I had thought about the fact that**
11 **someone could be nongovernment, non -- non-State**
12 **and -- and those records might be not being**
13 **captured. I didn't think about that. I thought**
14 **about the fact that her engagement with officials in**
15 **the government was on their -- on their federal**
16 **systems. And so I thought all those records were**
17 **being kept by the department.**
18 MS. COTCA: Let's take a few minutes.
19 VIDEO SPECIALIST: We are off the record
20 at 15:10.
21 (A recess was taken.)
22 VIDEO SPECIALIST: We are back on the

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1 record at 15:36.
2 BY MS. COTCA:
3 Q Ms. Mills, was your understanding that
4 Secretary Clinton could do whatever she wanted with
5 her e-mail records when you were at the State
6 Department?
7 MS. BERMAN: Objection. Vague.
8 Q With respect to deleting e-mails, e-mail
9 records on her e-mail account?
10 **A I don't know that I thought about it that**
11 **way in terms of whatever she wanted.**
12 **I knew that she e-mailed people on their**
13 **State accounts and that that was a way to make sure**
14 **that those records were being captured.**
15 Q Okay. But what about her records from her
16 end of the e-mail correspondence; was it your
17 understanding that she could just delete or do
18 whatever she wanted with respect to her -- the
19 e-mails that were stored on her account?
20 **A I don't know that I had an understanding**
21 **like that, no. I don't know that I had an**
22 **understanding at all.**

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1 Q So are you aware of Secretary Clinton
2 deleting any federal records that were on her e-mail
3 account when she was the Secretary?
4 **A I don't --**
5 MS. BERMAN: Objection. Beyond the scope
6 of permissible discovery.
7 **A I don't know if she did or she didn't.**
8 Q You agree with me, though, that e-mails
9 that were on her e-mail account, some of those
10 e-mails were federal records. Correct?
11 **A I believe that there were e-mails on her**
12 **e-mail account that were federal records and she**
13 **provided those to the department.**
14 Q She provided those to the department last
15 year.
16 **A Yes.**
17 Q Okay. The federal records that she
18 provided last year, did you have any discussion when
19 you were at State with respect to preserving those
20 e-mails and not deleting them while she was head of
21 the agency?
22 MS. BERMAN: Objection. Beyond the scope

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1 of permissible discovery.
2 **A I don't recall having a question -- I mean**
3 **having a conversation like that.**
4 Q Did you ever discuss with Secretary
5 Clinton, with respect to her e-mails being saved,
6 that they were being saved on the other State.gov
7 e-mail accounts, e-mail addresses who she may be
8 e-mailing with?
9 MS. BERMAN: Same objection.
10 **A Could you clarify that just a little bit**
11 **for me?**
12 Q Yeah. So did you have any discussions
13 with Secretary Clinton with respect to her e-mails
14 being saved, her federal e-mail records being saved,
15 on other people's State.gov e-mail accounts?
16 **A I don't recall whether or not I had a**
17 **conversation or not.**
18 Q Do you know if anybody did have such a
19 conversation with the Secretary?
20 MS. BERMAN: Same objection.
21 **A I don't know.**
22 Q Did you have any such discussions with

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1 anybody other than the Secretary?
2 MS. BERMAN: Same objection.
3 **A I don't know. I might have. I don't**
4 **know.**
5 Q After the Secretary left the State
6 Department, what was your understanding with respect
7 to what she could do with the federal records that
8 were stored on her e-mail account, the
9 Clintonemail.com account?
10 MS. BERMAN: Objection. Beyond the scope
11 of permissible discovery.
12 MS. WILKINSON: Same objection.
13 **A Sorry. Start again. Could you say that**
14 **one more time? Just -- I apologize.**
15 Q That's all right.
16 MS. COTCA: Could you repeat the question,
17 please. Or read the question.
18 **A It's a long day.**
19 **(Pending question read.)**
20 **A I don't know that I had a particular**
21 **understanding as to what she could or couldn't do**
22 **with respect to those records, because I don't know**

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1 **that I reflected on them.**
2 Q Did you ever discuss with her with respect
3 to whether she could delete them or not?
4 **A I don't recall.**
5 MS. BERMAN: Objection. Beyond the scope
6 of permissible discovery.
7 **A I don't recall having a conversation like**
8 **that.**
9 Q Did you ever have any such discussions
10 with anybody other than the Secretary?
11 MS. BERMAN: Same objection.
12 MS. WILKINSON: Objection. Beyond the
13 scope.
14 **A I don't recall having such discussions.**
15 Q With respect to the subject matter of
16 Secretary -- the return of Secretary Clinton's
17 e-mail records, or the search of her e-mail records,
18 are you asserting attorney-client privilege?
19 MS. WILKINSON: Objection. Beyond the
20 scope. And I'm instructing her not to answer
21 because it is beyond the scope.
22 Q Well, Secretary Clinton returned records

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1 to the State Department, her federal records from
2 her e-mail account. Right?
3 **A Yes.**
4 Q Okay. And when did you become aware --
5 when did you first learn of this lawsuit?
6 MS. BERMAN: Objection. Beyond the scope
7 of permissible discovery.
8 **A I actually don't know when I first learned**
9 **of it. So I actually don't know. And I don't know**
10 **when you all first filed.**
11 Q Okay. But you know that -- do you know
12 that Judge Sullivan ordered the State Department to
13 make a request to you to return all federal records
14 to the State Department, and that order was issued
15 in this case?
16 **A So --**
17 MS. BERMAN: Same objection.
18 **A I am aware that, with respect to records I**
19 **had returned, that Judge Sullivan said to maintain**
20 **records that we had returned.**
21 Q Okay. And also for Ms. Abedin.
22 Is that right?

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1 MS. WILKINSON: Objection. Foundation.
2 And beyond the scope.
3 **A I don't know. There might have been**
4 **others as well. I was probably more focused on**
5 **myself.**
6 Q Okay. With respect to the search of
7 Secretary Clinton's records, you were involved in
8 that. Right?
9 MS. WILKINSON: Objection. Beyond the
10 scope.
11 MS. BERMAN: Same objection.
12 **A I don't know what you mean by "search."**
13 Q Well, she returned records. There was a
14 search that was done before she returned records to
15 the State Department. Right?
16 **A So my --**
17 MS. BERMAN: Same objection.
18 **A It might be semantics. So I don't know**
19 **what you mean, so ...**
20 Q Was there -- well, wasn't there a search
21 of records -- of the e-mails on Clinton e-mail
22 account to determine which ones of those were

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1 federal records and which ones were personal
2 records?
3 **A We reviewed her records to determine what**
4 **were federal records that should be returned or what**
5 **potentially were federal records. So what we used**
6 **as work-related records, and that's what was**
7 **returned.**
8 Q Okay. So I'm referring to that as a
9 search. You're referring to it as a review.
10 **A A search -- a search suggests you don't**
11 **know where they are. So I apologize. A review.**
12 Q That's all right. So I'll use your term,
13 the review of the records.
14 Were you representing Secretary Clinton
15 during that process?
16 **A Yes.**
17 Q And you're asserting attorney-client
18 privilege with respect to that review process?
19 MS. WILKINSON: I am going to -- well,
20 first of all, that's not a question. I think you
21 should direct that question at me.
22 MS. COTCA: Okay.

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1 MS. WILKINSON: And I asserted that you
2 are asking questions beyond the scope of the
3 deposition, which could include attorney-client
4 privileged information. But primarily you're asking
5 questions beyond the scope of the deposition.
6 Again, I'm open to you explaining to me
7 how it's not beyond the scope so we can correct it
8 now, if you think I'm wrong.
9 BY MS. COTCA:
10 Q Ms. Mills, with respect -- are you
11 familiar with the OIG report that just came out?
12 A I am familiar that it was issued.
13 Q Two days ago. And that's the State
14 Department OIG?
15 A The State Department OIG issued a report
16 in the last couple of days with respect to
17 Secretary -- former Secretary's use of e-mail.
18 Q Have you reviewed it?
19 A I have not had occasion yet to review it.
20 Q Okay. In the report it states that staff
21 failed to comply with department policies intended
22 to implement NARA regulations because of these

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1 e-mails -- because of these e-mails were preserved
2 in department record system prior to their
3 production in 2015.
4 How do you feel about the State OIG coming
5 to the conclusion that you failed to comply with
6 department policies --
7 MS. WILKINSON: Objection.
8 Q -- with respect to records management?
9 MS. WILKINSON: Objection. Beyond the
10 scope. And I'm going to instruct her not to answer.
11 MS. BERMAN: I am going to object as well.
12 If you have a document that you're reading from,
13 that it might be appropriate to show it to the
14 witness, like all the other exhibits.
15 Q Ms. Mills, did you play any role with
16 respect to reviewing FOIA requests when you were at
17 the State Department?
18 MS. BERMAN: Objection. Vague.
19 A If I was -- if there was a FOIA request
20 that related to matters that I had to produce
21 records on or that was related to that, I would do
22 my best to be responsive.

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1 Q How about with respect to that were
2 documents on -- that were perhaps politically
3 sensitive or shedding the Secretary in a negative
4 light?
5 MS. BERMAN: Objection. Beyond the scope
6 of permissible discovery.
7 A I don't know how to answer your question.
8 Q Did you have any role with respect to FOIA
9 requests that asked for documents that would shed
10 the State Department in a negative light; would that
11 come to your -- would those come to your attention?
12 MS. BERMAN: Objection.
13 MS. WILKINSON: Objection. Beyond the
14 scope.
15 A So the FOIA office would send out from
16 time to time FOIAs of interest. And those could be
17 of interest for any number of different reasons. I
18 don't obviously have what their criteria was that
19 they would use.
20 If those were -- if those came out and I
21 received one of them, because I was a part of the
22 community that would, I would look at that.

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1 Q Okay. And when that happened, did you at
2 any time inform them with respect to Secretary
3 Clinton's e-mail account and that her e-mails were
4 stored on her account?
5 A I don't recall doing that.
6 Q With respect to the testimony that you
7 gave to the Benghazi select committee back in
8 September of last year, do you recall testifying
9 that you coordinated a team of six to ten persons
10 searching and reviewing records for requests related
11 to the Benghazi attacks?
12 MS. BERMAN: Objection. Beyond the scope
13 of permissible discovery.
14 A I'm happy to review my testimony to look
15 at that to be able to say one way or another. I
16 think that would probably be the easiest way for me
17 to be able to answer your question accurately, which
18 I would want to do.
19 Q Well, I just want to make sure. Do you
20 remember testifying to that?
21 A I remember testifying about Benghazi and
22 having a set of responsibilities for how we managed

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1 **the overarching sets of challenges that were**
2 **associated with the loss of our ambassador and Sean**
3 **Smith.**
4 Q Okay. Well, did you coordinate a team of
5 six to ten persons searching and reviewing records
6 in response to requests for documents related to the
7 Benghazi attacks?
8 MS. BERMAN: Objection. Beyond the scope
9 of permissible discovery.
10 **A So the records were sent to the A bureau.**
11 **And I didn't coordinate the A bureau. And so that's**
12 **part of what is I think part of my confusion as I'm**
13 **listening to your question.**
14 Q I am not asking with respect to
15 coordinating the A bureau. I'm asking with respect
16 to --
17 **A Documents were produced from the A bureau.**
18 Q Okay. Where -- how did the A bureau get
19 the records?
20 MS. WILKINSON: Objection. Beyond the
21 scope.
22 MS. BERMAN: Same objection.

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1 **A So when there was a request of this**
2 **nature, I -- I can only assume they coordinated with**
3 **the counsel's office and that a request would be**
4 **sent out and documents were collected to the A**
5 **bureau.**
6 Q Did you receive any training regarding
7 FOIA when you came to the State Department?
8 MS. BERMAN: Objection. Beyond the scope
9 of permissible discovery.
10 **A Not that I recall.**
11 Q How about any training with respect to
12 preserving federal records and records management of
13 your e-mails?
14 MS. BERMAN: Objection. Beyond the scope
15 of permissible discovery.
16 **A Not that I recall.**
17 MS. COTCA: Can we take a five-minute
18 break?
19 MS. WILKINSON: Sure.
20 VIDEO SPECIALIST: We are off the record
21 at 15:51.
22 (A recess was taken.)

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1 VIDEO SPECIALIST: We are back on the
2 record at 15:52.
3 BY MS. COTCA:
4 Q Ms. Mills, are you aware of -- was there a
5 memo that was prepared by the IRM staff for the
6 Secretary's office regarding communications
7 equipment in the Secretary's residence which
8 identified her server back in 2009?
9 MS. WILKINSON: Objection. Beyond the
10 scope.
11 **A Not that I am aware of.**
12 Q Do you know who Mary Stone Holland is?
13 **A I don't believe I do.**
14 Q How about Mary Holland Stone?
15 **A I don't believe I -- I am familiar with it**
16 **in that -- in that order, either.**
17 Q Okay.
18 MS. COTCA: That's all we have.
19 MS. WILKINSON: We would like to ask a few
20 questions.
21 EXAMINATION BY COUNSEL FOR THE WITNESS
22 BY MS. WILKINSON:

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1 Q Good afternoon, Ms. Mills.
2 **A Good afternoon, Ms. Wilkinson.**
3 Q It's been a long afternoon, hasn't it,
4 Ms. Mills.
5 As chief of staff and counselor for
6 Secretary Clinton, were you responsible for
7 day-to-day FOIA requests that came to the Executive
8 Secretariat?
9 **A No, I wasn't.**
10 Q Were you responsible on a day-to-day basis
11 for retention of documents, whether they were
12 e-mails or hard-copy documents or memos that went in
13 and out of the Secretary's office?
14 **A No, I wasn't.**
15 Q Were there people in the Executive
16 Secretariat who had those responsibilities?
17 **A Yes.**
18 Q Were some of those people career folks at
19 the Department of State?
20 **A Yes.**
21 Q And did you understand that they had
22 knowledge about FOIA?

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1 **A Yes, they did.**
2 Q Did you understand they had knowledge
3 about the retention of federal records?
4 **A Yes.**
5 Q And was the Secretary, did she have
6 contact directly with those folks?
7 **A Yes, she did.**
8 Q As her chief of staff and counselor, can
9 you explain how Secretary Clinton regularly
10 communicated her State Department business?
11 **A Well, so Secretary Clinton is a person who**
12 **likes to engage directly. And so typically her way**
13 **of engaging and managing the issues and people that**
14 **she worked with is to meet with them one on one or**
15 **in meetings that were regularly scheduled meetings.**
16 **So each day she had a set of regularly scheduled**
17 **meetings to meet with her staff that were the**
18 **assistant secretaries and the undersecretaries, as**
19 **well as others that she might be engaging with.**
20 **She also received an enormous amount of**
21 **paper. She's a vociferous reader, and so she would**
22 **read through all the different memorandas and**

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1 **materials.**
2 **And as a general matter she -- when she**
3 **was in the department she obviously worked in her**
4 **office space where she would consume most of those**
5 **materials and where she would engage in most of**
6 **those meetings.**
7 **So most of the day she was in meetings or**
8 **reading through briefing materials.**
9 Q When Secretary Clinton was at the State
10 Department and in her office, did she even have the
11 ability to e-mail from her office?
12 **A So to access her e-mail, her -- the SCIF**
13 **was a SCIF that didn't allow for BlackBerrys to be**
14 **used, or any personal devices of that nature to be**
15 **used inside the SCIFs.**
16 Q Based on your knowledge and experience,
17 what percentage of her communications doing State
18 Department business were through e-mail?
19 **A Very little.**
20 Q Now, the server -- I mean, the
21 Clintonemail.com -- or let me ask you: What it --
22 what was it called, what were you and Ms. --

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1 **A Clintonemail.com.**
2 Q Clintonemail.com.
3 Do you understand whether that was on a
4 server that Secretary Clinton set up or a server
5 that was set up by President Clinton?
6 **A The server preexisted Secretary Clinton's**
7 **arrival at the State Department. President Clinton**
8 **had established a server for the purposes of his own**
9 **staff office, and -- and her -- her e-mail was**
10 **subsequently put on that. That was not information**
11 **I had contemporaneous knowledge of. It is**
12 **information that I've come to learn over the course**
13 **of my time period since then.**
14 Q And has that knowledge been shared with
15 the public?
16 **A Yes, it has.**
17 Q And are there -- is there information on
18 the Clinton website right now about how documents
19 were reviewed and how the server was used that's
20 available to the public as well as the people here
21 who asked you questions?
22 **A Yes.**

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1 Q At the beginning of the deposition you
2 were asked about a case involving Judge Lamberth and
3 testimony and opinion.
4 Do you recall that?
5 **A Yes.**
6 Q Do you recall whether you actually
7 testified in front of Judge Lamberth or not?
8 **A I don't have a memory of testifying in**
9 **front of him. But I was also during a period of**
10 **time where I had lost one of my mentors, Chuck Ruff,**
11 **and so that period of time is a very painful period**
12 **of time for me.**
13 Q Did you -- you said during questioning
14 that you did not read Judge Lamberth's opinion about
15 certain testimony that you and others gave. Is
16 there a reason you did not read that opinion?
17 **A Yes.**
18 Q Why didn't you read it?
19 **A You know, I -- I work -- I come to**
20 **government because I try to do my best. And this**
21 **was obviously an opinion that was very critical of**
22 **me personally. And I -- that's hurtful and**

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1 **disappointing, because I try my best. And so the**
2 **fact that I had left an impression that led to that**
3 **conclusion was painful and -- and hurtful.**
4 Q Did you understand at any time when you
5 were at the State Department that e-mails Secretary
6 Clinton was sending to you and others on your
7 State.gov account would not be saved by the State
8 Department?
9 A **No. It was my impression they would be**
10 **saved by the State Department.**
11 Q And did you do anything with the Secretary
12 to avoid FOIA by having her e-mails sent -- or at
13 least the e-mails she sent to you, on to your
14 State.gov account?
15 A **No.**
16 Q Just one minute.
17 MS. WILKINSON: That's all we have.
18 MS. BERMAN: Can we take a very short
19 break?
20 VIDEO SPECIALIST: We are off the record
21 at 15:58.
22 (A recess was taken.)

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1 VIDEO SPECIALIST: We are back on the
2 record at 16:03.
3 EXAMINATION BY COUNSEL FOR DEFENDANT
4 BY MS. BERMAN:
5 Q Ms. Mills, I just have a couple of
6 questions.
7 I believe you testified moments ago to
8 your counsel in response to her question that you
9 believed that Secretary Clinton was communicating
10 with the folks responsible for records in the
11 Executive Secretariat.
12 Do you recall that?
13 A **So what I recall is that Secretary Clinton**
14 **engages with the -- the Executive Secretary team.**
15 **They all sit right outside her office, and she would**
16 **engage with them regularly, correct.**
17 Q So is that what you meant by -- what did
18 you mean by communicating, in what ways?
19 A **She engaged with them every day. Part of**
20 **her day-to-day engagement would be with her special**
21 **assistants, with the Executive Secretary himself or**
22 **herself, whoever was the Exec Secretary. She was in**

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1 **routine communication and contact with them.**
2 Q In person. Is that what you meant?
3 A **Yes. They all sit right -- right in front**
4 **of her office.**
5 (A discussion was held off the record.)
6 BY MS. BERMAN:
7 Q Do you have any reason to believe that
8 Secretary Clinton used Clintonemail.com to conduct
9 government business because she or anyone else at
10 the State Department was seeking to avoid FOIA?
11 A **Absolutely not.**
12 MS. COTCA: Objection.
13 MS. BERMAN: No further questions.
14 MS. COTCA: I have a few questions on
15 redirect.
16 EXAMINATION BY COUNSEL FOR PLAINTIFF
17 BY MS. COTCA:
18 Q Ms. Mills, who were the folks, I think
19 that's how you -- or who were the other people in
20 the Executive Secretary's -- Secretariat responsible
21 for FOIA?
22 A **So I don't know who is responsible for**

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1 **FOIA. I know that the Executive Secretary obviously**
2 **manages all the records related to the Secretary, or**
3 **that's part of their responsibilities.**
4 **And so I believe we had three different**
5 **Executive Secretaries during the tenure when we were**
6 **there. I believe when we arrived Dan Smith was the**
7 **head of the Executive Secretariat, and then Steve**
8 **Mull and I think in the end John Bass. But he might**
9 **have come in when Secretary Kerry came in, but I**
10 **think he was there when I left.**
11 Q Okay. Are those the individuals that you
12 were referring to when you earlier answered your
13 attorney's questions with respect to who
14 communicated with -- who were responsible for FOIA
15 requests that came to the -- to the Secretary's
16 office?
17 A **So they were responsible for all of her**
18 **records. And if there was a FOIA request, it**
19 **typically would go in to the front office, that's**
20 **the operation that would be there.**
21 Q You also testified just a few minutes ago
22 when your attorney was asking you questions about

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1 the server. How did you learn how the server -- or
2 who had -- who purchased the server?
3 **A So I'm not sure how to answer your**
4 **question. But maybe I should answer it what your**
5 **goal -- I don't know what your goal is. But, in**
6 **other words, the server was in place at the**
7 **Clinton's residence prior to Secretary Clinton**
8 **becoming Secretary. It subsequently was upgraded.**
9 **And it was being used for the President's personal**
10 **staff, and her e-mail was put on that server.**
11 Q Okay.
12 **A So it was a preexisting.**
13 Q Okay. And how did you learn that?
14 **A So my understanding around that was not**
15 **during the time period while I was at the**
16 **department, if that's what your question is.**
17 Q No. My question is, how did you learn
18 about -- about the server being in place by the
19 President's office and then the transition of the
20 server?
21 **A Some of -- so what my knowledge came**
22 **through is it came through some of my**

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1 **representation, obviously, of the Secretary and**
2 **since I left the department.**
3 Q Okay. What else did you learn with
4 respect to the server through the Secretary about
5 the server?
6 **A So that was not through the Secretary. So**
7 **what came through my representation of the**
8 **Secretary. And I think I've probably articulated**
9 **those sets of things that are with respect to how**
10 **that server was there.**
11 Q Did you learn that from Mr. Pagliano?
12 **A I don't know that I did learn that from**
13 **Mr. Pagliano.**
14 Q Do you recall how you learned that
15 information?
16 **A I don't. Only because my representation**
17 **of Secretary Clinton started after I left the**
18 **department, and there might have been any number of**
19 **ways in which I came to have that information.**
20 Q You also spoke about Judge Lamberth's
21 opinion that we spoke about early on today. When I
22 asked you questions about it, you didn't recall it.

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1 **A I asked -- I answered that I hadn't read**
2 **his opinion, which I hadn't. It's painful.**
3 Q Okay. I understood your answer that you
4 didn't recall it this morning when I asked you about
5 it.
6 **A So I haven't had occasion to step through**
7 **his opinion.**
8 Q Well, okay. Now you remember the opinion
9 issued by Judge Lamberth?
10 **A So I have not read the opinion. So to**
11 **remember something I haven't read is a little bit**
12 **different.**
13 **I've seen media reports about the opinion**
14 **and, more particularly, media reports specifically**
15 **about comments he made.**
16 Q Okay. You described his opinion being
17 very critical of you. Did that at all impact you
18 with respect to perhaps being more sensitive with
19 respect to making sure that records are preserved
20 and appropriate steps are taken while conducting
21 searches and responses to document requests during
22 litigation?

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1 MS. BERMAN: Objection. Exceeds the scope
2 of permissible discovery.
3 **A So I've always tried my best to do the**
4 **best job I could. And I recognize that I'm not**
5 **perfect. And I certainly wish I was.**
6 **But I can say that I tried hard and have**
7 **always tried hard, whether or not I was in**
8 **government or not. And certainly whenever the**
9 **public or judge or anyone thinks that you haven't**
10 **done what they would have like to have seen you done**
11 **or done your best, that's something that has an**
12 **impact, and you try, you try harder. And that's**
13 **what I try to do every day.**
14 Q Is it fair to say -- I mean, did you have
15 sort of more of an awareness to make sure that --
16 with respect to records management issues and
17 responding to legal requests for documents?
18 MS. BERMAN: Objection. Beyond the scope
19 of discovery.
20 **A I think I try hard in all aspects of my**
21 **job, whether or not that job is in government or**
22 **not. But certainly when you have the public's**

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1 **trust, to do the best I can.**

2 Q But you never discussed records management

3 with the Secretary, with respect to her e-mail

4 account at the State Department?

5 **A I don't --**

6 MS. WILKINSON: Objection. Asked and

7 answered.

8 MS. BERMAN: Objection. Exceeds the scope

9 of discovery.

10 **A I don't know that there's more that I can**

11 **add to what I've already said today.**

12 Q That's fine.

13 MS. COTCA: That's all.

14 THE WITNESS: Thank you.

15 VIDEO SPECIALIST: This ends the

16 deposition of Cheryl Mills. We are off the record

17 at 16:12.

18 (Off the record at 4:12 p.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Debra Ann Whitehead, the officer before whom

3 the foregoing deposition was taken, do hereby

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 not

9 requested; and that I am neither counsel for,

10 related to, nor employed by any of the parties to

11 this case and have no interest, financial or

12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand and

14 affixed my notarial seal this 29th day of May, 2016.

15

16 My commission expires:

17 September 14, 2018

18

19

20 -----

21 NOTARY PUBLIC IN AND FOR THE

22 DISTRICT OF COLUMBIA

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UNITED STATES DISTRICT COURT
for the
District of Columbia

Judicial Watch, Inc.

Plaintiff

v.

U.S. Dep't of State

Defendant

Civil Action No. 13-1363 (EGS)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Cheryl D. Mills
c/o Beth Wilkinson, Esq., Wilkins Walsh & Estovitz, 1900 M Street, NW, Suite 800, Washington, D.C. 20036
(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place and Date and Time. Place: Planet Depos LLC, 1100 Connecticut Ave., NW, Suite 950, Washington, DC 20036. Date and Time: 05/27/2016 10:00 am

The deposition will be recorded by this method: stenographic and audiovisual means

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/16/2016

CLERK OF COURT

OR

Handwritten signature of attorney

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Judicial Watch, Inc., who issues or requests this subpoena, are:

Ramona R. Cotca, Judicial Watch, Inc., 425 Third Street, SW, Ste. 800, Washington, DC 20024; (202) 646-5172; rcotca@judicialwatch.org

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 13-1363 (EGS)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

RELEASE IN FULL

From: H <hrod17@clintonemail.com>
Sent: Sunday, September 20, 2009 12:43 PM
To: 'ValmoroLJ@state.gov'
Subject: Re: Schedule

Just a mtg.

----- Original Message -----

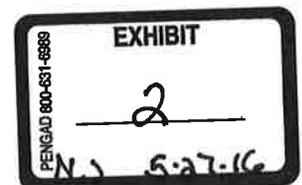
From: Valmoro, Lona J <ValmoroLJ@state.gov>
To: H; Huma Abedin
Cc: H2
Sent: Sun Sep 20 12:12:23 2009
Subject: Re: Schedule

Either Mondays or Tuesdays are best -- at one point, you had mentioned a meal. Would you still like to do that or just a normal meeting?

----- Original Message -----

From: H <HDR22@clintonemail.com>
To: Valmoro, Lona J; Huma Abedin <Huma@clintonemail.com>
Cc: H2 <hr15@att.blackberry.net>
Sent: Sun Sep 20 10:53:10 2009
Subject: Schedule

I need to find a time to meet w the Undersecretaries every week. What do you suggest?



From: H <hdr22@clintonemail.com>
Sent: Friday, January 30, 2009 5:06 AM
To: Huma Abedin <HABedin@hillaryclinton.com>
Subject: Fw: Washington Post article on Administration's Iran policy

RELEASE IN FULL

Pls print.

From: "Mills, Cheryl D"
Date: Fri, 30 Jan 2009 04:38:14 -0500
To: <hdr22@clintonemail.com>
Subject: Fw: Washington Post article on Administration's Iran policy

Fyi

From: LaVine, Christopher M
To: NEWS-Mahogany
Cc: NEWS-NEA; SES-O; Knopf, Payton L; Hale, David M; NEWS-Iran
Sent: Thu Jan 29 22:50:25 2009
Subject: Washington Post article on Administration's Iran policy

Colleagues,

Ops thought you might be interested in this WPost article on the Administration's Iran policy. Thank you,

Regards,

Chris LaVine

Operations Center

Writings Offer Look at Administration Debate on Iran

By Glenn Kessler

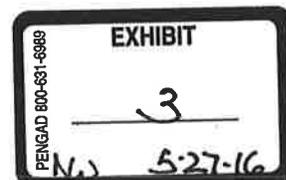
Washington Post Staff Writer

Friday, January 30, 2009; A12

President Obama and Secretary of State Hillary Rodham Clinton in the past week have sent repeated signals to Iran that the door is now wide open for direct talks between the two countries three decades after the Iranian revolution, but U.S. officials say the method, the pace and the tenor of that diplomacy still remain to be settled.

But while officials say a plan will not be in place for several months, key players in the discussions have outlined their views in papers they wrote before joining the administration, giving a unique window into the administration's debate.

Obama, during a private discussion with Jewish leaders a year ago, also provided a road map to his thinking.



HA 02/01/2015

cdmillsGroup

endeavors that matter

VIA HAND DELIVERY

The Honorable Patrick F. Kennedy
Under Secretary of State for Management
U.S. Department of State
2201 C Street, N.W.
Washington, DC 20520

December 5, 2014

Dear Under Secretary Kennedy:

I am writing in response to your request for assistance in helping the Department meet its requirements under the Federal Records Act.

Like Secretaries of State before her, Secretary Clinton at times used her own electronic mail account when engaging with other officials. On matters pertaining to the conduct of government business, it was her practice to use the officials' government electronic mail accounts. Accordingly, to the extent the Department retains records of government electronic mail accounts, it already has records of her electronic mail during her tenure preserved within the Department's recordkeeping systems.

Out of an abundance of caution though and to assist the Department, the Secretary's electronic mail has been reviewed. Please find enclosed those electronic mails we believe respond to your request. Given the volume of electronic mails being provided, please note these materials inevitably include electronic mail that are not federal, and in some cases are personal, records which we request be handled accordingly.

Sincerely,



Cheryl Mills



Edwards, Ronako

From: Visek, Richard C
Sent: Thursday, September 11, 2014 6:01 AM
To: Duval, Catherine S
Subject: Fw: Following Up

RELEASE IN PART
B6

Could we cut into the lwyr's mtg and do 4?

From: Cheryl Mills [mailto:]
Sent: Thursday, September 11, 2014 02:56 AM Eastern Standard Time
To: Visek, Richard C
Cc: Joanne Laszczych <[mailto:]>
Subject: Re: Following Up

B6

B6

Rich

I got double booked at 11am - can you do noon, 3pm or 4pm?

Copying Joanne so it gets locked on my sked for today.

Best.

REVIEW AUTHORITY: Frank Tumminia, Senior Reviewer

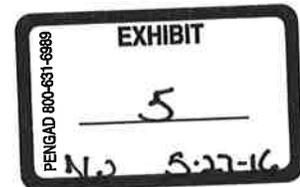
Best.

cdm

On Sep 8, 2014, at 2:13 PM, "Visek, Richard C" <[mailto:]> wrote:

Hi Cheryl - Can we try for 11am on Thursday? Regards, Rich

From: Cheryl Mills [mailto:]
Sent: Monday, September 08, 2014 11:08 AM
To: Visek, Richard C
Subject: Re: Following Up



B6

Rich

I appreciate connecting this morning. I am free to follow-up this week so let me know what works for you.

In the interim, I will reflect on the direction you shared that Department anticipates pursuing and how we can be of assistance.

thank you so much.

cdm

On Fri, Sep 5, 2014 at 11:21 AM, Cheryl Mills <[mailto:]> wrote:
815am Monday would be ideal.

B6

What number can I reach you at?

cdm

On Sep 5, 2014, at 9:48 AM, "Visek, Richard C" <VisekRC@state.gov> wrote:

Would 8:15 or 9am on Monday be doable?

From: Cheryl Mills [<mailto:>]
Sent: Friday, September 05, 2014 9:14 AM
To: Visek, Richard C
Subject: Re: Following Up

B6

Thanks - late today works or 8am monday - let me know which you prefer.

best.

cdm

On Fri, Sep 5, 2014 at 9:08 AM, Visek, Richard C <VisekRC@state.gov> wrote:

Hi Cheryl – Let me know what would be a good time for us to continue our conversation from yesterday regarding the below. I'm free this afternoon, except for 2:30-3:30. Otherwise, we could look to set up a time for early next week. Regards, Rich

From: Cheryl Mills [<mailto:>]
Sent: Friday, August 22, 2014 9:20 AM
To: Wade, David E
Cc: Visek, Richard C; Philippe Reines
Subject: Following Up

B6

Dear David (and Rich)

I wanted to follow up on your request last month about getting hard copies of Secretary Clinton's emails to/from accounts ending in ".gov" for her tenure at the Department.

I will be able to get that to you, to the best of its availability. Given the volume, it will take some time to do but I wanted to let you know that I am working to get it to you.

Hope you are having a great end to your summer.

Best.

cdm

(Sorry for not copying Jen, I don't have her email).

RELEASE IN FULL

From: Rice, Susan E (USUN) <RiceSE@state.gov>
Sent: Monday, May 31, 2010 11:13 PM
To: H
Subject: Re: Here it is!

Many thanks. Will keep you posted.

----- Original Message -----

From: H <HDR22@clintonemail.com>
To: Rice, Susan E (USUN)
Sent: Mon May 31 23:04:05 2010
Subject: Here it is!

Susan--Pls feel free to use (whatever my current address may be) anytime. Thx for another great effort. Call if you need me. HRC



RELEASE IN PART
B6

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Saturday, September 05, 2009 5:12 PM
To: H
Cc: Jiloty, Lauren C
Subject: Re: Secretary's Email

K - will give to him directly

----- Original Message -----

From: H <HDR22@clintonemail.com>
To: Mills, Cheryl D
Sent: Sat Sep 05 16:00:00 2009
Subject: Re: Secretary's Email

Yes

----- Original Message -----

From: Mills, Cheryl D <MillsCD@state.gov>
To: H
Cc: Jiloty, Lauren C <JilotyLC@state.gov>
Sent: Sat Sep 05 15:56:24 2009
Subject: Fw: Secretary's Email

Do you want him to have your email?

From: Anderson, Amanda D. [REDACTED]
To: Jiloty, Lauren C; Mills, Cheryl D
Sent: Sat Sep 05 14:26:43 2009
Subject: Secretary's Email

The Secretary and Rahm are speaking, and she just asked him to email her - can you send me her address please?

Thanks

Amanda

RELEASE IN PART B6

From: H <hrod17@clintonemail.com>
Sent: Sunday, March 18, 2012 8:54 AM
To: kerryjf [redacted]
Cc: Tom Donilon
Subject: Re: Letter

B6

Thanks for all your efforts, John.

Sent from my iPad

On Mar 18, 2012, at 6:00 AM, "John Kerry" <kerryjf [redacted]> wrote:

> Is in hand and will be delivered to HM this evening. We should set up the phone call.

RELEASE IN PART
B6

From: SCHU <SCHU [redacted]>
Sent: Wednesday, April 11, 2012 3:54 PM
To: H
Cc: abedinh@state.gov

B6

Dear Hillary,

I sent a longer email through your assistant.

Enjoy the attachments as well. ☺

Steve

Steven Chu
Department of Energy

RELEASE IN PART
B5, B6

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Thursday, July 09, 2009 2:33 PM
To: H
Subject: FW: Email/PF

FYI

From: McDonough, Denis R. [redacted]
Sent: Thursday, July 09, 2009 12:46 PM
To: Mills, Cheryl D
Subject: Re: Email/PF

B6

Hope you're good.
D

From: Mills, Cheryl D
To: McDonough, Denis R.
Sent: Thu Jul 09 11:42:26 2009
Subject: RE: Email/PF

cdm

From: McDonough, Denis R. [redacted]
Sent: Thursday, July 09, 2009 8:25 AM
To: Mills, Cheryl D
Subject: RE: Email/PF

ok. i will work it.

From: Mills, Cheryl D [mailto:MillsCD@state.gov]
Sent: Thursday, July 09, 2009 8:10 AM
To: McDonough, Denis R.
Subject: RE: Email/PF

Next monday

B5

B6

B5

From: McDonough, Denis R. [redacted]
Sent: Thursday, July 09, 2009 8:00 AM
To: Mills, Cheryl D
Subject: RE: Email/PF

B6

when is that townhall?

From: Mills, Cheryl D [mailto:MillsCD@state.gov]
Sent: Thursday, July 09, 2009 7:27 AM
To: McDonough, Denis R.
Subject: Email/PF

On my email:

You can lose the cmills@hillaryclinton.com.

My two are:

[redacted]
millscd@state.gov

Also, S's town hall at AID would go infinitely better if she can announce [redacted] - can we announce him?

cdm

RELEASE IN FULL

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Monday, June 08, 2009 7:58 AM
To: H
Subject: RE: axelrod wants your email - remind me to discuss with you if i forget

Will take care of it.

-----Original Message-----

From: H [mailto:HDR22@clintonemail.com]
Sent: Monday, June 08, 2009 7:41 AM
To: Mills, Cheryl D
Subject: Re: axelrod wants your email - remind me to discuss with you if i forget

Can you send to him or do you want me to? Does he know I can't look at it all day so he needs to contact me thru you or Huma or Lauren during work hours.

----- Original Message -----

From: Mills, Cheryl D <MillsCD@state.gov>
To: H
Sent: Mon Jun 08 07:39:30 2009
Subject: axelrod wants your email - remind me to discuss with you if i forget

RELEASE IN PART
B6

From: H <hrod17@clintonemail.com>
Sent: Thursday, June 25, 2009 10:35 PM
To: 'jpodesta' [redacted]
Subject: Re: Does this mean your career as a major league pitcher is over?

B6

Probably for this season, but I'll be ready next spring! Until then, I'll keep my day job.

----- Original Message -----

From: John Podesta [redacted]
To: H
Sent: Sun Jun 21 15:07:06 2009
Subject: Does this mean your career as a major league pitcher is over?

Tried you a couple days ago, but email bounced back Neera says this is the right one. How are you doing? [redacted]

[redacted]

RELEASE IN PART B6

From: H <hrod17@clintonemail.com>
Sent: Tuesday, July 26, 2011 10:11 AM
To: 'nora.toiv' [redacted]
Subject: Re: My gmail

Even weirder--I just checked and I do have your state but not your gmail--so how did that happen. Must be the Chinese!

From: Nora Toiv [mailto:[redacted]]
Sent: Tuesday, July 26, 2011 10:03 AM
To: H
Subject: Re: My gmail

You've always emailed me on my State email which is toivnf@state.gov

On Tue, Jul 26, 2011 at 10:01 AM, H <HDR22@clintonemail.com> wrote:
That's all I have--pls send me your state address. Thx.

From: Nora Toiv [mailto:[redacted]]
Sent: Tuesday, July 26, 2011 09:58 AM
To: H; Huma Abedin
Subject: My gmail

For future reference, this is my gmail. Thanks.

RELEASE IN PART B6

From: H <hrod17@clintonemail.com>
Sent: Tuesday, July 26, 2011 10:09 AM
To: 'nora.toiv' [redacted]
Subject: Re: My gmail

B6

Weird since my address book only has your gmail. Maybe the Chinese hacked it and focussed on you!

From: Nora Toiv [mailto:[redacted]]
Sent: Tuesday, July 26, 2011 10:03 AM
To: H
Subject: Re: My gmail

You've always emailed me on my State email which is toivnf@state.gov

On Tue, Jul 26, 2011 at 10:01 AM, H <HDR22@clintonemail.com> wrote:
That's all I have--pls send me your state address. Thx.

From: Nora Toiv [mailto:[redacted]]
Sent: Tuesday, July 26, 2011 09:58 AM
To: H; Huma Abedin
Subject: My gmail

For future reference, this is my gmail. Thanks.

Kennedy, Patrick F

From: Lukens, Lewis A
Sent: Saturday, January 24, 2009 8:26 PM
To: Kennedy, Patrick F
Subject: Re: Series of questions

RELEASE IN PART B6

I talked to Cheryl about this. She says problem is hrc does not know how to use a computer to do email - only bb. But I said would not take much training to get her up to speed.

From: Kennedy, Patrick F
To: Lukens, Lewis A; 'habedin'; 'cmills'
Cc: Smith, Daniel B
Sent: Sat Jan 24 20:22:20 2009
Subject: Re: Series of questions

REVIEW AUTHORITY: Frank Tumminia, Senior Reviewer

That is why this is the best solution

From: Lukens, Lewis A
To: 'habedin'; Kennedy, Patrick F; 'cmills'
Cc: Smith, Daniel B
Sent: Sat Jan 24 19:49:30 2009
Subject: Re: Series of questions

She'll be able to.

From: Huma Abedin
To: Kennedy, Patrick F; Lukens, Lewis A; Cheryl Mills
Cc: Huma Abedin ; Smith, Daniel B
Sent: Sat Jan 24 19:48:27 2009
Subject: Re: Series of questions

Yes we were hoping for that if possible so she can check her email in her office.

-----Original Message-----
From: Kennedy, Patrick F <KennedyPF@state.gov>
To: Lukens, Lewis A <LukensLA@state.gov>; Cheryl Mills
CC: Huma Abedin; Smith, Daniel B <SmithD2@state.gov>
Sent: Sat Jan 24 19:29:25 2009
Subject: Re: Series of questions

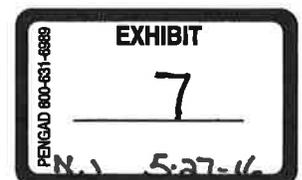
Cheryl

The stand-alone separate network PC is on on great idea

Regards

Pat

From: Lukens, Lewis A
To: 'cmills'



B6

B6

B6

B6

B6

B6

Cc: Huma Abedin; Kennedy, Patrick F; Smith, Daniel B
Sent: Sat Jan 24 19:10:33 2009
Subject: Re: Series of questions

We have already started checking into the NSA bb. Will set up the office across the hall as requested. Also think we should go ahead (but will await your green light) and set up a stand alone PC in the Secretary's office, connected to the internet (but not through our system) to enable her to check her emails from her desk. Lew

From: Cheryl Mills
To: Lukens, Lewis A
Cc: Huma Abedin ; Kennedy, Patrick F
Sent: Sat Jan 24 19:05:24 2009
Subject: RE: Series of questions

so I have now read up more on POTUS' bb (which appears not really to be a bb but a different device).

is there any solution to her being able to use an encrypted bb like the nsa approved one he has in the vault and if so, how can we get her one.

and if not, let's set up the office across the hall for her to use – it needs a phone etc. so she can go across the hall to check her bb.

cdm

From: Lukens, Lewis A [mailto:Lukens.L.A@state.gov]
Sent: Friday, January 23, 2009 6:54 AM
To: Cheryl Mills
Subject: Re: Series of questions

Questions 1 and 2 - yes. Will give you more details this morning

On the bb for hrc, can we chat this morning? I may have thought of a workaround but need more info on her bb use from you.

Lew

From: Cheryl Mills
To: Lukens, Lewis A
Sent: Fri Jan 23 06:47:59 2009
Subject: Series of questions

Lew –

who can I talk to about:

1. can our email be accessed remotely through the web using a non-DOS computer like my laptop?
2. I am traveling to the M-E tonight – will my DOS bb work there and is there a cell phone attached?
3. spoke to Dan re: bb for HRC (and reports that POTUS is able to use a super encrypted one which)
4. spoke to Dan re: setting up Counselor office for HRC so she can go across hall regularly and check her email.

cdm

DS011

RELEASE IN PART
B5, B7(C)

Reid, Donald R

REVIEW AUTHORITY: Barbara Nielsen, Senior Reviewer

From: Reid, Donald R
Sent: Monday, February 02, 2009 2:03 PM
To: [redacted]
Subject: RE: PDAs for S and S Staff

B7(C)

Stay in the loop [redacted]

B5
B7(C)

From: [redacted]
Sent: Monday, February 02, 2009 1:46 PM
To: Reid, Donald R
Subject: RE: PDAs for S and S Staff

B7(C)

[redacted] is making contact [redacted]

B7(C)
B5

With knowledge on the exact device....we can determine how to proceed with Brief for Boswell. [redacted]

B7(C)

From: Reid, Donald R
Sent: Monday, February 02, 2009 12:32 PM
To: [redacted]
Subject: FW: PDAs for S and S Staff

B7(C)

Don't know much about this...any insight [redacted]

B5

From: Boswell, Eric J
Sent: Monday, February 02, 2009 8:46 AM
To: Reid, Donald R
Cc: [redacted] Donovan, Patrick D
Subject: PDAs for S and S Staff

B7(C)

On the off chance that S staff continues to push for S or TS-capable PDAs, [redacted]

B5

I'll need a briefing on what we know [redacted] Pls schedule.

B5

1

UNCLASSIFIED

DS014

RELEASE IN PART B(7)C,
B(3)50 USC 3605, Public Law
86-36, Sec. 6(a) National
Security Act of 1959

Reid, Donald R

From: Reid, Donald R
Sent: Friday, February 13, 2009 5:52 PM
To: [redacted]
Subject: FW: URGENT: Meeting with Cheryl Mills Tuesday

B7(C)

[redacted] at Eric's request, we began examining options for S with respect to secure "Blackberry-like" communications...the current state of the art is not too user friendly, has no infrastructure at State, and is very expensive...each time we asked the question "What was the solution for POTUS?" we were politely told to shut up and color...NSA opened the door for us to establish requirements and they would try to help...then [redacted] (the NSA customer rep assigned to INR) happened to have a meeting with Cheryl Mills where S's displeasure with the current "no BB in the SCIF" issue "just came up." Now NSA is offering a briefing Tues and clearly are ready to make things happen.

B7(C)

REVIEW
AUTHORITY:
Barbara
Nielsen,
Senior
Reviewer

While our noses are out of joint for how this was handled, the issue will be what kind of support will NSA be offering to meet S demands (basically wireless comm in Mahogany Row)...and whatever solution they provide will have to have a supporting request (or an existing MOA)...so that is the only reason I was giving you a heads up...Don

B3 NATL SEC AGENCY
B7(C)

From: [redacted]
Sent: Friday, February 13, 2009 5:17 PM
To: Boswell, Eric J; [redacted] Reid, Donald R;
Cc: Donovan, Patrick D
Subject: RE: URGENT: Meeting with Cheryl Mills Tuesday

B3 NATL SEC AGENCY
B7(C)
B3 NATL SEC AGENCY
B7(C)

Eric,

The meeting on 17 February at 2 p.m. in the Secretary's conference room.

Apologies for the typo.

[redacted]
Office Manager
NCR State
[redacted]

B3 NATL SEC AGENCY
B7(C)

B7(C)

From: Boswell, Eric J
Sent: Friday, February 13, 2009 4:45 PM
To: [redacted] Reid, Donald R;
Cc: [redacted] Donovan, Patrick D
Subject: RE: URGENT: Meeting with Cheryl Mills Tuesday

B3 NATL SEC AGENCY
B7(C)

I presume this meeting is Tuesday 17 Feb rather than 27 Feb?

From: [redacted]
Sent: Friday, February 13, 2009 3:29 PM
To: Boswell, Eric J; Reid, Donald R; [redacted]
Cc: [redacted]
Subject: URGENT: Meeting with Cheryl Mills Tuesday

B3 NATL SEC AGENCY
B7(C)
B3 NATL SEC AGENCY
B7(C)

Classification: **SECRET**

Good afternoon -

BLUF: NSA/IAD seniors will be meeting with Ms. Mills Tuesday on Blackberry vulnerabilities and the range of mitigation options based on a request she made of me this morning. I want to ensure that you have the opportunity to attend, or to send your experts, to join the discussion and hear firsthand what the options are.

Date: Tuesday, 27 February 2009

Time: 1400

Place: The Secretary's Conference Room

POCs: Lori McLean (for Chief of Staff); [redacted] for NCR State/NSA

B3 NATL SEC AGENCY
B7(C)

Background: I believe IAD was to have coordinated with you, but things have been developing quickly (as they always do on the Friday before a long weekend!) and I did NOT want to assume that you had been informed of the meeting and that you had been invited to participate, as is both desired and appropriate. If this IS first heard for you, please be assured that it was NOT intentional, but more along the line of "fog of battle" or "too many cooks..."

I apologize up front for inadvertently forcing the issue. I met with Ms. Mills this morning to introduce myself and was immediately questioned about the "art of the possible" re: the Blackberries. NSA is fully prepared to brief on the vulnerabilities; to make sure they understand fully the requirement (which was stated to me as needing to use the Blackberries in the Secretary's Suite at the unclassified level for scheduling/emailing etc. and possibly also for voice); and to discuss/offer mitigations that would enable resolution of the requirement.

[redacted] and [redacted] have been charged by Debbie Plunkett (D/IAD) to lead the briefing team. Please do not hesitate to contact them, or me, to help shape the agenda, ask questions, etc. Their phone numbers are [redacted]

B3 NATL SEC AGENCY

I would greatly appreciate your letting [redacted] cc'ed on this note) know who will attend from the CIO and DS offices so that she can advise Lori McLean prior to the session.

B3 NATL SEC AGENCY
B7(C)

Thank you for working with me on this. [redacted]

B3 NATL SEC AGENCY
B7(C)

[redacted]
Senior NSA Liaison Representative, U.S. State Department
[redacted] commercial [redacted] STE

B3 NATL SEC AGENCY
B7(C)

B3 NATL SEC AGENCY

Obtained by Judicial Watch, Inc. via FOIA

From: H <hdr22@clintonemail.com>
Sent: Friday, February 13, 2009 12:33 PM
To: Mills, Cheryl D <MillsCD@state.gov>
Subject: Re: Update

RELEASE IN PART B3 NATL
SEC AGENCY

That's good news.

From: "Mills, Cheryl D"
Date: Fri, 13 Feb 2009 11:42:37 -0500
To: <hdr22@clintonemail.com>
Subject: FW: Update

HRC:

See below.

Remind me to discuss with you, particularly should they pull this off.

B3 NATL SEC AGENCY

In meeting with the NSA person today ([redacted] NSA's rep to DOS) - she indicated they could address our BB so that BB could work in the sciff and be secure based upon some modifications that could be done to each BB (more below).

edm

From: [redacted]
Sent: Friday, February 13, 2009 11:08 AM
To: Mills, Cheryl D
Cc: McLean, Lori A; [redacted]
Subject: Update

B3 NATL SEC AGENCY

B3 NATL SEC AGENCY

Cheryl,

--Debbie Plunkett, D/Chief of our Information Assurance Directorate, is personally assembling a knowledgeable team to work with you and other members of your staff to move forward on your Blackberry requirement. She will engage State's CIO and DS/comms security folks to ensure everyone is aware of the art of the possible. She asked me to provide dates/times when you may be available to meet -- I will ask my Executive Assistant, [redacted] to work with Lori to make this happen. I am confident we can get to YES on this!

B3 NATL SEC AGENCY

--The reports we discussed are at a higher level than can be forwarded on the high side, so we will deliver them to your office today (our reporting staff is retrieving them now).

Thank you so much for making the time for Dick and me today. All the best [redacted]

B3 NATL SEC AGENCY

DS016

RELEASE IN PART B5, B(7)C,
B(3)50 USC 3605, Public Law
86-36, Sec. 6(a) National Security
Act of 1959

Reid, Donald R

From: Reid, Donald R
Sent: Wednesday, February 18, 2009 7:00 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Recap - Meeting re: Blackberries

RELEASE IN PART B(3)-18-USC
798, B(1)

UNCLASSIFIED

B7(C)

REVIEW
AUTHORITY:
Barbara
Nielsen,
Senior
Reviewer

Here's the results of our meeting yesterday...as I had been speculating, the issue here is one of personal comfort...S does not use a computer so our view of someone wedded to their email (why doesn't she use her desktop when in the SCIF?) doesn't fit this scenario...during the campaign she was urged to keep in contact with thousands via a BB...once she got the hang of it, she was hooked...now everyday, she feels hamstrung because she has to lock her BB up...she does go out several times a day to an office they have crafted for her outside the SCIF and plays email catch-up...Cheryl Mills and others who are dedicated BB addicts are frustrated because they too are not near their desktop very often during the working day...at this 2PM meeting Cheryl indicated she last checked her email at 8:30...they are used to having the BB on their hip and staying closely in touch with developments during the day

[Redacted]

B5
B7(C)

From: [Redacted]
Sent: Tuesday, February 17, 2009 4:01 PM
To: Ashbery, Wayne; Dinger, John R; Boswell, Eric J; [Redacted] Reid, Donald R; Starr, Greg; [Redacted]
Donovan, Patrick D; Wisecarver, Charles D; Stanley, Gary A; [Redacted]
Cc: [Redacted]
Subject: Recap - Meeting re: Blackberries

B3 NATL SEC AGENCY
B7(C)

B7(C)

B3 NATL SEC AGENCY
B7(C)

Classification: SECRET

ACTION:

[Redacted]

B5
B7(C)

SUMMARY:

-Premeeting: at the premeeting, attendees determined that not enough specifics were known about the requirement to jump right in with a discussion and that Ms. Mills should be invited to describe the requirement for the group at the start of the meeting. In addition, it was agreed that this was not a decision meeting; rather, a discussion and information gathering meeting to enable everyone to a) better understand the requirement, b) better understand some of the vulnerabilities, mitigations, costs (in terms of functionality lost, time needed to develop solutions, etc.) associated with the requirement, and c) determine how to move forward.

-Meeting: Ms. Mills described the requirement as chiefly driven by Secretary Clinton, who does not use standard computer equipment but relies exclusively on her Blackberry for e-mailing and remaining in contact on her schedule, etc. Ideally all members of her suite would be allowed to use Blackberries for communication in the SCIF; [Redacted] was not the primary driver, but if possible would be a plus.

B(1), (B)(3)-18
USC 798,
(B)(3)-P.L.
86-36

When the vulnerabilities were described, Ms. Mills quickly focused on the main obstacle to using Blackberries in SCIFs. [redacted] Further discussion indicated that some mitigations, [redacted] would remove the very functionality desired [redacted] while others might take time to develop. Ms. Mills has witnessed use of Blackberries in other sensitive (but perhaps not SCIFed) spaces; she asked some excellent questions about what might be possible and prudent. She also asked about precedent; former Secretary Rice had received waivers for her staff; however, use expanded to an unmanageable number of users from a security perspective, so those waivers were phased out and Blackberry use was not allowed in her Suite.

B(1),
(B)(3)-18
USC 798,
(B)(3)-P.L.
86-36

Ms. Mills asked about the President's Blackberry and whether the information about that was compartmented; she understands that she cannot be given information about the specifics. [redacted]

B5

I left out many details – I invite any of you to share your perspective, your key takeaways, your different take on the meeting – or to ask any questions – important thing is that everyone agree that I captured the action and deliverable accurately, and that everyone now know what the requirement really is – if I have failed in either of those regards, PLEASE do NOT hesitate to correct or question!

All the best, and thanks again to all who participated in what I believe was a very productive and useful meeting of the minds. [redacted]

B3 NATL SEC AGENCY

B3 NATL SEC AGENCY

Attendees:

STATE DEPARTMENT:

- Cheryl Mills, Chief of Staff to S
- John Dinger, Acting A/S for INR
- [redacted] Chief Information Officer
- Charlie Wisecarver, Chief Technology Officer
- Pat Donovan, DAS for DS/Countermeasures
- Don Reid, Assistant Director for DS/Security Infrastructure
- Wayne Ashbery, Director, Office of Security Technology
- [redacted] Director, Office of Information Security

NSA:

- [redacted] Chief, Vulnerability Analysis and Operations
- [redacted] Chief Systems Engineer, Systems Security
- [redacted] Chief, Systems and Network Analysis Center
- [redacted] SNAC/Network Infrastructure
- [redacted] Senior NSA Liaison Rep to State Dept

B7(C)

B7(C)

B3 NATL SEC AGENCY

B3 NATL SEC AGENCY

[redacted] Senior NSA Liaison Representative, U.S. State Department

[redacted] commercial [redacted] STE

RELEASE IN PART B5, B(7)C,
B(3)50 USC 3605, Public Law
86-36, Sec. 6(a) National
Security Act of 1959

DS017 RELEASE IN PART
B(3)-18-USC 798, B(1)

Reid, Donald R

UNCLASSIFIED

From: Reid, Donald R
Sent: Wednesday, February 18, 2009 8:53 AM
To: [redacted]
Cc: Donovan, Patrick D
Subject: FW: Recap - Meeting re: Blackberries

B7(C)

REVIEW AUTHORITY: Barbara Nielsen, Senior
Reviewer

SECRET//NOFORN

[redacted] the coordination and planning for yesterday's meeting did not anticipate the need for S/EX representation...this discussion with Cheryl Mills that was prompted by NSA has raised a host of related issues...mostly in the category of what has S and her staff been briefed on with respect to travel and technology vulnerabilities?.. [redacted] DS intends to follow-up on this particular subject.

B7(C)

B1

More generally on the issue of Blackberries in the Mahogany Row, we will be working with NSA on a set of possible options to meet S and others requirements...there certainly will be costs associated with anything that get implemented...

B3 NATL SEC AGENCY
B7(C)

From: [redacted]
Sent: Tuesday, February 17, 2009 4:01 PM
To: Ashbery, Wayne; Dinger, John R; Boswell, Eric J; [redacted] Reid, Donald R; Starr, Greg; [redacted]
Donovan, Patrick D; Wisecarver, Charles D; Stanley, Gary A; [redacted]
Cc: [redacted]
Subject: Recap - Meeting re: Blackberries

B7(C)

B3 NATL SEC AGENCY

B3 NATL SEC AGENCY
B7(C)

Classification: SECRET

B5
B7(C)

ACTION:

[Large redacted block]

SUMMARY:

-Premeeting: at the premeeting, attendees determined that not enough specifics were known about the requirement to jump right in with a discussion and that Ms. Mills should be invited to describe the requirement for the group at the start of the meeting. In addition, it was agreed that this was not a decision meeting; rather, a discussion and information gathering meeting to enable everyone to a) better understand the requirement, b) better understand some of the vulnerabilities, mitigations, costs (in terms of functionality lost, time needed to develop solutions, etc.) associated with the requirement, and c) determine how to move forward.

B(1),
(B)(3)-18
USC 798,
(B)(3)-P.L.
86-36

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B(1),
(B)(3)-18
USC 798,
(B)(3)-P.L.
86-36

about what might be possible and prudent. She also asked about precedent; former Secretary Rice had received waivers for her staff; however, use expanded to an unmanageable number of users from a security perspective, so those waivers were phased out and Blackberry use was not allowed in her Suite.

Ms. Mills asked about the President's Blackberry and whether the information about that was compartmented; she understands that she cannot be given information about the specifics.

[Redacted]

B5

I left out many details -- I invite any of you to share your perspective, your key takeaways, your different take on the meeting -- or to ask any questions -- important thing is that everyone agree that I captured the action and deliverable accurately, and that everyone now know what the requirement really is -- if I have failed in either of those regards, PLEASE do NOT hesitate to correct or question!

All the best, and thanks again to all who participated in what I believe was a very productive and useful meeting of the minds.

B3 NATL SEC AGENCY
B7(C)

Attendees:

STATE DEPARTMENT:

- Cheryl Mills, Chief of Staff to S
- John Dinger, Acting A/S for INR
- [Redacted] Chief Information Officer
- Charlie Wisecarver, Chief Technology Officer
- Pat Donovan, DAS for DS/Countermeasures
- Don Reid, Assistant Director for DS/Security Infrastructure
- Wayne Ashbery, Director, Office of Security Technology
- [Redacted] Director, Office of Information Security

NSA:

- [Redacted] Chief, Vulnerability Analysis and Op
- [Redacted] Chief Systems Engineer, Systems Security
- [Redacted] Chief, Systems and Network Analysis Center
- [Redacted] SNAC/Network Infrastructure
- [Redacted] Senior NSA Liaison Rep to State Dept

B3 NATL SEC AGENCY

B7(C)

B7(C)

[Redacted]
Senior NSA Liaison Representative, U.S. State Department
[Redacted] commercial [Redacted] STE

B3 NATL SEC AGENCY
B7(C)
B3 NATL SEC AGENCY

B7(C)
B6

B6
B7(C)

[Redacted]

From: [Redacted]
Sent: Monday, March 02, 2009 3:52 PM
To: DS Staffers
Cc: [Redacted]

Subject: DS/DSS clearance: IM to S - Cheryl Mills Re. Use of Blackberries in Mahogany Row



Memo to S-Mills
(Final March 2...



CTAD20080731
(F).pdf



Document.pdf

RELEASE IN PART
B7(C),B6

Director Starr clears the attached package. Thanks
Cam

~~SECRET/NOFORN~~ attachment

DS 65

RELEASE IN PART
B1, 1.4(G), 1.4(E), B7(C), B6, 1.4(C)

SECRET/NOFORN

DECL: 03/02/2019

INFORMATION MEMO FOR CHERYL D. MILLS

FROM: DS - Eric J. Boswell

SUBJECT: Use of Blackberries in Mahogany Row

1.4(E)
1.4(G)
B1

We have worked closely [redacted] to review all options that would allow Secretary Clinton, you, and a small number of staff to use Blackberries [redacted]

[redacted] Our review reaffirms our belief that the vulnerabilities and risks associated with the use of Blackberries in the Mahogany Row [redacted] considerably outweigh the convenience their use can add to staff that have access to the unclassified OpenNet system on their desktops. [redacted]

1.4(E)
1.4(G)
B1

[redacted] We also worry about the example that using Blackberries in Mahogany Row might set as we strive to promote crucial security practices and enforce important security standards among State Department staff.

As an alternative, we suggest that DS work with S/ES-IRM to make access to the Secretary's OpenNet account on her desktop workstation as easy and convenient as possible. For example, we are happy to work with IRM to lengthen or even eliminate the time-out function to allow the Secretary's Special Assistant to log-on to review her emails and schedules.

[redacted] While we cannot recommend using Blackberries inside the Mahogany Row [redacted] we do not want to stand in the way of issuing Department Blackberries to the Secretary and her senior staff for use outside Mahogany Row. Those Blackberries can be synchronized with your OpenNet Microsoft Outlook accounts, provide full cellular, e-mail, and internet functionality, and provide unclassified mobile technology when you are away from Mahogany Row.

1.4(E)
1.4(G)
B1

I cannot stress too strongly, however, that any unclassified Blackberry is highly vulnerable in any setting to remotely and covertly monitoring conversations, retrieving e-mails, and exploiting calendars. I am attaching reports from DS's

SECRET/NOFORN

Classified by: DS - Eric J. Boswell
E.O. 12958, Reasons: 1.4 (c), (d), and (e)

DS/B

SECRET/NOFORN

-2-

Office of Computer Security's Cyber Threat & Analysis Division that give further background on those risks. [Redacted]

1.4(E)
1.4(G)
B1

If, after considering the vulnerabilities that I describe above and the alternatives that I propose, the Secretary determines that she wants a limited number of staff to use Blackberries in the Mahogany Row [Redacted]

1.4(E)
1.4(G)
B1

Attachments:

- Tab 1 - Excerpts from DS/CS/CTAD Reports on Blackberry Vulnerabilities
- Tab 2 - [Redacted]
- Tab 3 - New York Times Article: "Obama's Phone Security and Yours"
- Tab 4 - Washington Post Article: "Your Cell and Your Berry: Tools for the Enemy"

1.4(C)
1.4(E)
1.4(G)
B1

SECRET/NOFORN

Drafted: DS/SI/IS
DS/C/ST

[Redacted]

B6
B7(C)

Cleared: DS/DSS – G.Starr (ok)
DS/SI/CS – M.Holland (ok)
DS/SI – D.Reid (ok)
DS/C – P.Donovan (ok)
INR – [Redacted] (ok)
M – [Redacted] (ok)
IRM – [Redacted] (ok)

B6
B7(C)

Plott, Susan M

From: Kennedy, Patrick F
Sent: Friday, December 18, 2015 8:52 AM
To: Austin-Ferguson, Kathleen T
Subject: FW: Resume for [redacted]
Attachments: Bryan Pagliano.rtf

B6

-----Original Message-----

From: Peña, Laura
Sent: Thursday, February 12, 2009 12:14 PM
To: Samuelson, Heather F; Kennedy, Patrick F
Cc: Mook, Robert E; 'Marlon D Marshall'
Subject: RE: Resume for [redacted]

Also attached is Bryan Pagliano, possibly for Int'l Informational Programs.

-----Original Message-----

From: Samuelson, Heather F
Sent: Thursday, February 12, 2009 11:04 AM
To: Kennedy, Patrick F
Cc: Peña, Laura; Mook, Robert E; 'Marlon D Marshall'
Subject: Resume for [redacted]

Hi Pat:

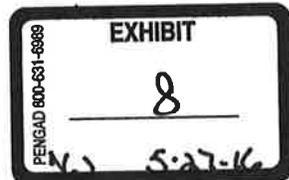
Thank you again for meeting with us yesterday. It was incredibly helpful.

Per our conversation, attached is [redacted]

Many thanks,
Heather

-----Original Message-----

From: [redacted]
Sent: Thursday, February 12, 2009 10:47 AM
To: Samuelson, Heather F



Good morning Heather--

[Large redacted box]

REVIEW AUTHORITY: Paul Blackburn, Senior Reviewer

Thanks.



B6

Bryan M. Pagliano



B6

OBJECTIVE

Management position where I can utilize my experience and education in technology and business.

EXPERIENCE

Hillary Clinton for President

Arlington, VA

IT Director

August 2006 - Present

Responsible for the operational IT infrastructure for headquarters and field offices. Hire and manage a team of systems administrators, engineers and administrative staff. Manage logistics of IT assets and provision of IT services. Design, implement and manage server farm facility. Oversee the technical support helpdesk and participate as a final internal escalation point as needed. Manage discrete projects as required. Negotiate vendor contracts and purchases. Assist CTO in technology budget and planning. Assist DBA's where needed with queries and troubleshooting. Manage technology reduction and relocation activities.

Community IT Innovators

Washington, DC

Senior Systems Engineer - Systems Team Lead

April 1999-August 2006

Work with end user groups to evaluate and solve technical problems. Evaluate existing systems and user needs to analyze, design, recommend, and implement system changes. Familiar with a variety of concepts, best practices, and procedures. Use experience and judgment to plan and accomplish goals. Use experience and judgment to accomplish client goals with creative solutions and disciplined independent practice. Maintain multiple client networks and relationships simultaneously. Manage multiple teams of technical employees. Serve as engineering team lead. Lead Engineer on multi-server and campus network installs.

Systems Administrator

EDUCATION

UMD Robert H. Smith School of Business

Washington, DC

Masters in Business Administration, GPA:

May 2007

Emory University

Atlanta, GA

BA in Political Science

May 1998

TECHNICAL CERTIFICATIONS

MCSE NT and 2000 Certified, CCNA Certified, A+ Certified, CCA Certified

HONORS and AWARDS

Community IT Innovators "Top Techie", Eagle Scout

REVIEW AUTHORITY: Paul Blackburn, Senior Reviewer

From: Wisecarver, Charles D </O=SBUSTATE/OU=NCC
AG/CN=RECIPIENTS/CN=WISECARVERCD32459572>
Sent: Saturday, February 28, 2009 12:15 PM **RELEASE IN FULL**
To: Kennedy, Patrick F <KennedyPF@state.gov>
Cc: Swart, Susan H <SwartSH@state.gov>
Subject: Re: Bryan Pagliano

I called him and left a message but did not hear back. I planned to send an e-mail follow-up but forgot until just now. I will pursue with an e-mail today.

Charlie
DCIO for IT Operations
U.S. Department of State
(202) 647-2663

From: Kennedy, Patrick F
To: Wisecarver, Charles D
Cc: Swart, Susan H
Sent: Sat Feb 28 11:48:55 2009
Subject: FW: Bryan Pagliano

Charlie

How did the conversation go and have you reached an arrangement?

Regards

pat

From: Kennedy, Patrick F
Sent: Saturday, February 28, 2009 11:48 AM
To: Peña, Laura
Subject: RE: Bryan Pagliano

Laura

Susan Swart and Charlie Wisecarver are very interested in him and were calling him to talk.

Will get you a read-out

Regards

pat

From: Peña, Laura
Sent: Monday, February 23, 2009 11:25 AM
To: Kennedy, Patrick F
Subject: Bryan Pagliano

REVIEW AUTHORITY: Paul Blackburn, Senior Reviewer

Laura

Many thanks,

Please let me know when you are ready to give Bryan his assignment at IRM, I'd like to give him a heads up and a better idea of the position.

Hi Pat,

Schedule C?

RELEASE IN PART B5, B6

Page 1 of 3

From: Wisecarver, Charles D </O=SBUSTATE/OU=NCC AG/CN=RECIPIENTS/CN=WISECARVERCD32459572>
Sent: Wednesday, March 11, 2009 9:54 PM
To: Swart, Susan H <SwartSH@state.gov>
Subject: RE: Schedule C - Bryan Pagliano

Let me go back to Jeanne to understand what a PAS really is.

Charlie
 Deputy Chief Information Officer for Operations
 U.S. Department of State
 IRM/OPS
 202 647-2863

From: Swart, Susan H
Sent: Wednesday, March 11, 2009 9:53 PM
To: Wisecarver, Charles D
Subject: Re: Schedule C - Bryan Pagliano

I don't know what a pas is. PFK specifically said we didn't need to be pol apptees but it sure sounds like we do. I'm going to ask him. What a bunch a

From: Wisecarver, Charles D
To: Swart, Susan H
Sent: Wed Mar 11 21:45:45 2009
Subject: FW: Schedule C - Bryan Pagliano
 Your not a PAS! What is a PAS? Is this a reference for a confirmed A/S?

Charlie
 Deputy Chief Information Officer for Operations
 U.S. Department of State
 IRM/OPS
 202 647-2863

From: Raynos, Jeanne M
Sent: Wednesday, March 11, 2009 2:08 PM
To: Wisecarver, Charles D
Cc: Wilson, Mark A (CIO/EA); Zweig, Kathleen A; Burrige, Lisa M; Philbin, Peggy M; Peters, Vivian D; Samuelson, Heather F
Subject: RE: Schedule C - Bryan Pagliano

Charlie,

There are just a few steps for us to gain approval to appoint Mr. Pagliano as a Schedule C in IRM, beginning with a position description (PD). Even though we have not recently had a Schedule C in IRM, the PD should be classified following OPM's classification guidance for GS positions.

As a Schedule C Bryan must report to a PAS, and since Ms. Swart is not a PAS, the PD should identify U/S Kennedy as the supervisor.

REVIEW AUTHORITY: Paul Blackburn, Senior Reviewer

Schedule C?

Page 2 of 3

Once the PD is classified, we will obtain the necessary approvals to appoint Mr. Pagliano as a Schedule C. This last leg of the process may take from 2 to 4 weeks.

We will contact Mr. Pagliano to verify current pay and set his pay as a Schedule C.

Vivian Peters is your primary contact on my staff and can be reached at X32169.

Jeanne

From: Zweig, Kathleen A
Sent: Wednesday, March 11, 2009 1:41 PM
To: Burrige, Lisa M; Philbin, Peggy M
Cc: Wisecarver, Charles D; Wilson, Mark A (CIO/EA); Raymos, Jeanne N
Subject: FW: Schedule C?

Looping in Peggy and Lisa! Thanks. Kathleen

From: Wisecarver, Charles D
Sent: Wednesday, March 11, 2009 12:56 PM
To: Raymos, Jeanne N
Cc: Wilson, Mark A (CIO/EA); Zweig, Kathleen A
Subject: FW: Schedule C?

Jeanne,

Looking for some guidance on how to proceed with bringing on a Schedule C appointment.

- I understand they have to directly report to either a DAS or A/S.
- The U/S said there is a batch being processed for security clearance and presumably ours is in that grouping.
- We are working with our EX to develop a PD.

What is the process to bring on a schedule C? What else should we be doing? What do I tell the candidate, if anything?

Charlie
Deputy Chief Information Officer - IT Operations
U.S. Department of State
(202) 647-2863

From: Tagliatela, Linda S
Sent: Tuesday, March 10, 2009 10:03 AM
To: Wisecarver, Charles D; Raymos, Jeanne N
Subject: Re: Schedule C?

Charlie - talk to Jeanne Raymos X32164

Schedule C?

Page 3 of 3

From: Wisecarver, Charles D
To: Tagliatela, Linda S
Cc: Swart, Susan H; Fedak, Janice J
Sent: Mon Mar 09 06:54:07 2009
Subject: Schedule C?

Linda,

Pat passed on resume of a young man who ran technology for the Clinton for President campaign.
Janice and I met with him on Friday and see the value in bringing him on. [REDACTED]
[REDACTED] What now? IRM doesn't have a lot of experience with "schedule
c" types.

B5
B6

Charlie

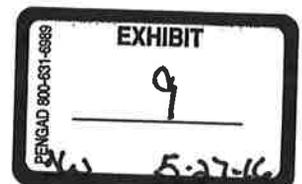
Deputy Chief Information Officer - IT Operations

U.S. Department of State

(202) 647-2863

RELEASE IN FULL

From: Abedin, Huma <AbedinH@state.gov>
Sent: Friday, April 24, 2009 1:27 PM
To: H2
Subject: Test



RELEASE IN FULL

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Tuesday, August 11, 2009 4:08 PM
To: H
Subject: Test

RELEASE IN FULL

From: Abedin, Huma <AbedinH@state.gov>
Sent: Saturday, February 27, 2010 6:34 PM
To: H
Subject: Re: E-mail test

Nothing.

----- Original Message -----

From: H <HDR22@clintonemail.com>
To: Abedin, Huma
Sent: Sat Feb 27 18:30:41 2010
Subject: Re: E-mail test

I've gotten some messages from yesterday--how about you?

----- Original Message -----

From: Abedin, Huma <AbedinH@state.gov>
To: H
Sent: Sat Feb 27 18:29:50 2010
Subject: Re: E-mail test

Ur email must be back up!!

What happened is judith sent you an email. It bounced back. She called the email help desk at state (I guess assuming u had state email) and told them that. They had no idea it was YOU, just some random address so they emailed. Sorry about that. But regardless, means ur email must be back! R u getting other messages?

----- Original Message -----

From: H <HDR22@clintonemail.com>
To: Abedin, Huma
Sent: Sat Feb 27 18:13:28 2010
Subject: Fw: E-mail test

Do you know what this is?

----- Original Message -----

From: Butzgy, Christopher H <ButzgyCH2@state.gov>
To: H
Sent: Sat Feb 27 17:59:37 2010
Subject: E-mail test

Good Afternoon,

I work as a Help Desk Analyst and it has come to my attention that one of our customers has been receiving permanent fatal errors from this address, can you please confirm if you receive this message.

Thank you for your assistance,

Christopher

Christopher Butzgy

S/ES-IRM (POEMS)

202-647-8700

This e-mail is Unclassified based on the criteria of E.O. 12958

From: Abedin, Huma
To: Mull, Stephen D
Subject: Re: S Communications
Date: Tuesday, August 30, 2011 9:34:07 PM

RELEASE IN PART
B7(E)

Its pretty silly and she knows it.

From: Mull, Stephen D
Sent: Tuesday, August 30, 2011 05:18 PM
To: Abedin, Huma
Subject: RE: S Communications

Thanks for reminding all of this very helpful context!!! ☺

From: Abedin, Huma
Sent: Tuesday, August 30, 2011 17:17 PM
To: Mull, Stephen D; Mills, Cheryl D
Cc: Kennedy, Patrick F; Hanley, Monica R
Subject: Re: S Communications

REVIEW AUTHORITY: Barbara
Nielsen, Senior Reviewer

Steve - let's discuss the state blackberry, doesn't make a whole lot of sense.
As for the equipment, the commo team was limited in some capacity because we did not have authorization from owners of residence to install equipment. We did it regardless. Additionally, as S knows, the team didn't have access to the property until a couple of hours before S arrived. Finally, as even the white house attested, this was a pretty wide spread problem, not just affecting us. So we should bear that in mind.

From: Mull, Stephen D
Sent: Tuesday, August 30, 2011 01:39 PM
To: Mills, Cheryl D
Cc: Abedin, Huma; Kennedy, Patrick F; Hanley, Monica R
Subject: S Communications

Cheryl,

Thanks again for alerting me to the communications issues the Secretary has been having. Here's a status report:

- On the immediate problem of the Secretary's not being able to have her calls transferred, [redacted]
- [redacted]
- The technicians are onsite now.
- [redacted]

B7(E)

- On the more long term issue, I've asked our team to develop an enhanced

EXHIBIT
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5-27-16

package of capabilities and equipment that we would propose deploying with the Secretary to be as closely co-located as possible with her when she is on travel away from her usual residences. The package will include things that anticipate the normally unexpected such as hurricanes, power outages, earthquakes, locusts, etc, such as generators, uninterrupted power supplies, supplementary satellite capabilities, including satellite phones for when local infrastructure fails (as it did in NY over the weekend).

Separately, we are working to provide the Secretary per her request a Department issued Blackberry to replace her personal unit which is malfunctioning (possibly because of her personal email server is down). We will prepare two versions for her to use – one with an operating State Department email account (which would mask her identity, but which would also be subject to FOIA requests), and another which would just have phone and internet capability. We're working with Monica to hammer out the details of what will best meet the Secretary's needs.

Please let me know if you need anything more for now, and I'll be in touch with the above longer term options soon.

Thanks,

Steve

RELEASE IN PART B6

From: Toiv, Nora F <ToivNF@state.gov>
Sent: Tuesday, November 15, 2011 3:21 PM
To: H
Subject: RE: Out of Office Re:

B6

Will do.

-----Original Message-----

From: H [mailto:HDR22@clintonemail.com]
Sent: Tuesday, November 15, 2011 3:12 PM
To: Toiv, Nora F
Subject: Fw: Out of Office Re:

Pls show Cheryl and connect w Huma re appt.

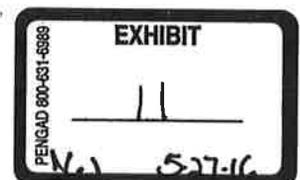
----- Original Message -----

From: Cheryl Mills [mailto:
Sent: Tuesday, November 15, 2011 03:10 PM
To: H
Subject: Out of Office Re:

I am traveling overseas and only have sporadic access to this email.
If you need immediate assistance, please call State Department Operations at 202-647-5548 and ask for Nora Toiv who can assist you.
Alternatively, you can email me at my work email: millscd@state.gov.
As a reminder, government email is maintained as federal records.

thanks.

cdm



RELEASE IN
PART B6

From: Cheryl Mills [REDACTED]
Sent: Wednesday, June 13, 2012 7:14 AM
To: H
Subject: Out of Office Re: Current Status of Ambo Process and Recommendations

B6

I am traveling and only have sporadic access to this email. If you need immediate assistance, please call State Department Operations at 202-647-5548 and ask for Joanne Laszczych who can assist you. Alternatively, you can email me at my work email: millsd@state.gov. As a reminder, government email is maintained as federal records.

thanks.

cdm

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COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
KIMBERLY J. LUCIUS, Democratic Chief Counsel and Staff Director

January 27, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Kerry:

On January 7, 2015, the Department of State Inspector General (State IG) released an evaluation titled, "Evaluation of the Department of State's FOIA Processes for Requests Involving the Office of the Secretary." On January 6, 2016, State IG briefed Senate staff on the scope, methodology, findings, and recommendations. I am deeply concerned about the evaluation's findings.

Based on the information and findings contained in the evaluation, it is clear that systemic failures exist within the Department of State's Freedom of Information Act response process. By way of example, the evaluation noted that "the Department took four and-half times as long—an average of 91 days to process simple requests and almost 535 days to process complex requests" as compared to average processing times for simple and complex process requests across the government, which were 20.5 days and 119 days, respectively.¹ Further, the findings show that the Secretary's Executive Secretariat (S/ES), "rarely searched electronic email accounts prior to 2011 and still does not consistently search these accounts, even when relevant records are likely to be uncovered through such a search."² Perhaps most troubling is the finding that State FOIA searches are inaccurate and incomplete and that "FOIA requesters have been able to produce evidence of the existence of records responsive to a FOIA request despite the attestation by S/ES that no responsive records existed."³

¹ State Department Inspector General, *Evaluation of the Department of State's FOIA Processes for Requests Involving the Office of the Secretary*, "ESP-16-01, p. 6 (January 2016).

² *Id.* at 9.

³ *Id.* at 13.



On page 14 and 15 of the evaluation, State IG provides an example of a misleading response provided by the Department to a FOIA requester. In December 2012, Citizens for Responsibility and Ethics in Washington (CREW) submitted a FOIA request for records “sufficient to show the number of email accounts of, or associated with, Secretary Hillary Rodham Clinton, and the extent to which those email accounts are identifiable as those of or associated with Secretary Clinton.” The Department responded, stating “no records responsive to your request were located.”

At that time, and as the evaluation notes, Secretary Clinton’s senior staff and several senior officials throughout the Department knew that Secretary Clinton was using a personal email address to conduct official business. According to a briefing by State IG, Mr. Brock Johnson, a spokesman at the Department in 2012, emailed CREW’s FOIA request to Ms. Cheryl Mills, Secretary Clinton’s Chief of Staff. After Ms. Mills received the request, she transmitted it to Ms. Heather Samuelson, a Senior Advisor and White House Liaison at the Department, instructing her to make queries as to the status of the Department’s response to the FOIA request. Ms. Samuelson then tasked it to Mr. Josh Dorosin, a State Department attorney.

According to the briefing provided by State IG, when State IG attorneys investigating this matter approached Ms. Mills, she, through her attorney, refused to speak with them. Mr. Dorosin did speak with the investigating State IG attorneys, but when asked about the specific CREW-FOIA tasking he reportedly claimed that he had no recollection of the matter. It is not clear whether Ms. Samuelson or Mr. Johnson were interviewed.

In fact, Ms. Mills and senior Department officials knew about Secretary Clinton’s use of private email for official correspondence since they were sending emails to her non-government email address. They would have known instantly of records responsive to that request. Yet, it was approximately 5 months later before the Department officially responded to CREW’s request for email accounts associated with Secretary Clinton. And its response was misleading, at best: “no records responsive to your request were located.”⁴

As noted in the Department of Justice’s *Guide to the Freedom of Information Act*, in FOIA litigation an agency often faces challenges to the nature and extent of its search for responsive documents.⁵ Agencies generally demonstrate to the court the adequacy of their FOIA searches by filing declarations stating that the search method was reasonably calculated to uncover all relevant documents, and averring that all files reasonably expected to contain the requested records, were, in fact, searched.⁶ The State IG evaluation states that Department attorneys recalled several other instances when FOIA searches yielded inaccurate or incomplete results. Yet, “S/ES has not taken any corrective actions to ensure the accuracy and completeness of FOIA searches.” It further reported that “searches performed by S/ES do not consistently meet statutory and regulatory requirements for completeness.” Accordingly, the evaluation

⁴ *Id.*

⁵ Department of Justice, *Guide to the Freedom of Information Act* 754-59 (2009), available at: http://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/litigation-considerations_0.pdf

⁶ *Id.*

warned that in FOIA litigation “[t]he Department and its leadership could [] be subject to contempt citations if they were found to have violated rules requiring candor to the court.”⁷ In light of these findings, there is a real potential that some Department officials may have provided false declarations to federal courts when they attested to taking all reasonable steps to provide complete and accurate FOIA responses.

As you are aware, this Committee exercises jurisdiction over the Freedom of Information Act. As such, it is imperative to understand the full range of facts and circumstances discussed in the report to fully understand the FOIA compliance failures, shortcomings, and any potential steps toward improvement.

To assist the Committee in understanding these circumstances, please answer the following:

1. Please provide all emails between or among the following individuals from November 31, 2012 to May 10, 2013 that refer or relate to Secretary Clinton’s email address or the CREW FOIA request:
 - a. Ms. Cheryl Mills
 - b. Mr. Brock Johnson.
 - c. Ms. Heather Samuelson.
 - d. Mr. Josh Dorosin.
 - e. Secretary Clinton.
 - f. Under Secretary Kennedy.

2. What steps will the Department take to determine whether it should correct false declarations in various FOIA cases in light of State IG’s findings?

Thank you in advance for your cooperation with this request. Please number your responses according to their corresponding questions and respond no later than February 10, 2016. If you have questions, please contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

⁷ *Supra* note 1 at 13, 14.