

1 RPTS MERCHANT

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5 COMMITTEE ON OVERSIGHT AND
6 GOVERNMENT REFORM,
7 U.S. HOUSE OF REPRESENTATIVES,
8 WASHINGTON, D.C.

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13 INTERVIEW OF: MINDY McLAUGHLIN

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Thursday, April 3, 2008

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Washington, D.C.

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23 The interview in the above matter was held at Room 2203,
24 Rayburn House Office Building, commencing at 9:10 a.m.

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1 Appearances:

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5 For COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

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16 For THE WITNESS:

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18 REGINALD BROWN, ESQ.

19 MATT JONES, ESQ.

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22 Washington, D.C. 20006

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1 Ms. Sachsman. On behalf of the Committee on Oversight
2 and Government Reform, I would like to thank you for being
3 here today. This proceeding is known as a deposition. And
4 the Chairman of the Committee has sought this deposition as
5 part of the Committee's investigations into three matters.
6 First, the involvement of the White House's Office of
7 Political Affairs in directing or scheduling the travel of
8 agency officials.

9 Second, the involvement of the Office of Political
10 Affairs in providing political presentations to Federal
11 officials at various agencies. And third the use of RNC
12 e-mail accounts by White House officials. The person
13 transcribing this proceeding is a House reporter and a notary
14 public authorized to administer oaths. She will now place
15 you under oath.

16 [Witness sworn.]

17 Ms. Sachsman. My name is Susanne Sachsman. I've been
18 designated as majority counsel for this round of the
19 deposition. I'm accompanied with David Leviss who is also
20 counsel for the Committee. Does everyone in the room want to
21 actually state your name for the record.

22 Ms. Laitin. Anna Laitin, on majority staff.

23 Ms. Cardille. Stacia Cardille majority staff.

24 Ms. Callen. Ashley Callen with the minority staff.

25 Mr. Castor. Stephen Castor with the minority staff.

1 Mr. Ausbrook. Keith Ausbrook minority staff.

2 Mr. Jones. Matt Jones on behalf of Ms. McLaughlin.

3 Mr. Brown. Reginald Brown on behalf of Ms. McLaughlin.

4 Ms. Sachsman. Before beginning the deposition, I'm
5 going to go over some standard instructions and explanations
6 regarding the deposition. Because you've been placed under
7 oath, your testimony here has the same force and effect as if
8 you were testifying before the Committee. If you knowingly
9 provide false testimony, you could be subject to criminal
10 prosecution for perjury, making false statements or other
11 related offenses. Do you understand that?

12 The Witness. I do.

13 Ms. Sachsman. Is there any reason you would be unable
14 to provide truthful answers in today's deposition?

15 The Witness. No.

16 Ms. Sachsman. Under the Committee's rules, you're
17 allowed to have an attorney present to advise you. For the
18 record, you do have an attorney present to advise you and
19 they've represented themselves on the record, is that
20 correct?

21 The Witness. Yes.

22 Ms. Sachsman. The deposition will proceed as follows.
23 I will ask you questions for up to one hour. When I'm
24 finished, the minority counsel will have the opportunity to
25 ask you questions for up to one hour. Additional rounds of

1 questioning alternating between majority and minority counsel
2 may follow until the deposition is completed. The reporter
3 will be taking down everything that you say and will make a
4 written record of the deposition. You need to give verbal
5 audible answers because the reporter cannot record nods or
6 gestures. Do you understand that?

7 The Witness. I do.

8 Ms. Sachsman. Also for the record to be clear, please
9 wait until I finish each question before you begin your
10 answer, and I will wait until you finish your response before
11 asking you the next question. If you don't hear or
12 understand a question, please say so and we will repeat or
13 rephrase it. If I ask you about conversations or events in
14 the past and you are unable to record the exact words or
15 details, you should testify to the substance of such
16 conversations or events to the best of your recollection. If
17 you recall only a part of a conversation or event you should
18 give us your best recollection of those events or parts of
19 conversations that you do recall. Do you understand that?

20 The Witness. I do.

21 Ms. Sachsman. Do you have any questions before we begin
22 the deposition?

23 The Witness. I don't.

24 Ms. Sachsman. Would you like to put something on the
25 record?

1 Mr. Brown. Before we start, I just wanted to let you
2 know that we received a letter from Emmet Flood, special
3 counsel to the President. And in that letter, Mr. Flood made
4 two requests. He noted that the committee staff has refused
5 to allow a representative of the White House counsel's office
6 to attend the deposition. And as a result, he asked us to,
7 in the event that you begin asking questions that touch on
8 White House interests that are outside the scope that you've
9 placed on the deposition, that we notify the counsel's office
10 and direct Ms. McLaughlin not to respond to those questions
11 until further discussions can be had with the committee
12 staff.

13 Second we have been asked in the absence of any
14 representative of the counsel's office to be vigilant
15 concerning questions touching upon deliberations within or
16 communications of a predecisional deliberative character to
17 or from the White House. And I wanted to make sure that you
18 all were aware of that and will actually try to answer as
19 many of your questions as possible, but there may be times of
20 which we have to take a break to consult with White House
21 counsel's office.

22 Ms. Sachsman. Absolutely. And if, Ms. McLaughlin, you
23 need to take a break for any other reason just let us know.

24 The Witness. Thank you.

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EXAMINATION

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BY MS. SACHSMAN:

Q Would you please state your full name for the record?

A Mindy Ann McLaughlin.

Q And where are you currently employed?

A The U.S. Department of State.

Q And what is your current position?

A I am the special assistant to the ambassador.

Q Before that, you were at the White House?

A Correct.

Q Can you state the years and what positions you held at the White House?

A Sure. From March of 2005 until December of 2005. I was a scheduler in the Office of Appointments and Scheduling. And from late 2005 to July 2007 I was the associate director of scheduling for surrogates.

Q What were your duties when you were a scheduler in your initial position?

A My duties included preparing and coordinating the President's daily bimonthly, monthly and annual schedules and calendars.

Q And how did you get the position as associate director of scheduling for surrogate scheduling, is that the title?

1 A Correct. That was the common title, surrogate
2 scheduling.

3 Q How did you get that position, I'm sorry?

4 A I learned that the position was becoming open, that
5 the person who had it previously was moving on to another job
6 and I applied for it.

7 Q And who did you interview with?

8 A Sara Taylor, who was then the White House political
9 director.

10 Q And why did you change positions?

11 A I thought it was an interesting job, it was going
12 to be something different and I wanted to try something
13 different.

14 Q And what were your duties as the surrogate
15 scheduler?

16 A It was coordinating certain travel events of the
17 President's surrogates.

18 Q How did you learn that that was your duty?

19 A I think I knew from my previous position just by
20 observation that that is what that position entailed. And
21 then when I interviewed for the position I learned more about
22 what the duties would be.

23 Q During your interview?

24 A Correct.

25 Q With Sara Taylor?

1 A Yes.

2 Q Was anyone else there?

3 A No. But I also discussed the job with Melissa
4 Bennett, who was the -- then the deputy assistant to the
5 President for scheduling.

6 Q And to whom did you report?

7 A I jointly reported to Melissa Bennett and Sara
8 Taylor.

9 Q And how did that work out? And by that, I mean how
10 did that functionally work, not was it successful? I'm sure
11 it was successful.

12 A I would say it worked out to, on day-to-day matters
13 that came under the purview of the Office of Political
14 Affairs, I would directly report to Sara. If a matter came
15 up that I was working on that was directly under the Office
16 of Scheduling and Appointments I would take that to Melissa.
17 But in general, in terms of time off, vacation time, I would
18 ask both of them together if I could take time off, for
19 example.

20 Q You had described your job duties as coordinating
21 the travel events of surrogates. How would that be different
22 in terms of the OPA aspect of it and the scheduling aspect of
23 it with Melissa?

24 A One of the ways in which I would receive a request
25 to, an event to work on would be something that had been

1 originally slated for the President. Those were termed by
2 myself as POTUS regrets. An event that the President was
3 invited to, but for whatever reason he couldn't end up doing,
4 but that we felt somebody else should go in his place. That
5 was something that because it directly had come to the
6 President was more of a matter that fell under the scheduling
7 office purview. And other events would be more under the
8 political purview, political office purview.

9 Q And where did you physically sit? Were you in with
10 OPA or were you in with the scheduling office?

11 A My desk and office was located within the
12 scheduling suite.

13 Q Before you started at the White House, had you done
14 previous campaign work?

15 A I had.

16 Q And what was that?

17 A I had worked on a gubernatorial campaign in
18 Kentucky. And then on the Bush/Cheney 2004 reelection
19 campaign.

20 Q And in what capacity?

21 A On the gubernatorial campaign I was the deputy
22 finance director. And then on the Bush/Cheney 2004, I was a
23 field representative for the southern part of Mexico.

24 Q Can you -- we're going to start with the subject of
25 travel.

1 A Okay.

2 Q Can you describe what the process was for surrogate
3 travel, what your role was, what other people's roles were?

4 A We would receive requests for the participation of
5 administration surrogates and then pass them on to the
6 surrogate that had been requested. The request came from a
7 variety of places, one of which would be the POTUS regrets
8 that I just mentioned. I would also get requests from other
9 offices within the White House that would have heard of
10 something they needed, including the Office of Political
11 Affairs, Office of Intergovernmental Affairs, Office of
12 Public Liaison. I would also receive requests from other
13 outside offices, outside organizations; civic groups, trade
14 organizations, sometimes political organizations.

15 Q And what would you do with those requests when they
16 came in?

17 A We would process them. And then if looking at them
18 if we thought they were something to recommend, we would pass
19 them on to the office of the surrogate that had been
20 requested for their consideration.

21 Q And who is the "we" in that?

22 A Sara Taylor was the, I guess approver of the
23 request that came in that would have come in under the OPA
24 purview.

25 Q And by that, that would be essentially everything

1 but the POTUS regrets?

2 A Essentially, yes.

3 Q And how would the process of going to Sara Taylor
4 for her approval work?

5 A We had memos that recorded the different requests
6 that had come in for a certain surrogate. And I would
7 physically type them up based on the requests I received and
8 showed them to her to make sure that she was in agreement
9 with the requests.

10 Q And that would not be those suggested events memos
11 that you would send out to the agencies? What we're talking
12 about now are specific memos regarding a specific event that
13 was requested for a surrogate?

14 A Do you mean a specific e-mail? I don't quite
15 understand what you're getting to.

16 Q Can you actually just describe, can you describe
17 what that document would have looked like that you were
18 giving to Sara Taylor?

19 A It was a memo, memorandum. And I believe the title
20 was, I think it was suggested event participation for
21 whatever surrogate, their name, and then a list of the events
22 that we were recommending that they attend based on the
23 request that we received.

24 Q And that would be the initial memo that you would
25 give to Sara Taylor for her to approve them?

1 A Yes.

2 Q Would you give her any more detail about the events
3 than was contained on that?

4 A Only if she asked for additional information. I
5 think she felt that in talking with her that what I described
6 in the memo was sufficient.

7 Q So just to get the process, and let me just pull
8 out of one of those. We'll mark it as an exhibit, we'll mark
9 this as Exhibit 1. It's a memorandum dated October 31, 2006,
10 from Sara Taylor and Mindy McLaughlin to Matt Smith Bates
11 stamped RNC-GOC-000817.

12 [McLaughlin Exhibit No. 1
13 was marked for identification.]

14 BY MS. SACHSMAN:

15 Q Is Exhibit 1 an example of the memo that you were
16 talking about that you were giving to Sara Taylor?

17 A Yes.

18 Q And so the content of the information as a
19 description of the event that had come in that you would give
20 to Sara Taylor would be something like, and I'll just pick
21 the first one, VA cemetery event with Congressman
22 Fitzpatrick, is that correct?

23 A Yes.

24 Q And a date. And what would she then do with that
25 memo?

1 A To my recollection she would look at the memo,
2 review the events that are on here, give me feedback, usually
3 verbally, of that sounds like a really good idea or get more
4 detail on that event, and then you know hand it back to me.

5 Q Would she reject some events?

6 A I think she did from time to time, but I don't
7 recall a specific one or how many, but I'm sure she did from
8 time to time.

9 Q I guess I imagine that, and please tell me if I'm
10 correct, I imagine that you received a very large number of
11 requests from outside bodies and from different congressional
12 offices, et cetera, to have these events. Were those events
13 then culled down at some point by you or did you pass on all
14 those events to Sara Taylor and she culled them down? Can
15 you describe that?

16 A Well, my role in this was really processing the
17 requests that had come to me. So I don't know the quantity
18 of how many total requests came in, because it was sometimes
19 passed from other folks in the White House to me. I couldn't
20 really speak to if there was an initial process on other
21 people's ends. But generally, things that came to me to be
22 passed on were things that were I think eventually
23 recommended for event participation.

24 Q And by you saying that you're getting the requests
25 from other parts of the White House, did you ever receive

1 requests directly from an outside body or from a
2 congressional office?

3 A Typically, the only time I would have received
4 directly from an outside organization a request, would have
5 been from a political organization, not typically a Member's
6 office for example.

7 Q So if it was a Member's office, who would they
8 communicate with?

9 A Generally, they would have communicated to another
10 staff within the Office of Political Affairs. It could have
11 been a number of people.

12 Q That would be like one of the regional staff?

13 A Typically, a regional staff person, it could have
14 been the political director. It just would have depended on
15 who the staff person was.

16 Q And then that person, I'm just trying to get the
17 process, so correct me if I'm wrong, that person would then
18 pass on that request to you?

19 A Yes.

20 Q What was the purpose of this suggested events list?

21 A From my understanding, the purpose of doing a memo
22 like this would be to simply record the request that we had
23 received that we recommended to pass on to the surrogate;
24 keep it on one document, a couple of pages. And also keep
25 track of the details of it and where it was in the process.

1 As you can see, the status column of where it was in the
2 request process was definitely a key piece of information we
3 wanted to keep together.

4 Q And how did you learn that that was what you were
5 supposed to be doing?

6 A I believe I learned that from the documents that my
7 predecessor sent to me that were essentially almost exactly
8 like this that had these columns; date, event, status. And I
9 took that to be the model that I should follow.

10 Q And your predecessor was Jason Huntsberry?

11 A Correct.

12 Q Did you discuss this process with Sara Taylor?

13 A I don't recall having a conversation with her about
14 it, no.

15 Q But she was involved in you both giving her the
16 initial list and then making recommendations to you about
17 what would end up on the list that goes to the agency?

18 A She would review the list and then give me her
19 approval on it.

20 Q Would she review every list that you would then
21 send to an agency or periodically review lists?

22 A I don't remember if she reviewed each and every
23 list. I think she reviewed most of them. I can't recall if
24 it was every single one.

25 Q Would you say that she reviewed the majority of the

1 lists?

2 A Yes.

3 Q You described your job as coordinating travel
4 events of surrogates. Can you define how you were defining
5 surrogates?

6 A We define surrogates to be primarily anyone other
7 than the President. Really with the exception of the Vice
8 President and the First Lady who were concerned principals.

9 Q When you received this list back from Sara Taylor
10 and she had approved it, what did you do with the list?

11 A I would then e-mail this list to the person in the
12 to line.

13 Q And did you, before you started sending out these
14 lists, communicate with the person in the to line who my
15 assumption is generally a White House liaison or other person
16 from the agency about how you were going to conduct the
17 process, about what you were doing, why you were recommending
18 the events?

19 A I think that generally, if they were White House
20 liaisons, I would initially e-mail them a request that had
21 come in, almost as a heads up, to let them know what the
22 request was and if I had any other details about it. And I
23 believe there may have been additional details that would
24 have said maybe the policy, the specific policy that we
25 wanted them to talk about. But I don't remember all the

1 details about each and every e-mail that was sent in. I just
2 know sometimes we would send these folks e-mails as a heads
3 up before it appeared on the memo.

4 Q I guess my question is, before you even initially
5 started sending the memos, when you started your relationship
6 with these different White House liaisons, did you discuss
7 with them what you were going to be doing in terms of sending
8 these memos and what they were supposed to do with the memos
9 when they got them?

10 A Well, when I first began my job, I think a lot of
11 the White House liaisons there had been there previously and
12 had worked with my predecessor, so I don't remember really
13 having to explain what was going to be done with them. I
14 think people knew. I didn't have to say now I'm going to
15 send you the memo, then you're going to look at it and then
16 you're going to let me know. I think that was something that
17 had already been established.

18 Q And what was your understanding that they would do
19 when they received the memos?

20 A My understanding is they would take these event
21 requests back to their office to their, whoever makes the
22 scheduling decisions over there, secretary there, counsel
23 there, scheduler, whoever, and then discuss it, and they
24 would let me know what the verdict was and whether or not it
25 was a go or no go.

1 Q What was the purpose of keeping track of whether
2 cabinet officials agreed to attend the events or did not
3 agree to attend the events? And by that, let me just
4 describe. You both describe these events in the status
5 column as completed, as well as, and I'm not sure it's in
6 this particular one, retracted and regretted. My assumption
7 from that, retracted is that the person who had requested the
8 event was no longer requesting it and that regretted was that
9 the person requested to do the event was not going to be able
10 to attend it, is that correct?

11 A That is correct.

12 Q And what was the purpose of keeping those
13 different, keeping track of those different statuses?

14 A I would say, one, it would be just a way to keep
15 organized on where these requests were. And two, often the
16 person or group requesting it would want to follow up with
17 the White House on where the request was in the process. So
18 it was kind of a, I would say in general, an organizational
19 tool to keep on top of it.

20 Q When you received information back from the
21 agencies, would you then do anything with these memos? Would
22 you share these memos with anybody else, would you bring them
23 back to Sara Taylor to show her who had completed what, would
24 you put them onto a separate spreadsheet and provide that
25 information to someone?

1 A I did maintain a spreadsheet of all the events that
2 I received requests for that I did update as I would this
3 spreadsheet based -- this memo, excuse me, based on the
4 feedback I would receive from the surrogate's office. So I
5 kept it in that way. Other folks who would have seen this
6 memo would have occasionally been other folks in the Office
7 of Political Affairs that were curious and sometimes they
8 were shared in with folks in the Office Cabinet Liaison.

9 Q And what was the purpose of sharing them with the
10 people in the Office of Cabinet Liaison?

11 A Cabinet Liaison's primary responsibility was to
12 work with the cabinet. And since these were requests of the
13 cabinet, it seemed sort of like a good office practice to
14 keep them in the loop on what we were requesting of their
15 primary principals.

16 Q Who would you show that sort of macro spreadsheet
17 that you created of all of these memos to, who would have
18 access to that macro spreadsheet?

19 A It was on my public drive within the White House,
20 so I don't know who would have accessed it or not. I didn't
21 share it with anyone that I can recall. It was an internal
22 recordkeeping practice for myself.

23 Q I'm sorry, it was on your White House computer?

24 A It was on my White House computer.

25 Q And what was that document called, if you recall?

1 A I think it was called "master tracking with the
2 year." I kept it for a specific year, so it would have been
3 2006 master tracking, 2007 master tracking, something to that
4 effect.

5 Q And would that have been an Excel file?

6 A Yes.

7 Q Did you keep any other kinds of lists or
8 spreadsheets in your role as surrogate scheduler?

9 A Yes. I'm recalling what they would be. There may
10 have been a few, but I do recall keeping a list of the
11 fund-raising, on my political computer the fund-raising
12 events that the President and the Vice President and the
13 First Lady attended, as well as the cabinet.

14 Q And what was your -- well, what was your general
15 role with fund-raising events?

16 A Outside of passing requests on that had come in for
17 political fund-raising events, I recorded the information in
18 the spreadsheet.

19 Q And the fund-raising event requests would come you
20 said from political organizations?

21 A Correct.

22 Q And then what would you do with those requests?
23 Who would you pass them on to?

24 A I would pass them on to the surrogate that had been
25 requested to participate in the event.

1 Q Would those also go through Sara Taylor for
2 approval?

3 A They would have appeared on the memo that I would
4 have shown her, so she would have seen it that way.

5 Q And at some point, did you also collect information
6 about how much money was raised in different fund-raising
7 events?

8 A Yes. That was one component of the spreadsheet,
9 was to record the date and location of the fund-raiser and
10 how much it raised.

11 Q And what was the purpose of that?

12 A I don't know. It wasn't explained to me what the
13 purpose was. I just knew that was something I was supposed
14 to maintain.

15 Q And who told you to do that?

16 A I remember knowing that that was something I was
17 supposed to do from my predecessor in terms of a brief
18 rundown of what things I was supposed to do in that job. But
19 I didn't get an official sort of detailed explanation of the
20 components of it. I just took the one that was existing and
21 continued it.

22 Q And who would you provide that fund-raising
23 spreadsheet to?

24 A I believe I gave it in hard copy form to Sara
25 Taylor.

1 Q How often?

2 A I believe it was approximately once a week, perhaps
3 every two weeks.

4 Q Let me show you another document. We'll mark this
5 as Exhibit 2.

6 [McLaughlin Exhibit No. 2
7 was marked for identification.]

8 BY MS. SACHSMAN:

9 Q This is an e-mail from, and I'm specifically just
10 talking about the bottom e-mail, from you to Scott Jennings,
11 subject, Final Push Matrix 10-24-06, RNC-GOC-002274. This
12 document refers to a document called the Final Push Matrix.
13 What was that?

14 A I believe the Final Push Matrix was an Excel
15 spreadsheet that I would have created on my political
16 computer regarding where our surrogates were going to travel
17 in the time leading up to the election, the 2006 election.

18 Q And in it, I assume from the e-mail there were
19 three tabs; House, Senate and Governors?

20 A Yes, that's what it says.

21 Q Would that have been solely political events or
22 also official events on that list?

23 A I don't remember if it was mixed or if it was
24 purely political.

25 Q What about other kinds of lists or spreadsheets

1 that you were maintaining? You had said that there was the
2 fund-raising list. Were there others that you can recall?

3 A I do remember taking the master tracking sheet and
4 simply paring it down occasionally with the events that were
5 unscheduled or that were in the requesting process. So it
6 was a -- I would do a version of the master sheet just for my
7 own organization so I could see the list of unscheduled
8 requests to know to follow up on.

9 Q And would you just use that internally or would you
10 provide that to others?

11 A I believe I used it internally.

12 Q How much time -- what extent of the time period was
13 covered by the Final Push Matrix? This document appears to
14 have been created on 10-24-06. But what would have been
15 considered that final push time period?

16 A I couldn't tell you what the number of months or
17 the number of days it was. I recall it to be a relatively
18 short period of time, but I couldn't tell you definitively
19 what the time period would be.

20 Q Can you give some kind of an estimate? So would it
21 have been the last 2 weeks before the election or the last
22 month or?

23 A Approximately the last month and a half, 2 months
24 maybe.

25 Q I'm going to mark this document Exhibit 3. It's an

1 e-mail from you McLaughlin to Luke Frans, an EOP address,
2 RNC-GOC-000622.

3 [McLaughlin Exhibit No. 3
4 was marked for identification.]

5 BY MS. SACHSMAN:

6 Q Who is Luke Frans?

7 A Luke Frans was, for most of the time that I was at
8 the White House staff, in the Office of Presidential
9 Personnel. And I believe that he later became the White
10 House liaison at the Department of Transportation.

11 Q And you're referring this e-mail subject matter,
12 memos, here are my current memos for your principals? What
13 were you sending him?

14 A I don't remember all the details of which memos
15 these would be. I don't recall sending this.

16 Q Would those have been the suggested event lists or
17 some other kind of memo that you were keeping?

18 A Current memos would have referred to the suggested
19 event participation memos.

20 Q Do you recall why you would have been sending those
21 to Luke Frans?

22 A I don't recall what the details were of this. I
23 don't remember if he was transitioning from DOT or not. I
24 really don't remember.

25 Q In general, regarding your duties with travel, what

1 instructions were you given and by whom?

2 A I would say initially when I was starting my job, I
3 received a brief rundown from my predecessor about what he
4 had done and sort of took that to be that's what I should
5 continue to do. I didn't receive a lot of extra direction on
6 that in terms of an official memo or a briefing. But I do
7 know that when I had a question, I knew to go to Sara Taylor
8 about it if it was about an OPA request that had come in.

9 Q And when you went to Sara Taylor, was she receptive
10 to your questions, was she responsive?

11 A Yes, generally.

12 Q And did you have, I guess, performance evaluations
13 done of you?

14 A Not to my knowledge.

15 Q Did Sara Taylor ever talk to you about your work,
16 whether you were doing well, that kind of thing, compliment
17 you?

18 A She would occasionally tell me that I was doing a
19 good job.

20 Q When Jason Huntsberry was giving you his rundown of
21 what you should do, did he give you different instructions
22 for what you should do with official events versus political
23 events?

24 A Not that I can remember.

25 Q So did anyone ever explain to you that you should

1 treat official events differently than political events in
2 any way?

3 A Not that I can remember. I just knew I was to pass
4 on the request to the agencies, and it would be up to them to
5 determine, you know, whether or not they were going to do
6 them, any of the details about, you know, how to handle the
7 different kinds of events.

8 Q Did anyone define for you what an official event
9 was versus a political event?

10 A Well, I have an understanding that political events
11 were definitely events that were requested by political
12 organizations. That it was either going to be a fund-raiser
13 or a rally. You know, some way to try to raise funds or, you
14 know, ask for a vote, some sort of specific advocacy for a
15 candidate. And official events would not be. I had an
16 understanding that for a political event, for example, you
17 would not, a surrogate would not be able to use their title.

18 Q And where did you get that understanding from?

19 A I don't remember hearing it from one person or a
20 certain source.

21 Q Did you ever personally do anything differently
22 with official events versus political events?

23 A Not that I can recall.

24 Q And who would be determining whether the event was
25 going to be an official event or a political event?

1 A Generally, I remember when requests came in they
2 would have a designation already assigned to them. So the
3 event would come in asking for, you know, an official event
4 about whatever. Or it would come in and ask for a political
5 event or a fund-raiser. So generally when I received the
6 request, it already had that attached. Sometimes if it
7 didn't, we would go back to the people that requested it and
8 ask them to clarify. And I would say those are basically the
9 two things that we did.

10 Q Were you ever involved in a decision about whether
11 something was an official event or a political event?

12 A Generally no. Those decisions were up to the
13 people requesting the event and then to the people that they
14 were requesting. If they, if the people requesting it didn't
15 know or couldn't make up their mind, they would work with the
16 office that they were requesting to figure out what would be
17 the appropriate thing to do.

18 Q How much of your time did you spend on official
19 scheduling for official events versus scheduling for
20 fund-raising or political events?

21 A In terms of the amount of time passing on these
22 different kinds of requests, I couldn't really quantify that
23 for you. I don't know approximately what the breakdown was.

24 Q Would you say it was roughly even?

25 A I would have to take a guess that I just -- I

1 wouldn't be sure.

2 Q Did the process for what you were doing with
3 passing on these suggested events lists change before the
4 2006 election? Did it ramp up?

5 A Only to the extent that a lot of the requests that
6 came in for political that especially had a time line on them
7 that was pre November. Obviously, that would be where if you
8 were asking for a fund-raiser, you want it for an election.

9 Q Yes. Did some of the official events that come in
10 have a request to happen before the election also?

11 A I think a lot of them did.

12 Q Do you know whether anyone at the White House was
13 making a determination about whether a requested event should
14 be considered political or official?

15 A I don't.

16 Q But when you were receiving -- you said you
17 received the events and they, generally speaking, were deemed
18 official or political. You were often receiving them from
19 somebody else in OPA, correct?

20 A Often, yes.

21 Q So you just don't know whether when they initially
22 came in to those people in OPA, they were designated by the
23 person requesting the event or whether the person in OPA was
24 designating them before they came to you?

25 A I couldn't say definitively, no.

1 Q I'm going to show you a document that's a document
2 from you to Anthony Hulen dated July 6, 2006. It's
3 DOL001788. And we'll mark that as Exhibit 4.

4 A I'm sorry, did you say Anthony Hulen?

5 [McLaughlin Exhibit No. 4
6 was marked for identification.]

7 BY MS. SACHSMAN:

8 Q Yes. It's Anthony Hulen and a set of other people.

9 A Oh.

10 Q Sorry. And just for the record, another counsel
11 for the Committee, Mike Gordon, is in the room. Do you
12 remember sending this e-mail?

13 A I don't recall this e-mail.

14 Q Do you have any reason to doubt that you would have
15 sent this e-mail?

16 A No.

17 Q In the second point, I guess, numbered 2 you state,
18 "With only 4 months left before the end of the '05/'06 cycle
19 I'm interested speaking with each of you regarding what is
20 and what is not possible in terms of your current and future
21 OPA surrogate requests. For those of you who reside in more
22 political agencies, this will take the form of a conference
23 call with myself, Sara Taylor, your chief of staff and
24 scheduler if they so wish. We would like to map out a plan
25 in order to manage the workload and expectations." Did you

1 have those meetings?

2 A I don't remember.

3 Q You don't recall whether you had any of those
4 meetings?

5 A I don't.

6 Q In there you reference that you wanted the agencies
7 to do five events.. Were those events just political events
8 or did that request include official events?

9 A I don't remember sending this or what I was
10 thinking at the time of writing it, so I couldn't be sure.

11 Q Do you remember a policy that at the end of, or I
12 guess in this pre election time period, that you were doing a
13 push to get, I guess in point 3 at least, five OPA
14 recommended events per month from now until November?

15 A I don't remember the details on this to be able to
16 really speak to that.

17 Q Okay. If you had made such a request, which you're
18 not denying that you did, would this have come from your
19 initiative or would you have done this at someone else's
20 request?

21 A I don't remember the details of this particular
22 message, but hypothetically, it would have likely come from
23 someone else's direction.

24 Q And who would that be?

25 A Anything regarding Office of Political Affairs I

1 would have received direction likely from Sara Taylor.

2 Mr. Ausbrook. Susanne, just give me a minute. Can you
3 tell us who produced this e-mail? It's a Bryan Slater
4 e-mail, but his agency isn't identified on here. And I'm
5 just curious who Bryan Slater might have been? Maybe you can
6 have the witness to identify Bryan Slater. Maybe she knows
7 who he is.

8 BY MS. SACHSMAN:

9 Q Sure. Bryan Slater, I believe, is the White House
10 liaison for the Department of Labor, is that correct, or was
11 at the time?

12 A Correct.

13 Q Do you know what, do you recall requesting agencies
14 to send you press clips of events?

15 A I do.

16 Q And why would you do that?

17 A I vaguely remember Sara Taylor asking me to collect
18 press clips as I could about events that the surrogates were
19 doing.

20 Q What would you do with them when you got them?

21 A I remember they went together in a packet that was
22 sent, that I gave to Sara, that she would have done with
23 whatever she wanted.

24 Q Do you know what criteria was being used to decide
25 what events were prioritized or suggested?

1 A We would look at the requests that came in.
2 Generally when they came all the way to my office, they were
3 a priority in somebody's eyes. But I think generally the
4 general direction I received was that we would need to weigh
5 them against a couple of factors. We would not have wanted
6 to request an event that would have not made sense
7 logistically. It would be a reasonable amount of time in a
8 reasonable location. You know, not too far away from an
9 airport for example or in the middle of nowhere that would
10 make it difficult to get to. Something that -- an event that
11 would have been just unreasonable for a certain
12 administration surrogate to go to for, you know, a number of
13 reasons. And then I think we also weighed how important the
14 request would be to advancing the President's policies.

15 Q Were you involved in meetings when, meetings or
16 discussions about whether a particular event was something
17 that you would prioritize or suggest?

18 A Sometimes in our Office of Political Affairs staff
19 meeting, one of the other members of the staff would bring up
20 a request that would involve a surrogate and simply ask Sara
21 if it was a good idea or not. That would be the time that we
22 would discuss it.

23 Q And what factors would she consider or would she
24 discuss during those meetings?

25 A It would have really depended on what the

1 circumstance were of that request. It could have been a
2 number of factors.

3 Q Would those factors have included the Republican
4 Member's likelihood of reelection?

5 A It would have really depended on what the
6 circumstances of the particular requests were, what they were
7 asking for, that kind of thing.

8 Q Was that ever considered as a factor?

9 A Well, I think if we would have received a political
10 request that's definitely something we would have factored,
11 along with the logistical aspects. And for official events
12 we would look at if it was something that would advance our
13 presidential initiative. And if it was something that you
14 know would assist and support an ally of the President.

15 Q Specifically speaking about official events, did
16 you ever consider whether official events with incumbent
17 Republicans would help those Republicans in their upcoming
18 2006 election?

19 Mr. Brown. Excuse me, when you say you, do you mean you
20 Mindy or do you mean you the office?

21 BY MS. SACHSMAN:

22 Q I mean you, Mindy, or you, the office, or did you
23 observe discussions about it in any way?

24 A Well, I think that for official events
25 specifically, we did weigh a number of options. Being

1 supportive of an ally of the President would have been one of
2 those options. But I think that I had a general
3 understanding, and we as an office had a general
4 understanding, that any time an administration surrogate like
5 any time the President travels anywhere, that that's going to
6 have, inevitably going to have a potential political
7 consequence given, you know, a public, any sort of public
8 event, you know potential media coverage, any time we're
9 talking about policy it has the potential of gaining support.

10 Q And when you say "we," who are you talking about?
11 Was this something that you personally were considering or
12 that you observed others discussing that you were instructed
13 to consider?

14 A I think the "we" would be the collection of all the
15 staff of the Office of Political Affairs that would have had
16 any input on these requests. Ultimately, Sara approved
17 whether or not they were okay to request of the agencies.
18 And then the agencies would, of course, in their own
19 discussions, would decide if they want to do them or not.

20 Q Do you know whether Sara Taylor, when she was
21 approving the events on the suggested events list, was
22 considering the factor of whether an official event with an
23 incumbent Republican would help that Republican in his or her
24 upcoming 2006 election?

25 A I couldn't really speak to what was going on

1 through her head when she was reading those requests. You
2 would have to ask her.

3 Q Did she ever discuss with you though what was going
4 on in her head when she was considering those, discuss with
5 you personally in a meeting or at a staff meeting when she
6 was discussing with other people what their requests were?

7 A She probably did. I mean, I know I would show her
8 these memos and we would talk about it. But I couldn't tell
9 you an exact instance of a discussion of that kind. I'm sure
10 we had them.

11 Q It's unclear to me, you're sure you had discussions
12 with her about what factors she was considering or you're
13 sure that you had some discussion with her, although you
14 don't remember a specific time period, about the fact that
15 one of those factors was whether an official event would
16 assist the incumbent in an upcoming election?

17 A I know that I had discussions with her and that our
18 office had discussions collectively about requests that would
19 have come in for administration surrogates. I am sure that
20 in discussing whether or not we should request these events
21 that different factors would have come up. It's likely that
22 we would have talked about if it was helpful or not helpful
23 to the President's agenda or his allies.

24 Q Did you have -- would you have any reason to think
25 that Sara Taylor would have been considering different

1 factors than you were?

2 A I don't have any reason to know.

3 Q How did you come to consider that it was an
4 appropriate consideration that when scheduling, suggesting,
5 prioritizing an official event that you consider whether that
6 official event would assist the incumbent in an upcoming
7 election?

8 A I'm sorry, can you repeat that?

9 Q You said, and correct me if I'm wrong, that when
10 scheduling an official event you considered, and by "you," my
11 understanding is "you" as in generally OPA staff, considered
12 when suggesting official events whether they would assist
13 Republicans in their upcoming elections, is that correct?

14 A I would explain it more as when we were reviewing
15 requests that came in that we weighed a couple of factors
16 together. One of them certainly was whether or not it would
17 be in support of a presidential initiative or in support of
18 an ally. But those things were all mixed together in
19 determining those request.

20 Q And by in support of an ally, do you mean in
21 support of somebody who was a Republican incumbent and an
22 ally of the President who you wanted to get reelected? I
23 mean, is that what you mean?

24 A Well, for official events, official events with
25 initiation surrogates, it was my understanding that if they

1 were going to be in conjunction with another person, that it
2 would need to be a public official and not a candidate.
3 So -- of any kind. So I would say that we looked at it that
4 way for official events.

5 Q Okay. I'm not sure that that clearly answered my
6 question, at least to me, so maybe I can rephrase that. When
7 you say when considering official events, the factors that
8 you considered included whether it would assist a President's
9 ally, did you mean whether it would assist the President's
10 ally in an upcoming election?

11 A I think that we understood that when you are doing
12 an official event, a surrogate is doing an official event,
13 and they are talking about something that's in support of a
14 presidential policy, and if it's with someone who is
15 considered an ally of the President, an example would be an
16 incumbent member, that it would have an inevitable political
17 consequence just by the fact that it was an event.

18 Q And do you mean an inevitable political consequence
19 in an upcoming election?

20 A I suppose that is something you could say, yes.

21 Q I'm asking what you would say?

22 A Well, I think that we were looking at official
23 events in terms of requesting things that we thought would be
24 in support of a presidential agenda item. I can give you an
25 example of that. After the State of the Unions, we would ask

1 surrogates to go around the country and talk about policy
2 initiatives that had been brought up in the State of the
3 Union. And in thinking about places that we would send those
4 people, we would look at places that would be receptive of
5 the President or receptive of the policy. And if a cabinet
6 secretary happened to go to an area that was particularly
7 affected by a policy and it was with that Member of Congress
8 who represented that area, then I think you can, that it
9 would be, it seemed inevitable that that could have some sort
10 of impact on their electoral chances.

11 Q And when scheduling and planning for where State of
12 the Union speeches like that example were going to be, was
13 one of your purposes in placing it in certain areas in order
14 to have that electoral impact?

15 A Well, we certainly wanted the President's message
16 to go to places that would be receptive and wanted the
17 supporters of the President and his allies to be there
18 echoing the message with them. So I think that having the
19 message be shown in a positive light was our goal when it
20 came to post State of the Union messaging. And if the
21 President's policy is positive, I mean, that's going to have,
22 that's going to have a general overall effect on how voters
23 feel about their upcoming elections, I mean, who they vote
24 for. It was just part of what's going to happen when you
25 talk about a policy that people feel good about.

1 Q I understand that. My question is more in terms of
2 the intent and purpose to the scheduling of that event. When
3 planning for, when scheduling, suggesting that event, did you
4 take into mind that it would have that electoral impact?

5 A Sure. It was a factor that we would have
6 considered among many.

7 Q And when you speak of the President's allies, who
8 are you referring to?

9 A I think we would be referring to the folks that we
10 felt would be useful and hopeful to the President in
11 highlighting his policy.

12 Mr. Ausbrook. Susanne, I think your hour is up.

13 Ms. Sachsman. Give me a second.

14 Mr. Leviss. She started at 9:12 by my watch.

15 Ms. Sachsman. Can I just finish up on this one point?

16 Mr. Castor. Sure. And if Dave wants to fight about
17 what time you started, I'm happy to do that too.

18 Mr. Leviss. I would just as soon not fight about
19 anything if we can avoid it.

20 Ms. Sachsman. Why don't we stop now. We'll just go
21 back to this later.

22 [Recess.]

23

24

25

1 RPTS DEAN

2 DCMN MAGMER

3 Mr. Castor. Ms. McLaughlin, thanks for joining us. I'm
4 Steve Castor with the Republican staff. It is 10:20, for the
5 record.

6 One housekeeping item, I do want to state that the
7 notice for your deposition was inadequate as a matter of
8 committee business; and the ranking member was disappointed
9 about that. However, in consideration of the fact that you
10 traveled from South Africa, the ranking member waived the
11 notice requirement; and so we are interested in facilitating
12 as easy a trip as possible for you here from South Africa.

13 Did you have to take some time off from work to join us?

14 The Witness. Yes, I have taken 6 days of personal
15 leave.

16 Mr. Castor. That's equivalent to taking vacation --

17 The Witness. Correct.

18 Mr. Castor. -- to come back and help with this
19 congressional investigation. Thank you.

20 Was your travel paid for by the committee?

21 The Witness. Yes, I purchased the ticket in order to
22 get a cheaper rate than the government can and being
23 reimbursed by the committee.

24 Mr. Castor. Is the committee also paying for your hotel
25 while you're here?

1 The Witness. No.

2 Mr. Castor. Any other expenses?

3 The Witness. No.

4 Mr. Castor. Just the airfare?

5 The Witness. Correct.

6 Mr. Ausbrook. You said the rate you can get as an
7 individual is cheaper than a government rate?

8 Ms. Sachsman. Would you like to discuss this
9 separately?

10 Mr. Ausbrook. I want to make sure I understood that
11 correctly.

12 The Witness. In determining the flight that I would
13 like to take to South Africa, the quote that the travel agent
14 gave to your office was significantly higher than what I
15 could have gotten online.

16 Mr. Ausbrook. Okay.

17 The Witness. And so that was enough money that I
18 thought it was important to point that out.

19 Mr. Ausbrook. Appreciate it. We'll take it up with the
20 Congressional Travel Office.

21 Ms. Sachsman. It was a distinction between a refundable
22 and nonrefundable ticket. Because we were sure that she
23 would attend and then leave after she attended, we did not
24 have a problem purchasing a nonrefundable ticket.

25

EXAMINATION

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BY MR. CASTOR:

Q The suggested event participation memos, Exhibit 1 is an example. Do you have a recollection of whether these were prepared for each Cabinet official?

A I believe they were prepared for most of the Cabinet officials.

Q And were there any Cabinet officials that they weren't prepared for that you remember?

A I don't recall preparing one for the Secretary of Defense.

Q DOJ, did they have one?

A I believe they did.

Q Is DOD the only one you can't remember?

A That's the only one that I recall.

Q How about Department of State? Do you remember a specific suggested event list for State?

A Yes, I believe we had one for Secretary Rice.

Q And you testified earlier that, in essence, this was a recordkeeping device. Is that fair to say?

A Yes.

Q And when you would send, for example, Exhibit 1 to Mr. Smith over at VA, was there any -- was there an understanding that the Secretary was required to do these events or was this more of an optional list of opportunities?

1 A I think we definitely considered this to be
2 suggested, not mandatory. It was up to the agency and their
3 staff and especially their -- their principal to determine if
4 they wanted to do it.

5 Q So if the principal or specific Cabinet secretary
6 decided that they had a particularly busy month and did not
7 want to participate in any events, were there any negative
8 repercussions that you can recall?

9 A No, not that I remember.

10 Q The -- you told us a little bit about where these
11 lists originated from. And I think we came up with the
12 sources of these events ranged from civic groups?

13 A Correct.

14 Q Is that fair? Political organizations?

15 A Correct.

16 Q Also congressional offices, is that one of the
17 sources?

18 A Yes, that was.

19 Q And can you remember any others -- and I presume
20 that civic groups would communicate perhaps with an office
21 within the White House such as the Office of
22 Intergovernmental Affairs. Is that how it worked, typically?

23 A Yes. Those were the main categories that I recall.

24 Q So you have your civic groups, your trade
25 organizations, political organizations, your congressional

1 offices, and they might make requests to the Office of
2 Intergovernmental Affairs, the Office of Public Liaison, the
3 Office of Political Affairs. Is that --

4 A Yes.

5 Q The congressional folks presumably would make their
6 requests perhaps through their legislative affairs staffer at
7 the White House?

8 A Yes. I believe they sometimes requested through
9 leg and sometimes through OPA.

10 Q So it would go from the outside groups to a White
11 House entity to you?

12 A Typically, yes.

13 Q And is it fair to say that in your role as an
14 associate director of scheduling, the surrogate scheduler,
15 you did not have a decision-making role as to what events
16 would be in the mix for different Cabinet secretaries?

17 A That's correct. My role was really to just process
18 the paperwork that came through, put it on a document, get it
19 approved, send it on.

20 Q So if a Congressman asked for a specific Cabinet
21 secretary to come in and that request made its way to you,
22 you exercised no discretion over whether that particular
23 request was passed on to the Cabinet secretary; is that fair
24 to say?

25 A Yes. From the OPA perspective, Sara was the

1 ultimate decider if it was going to be something that we
2 requested. And then the staff of the surrogate would
3 ultimately decide on their end if, in fact, they were going
4 to participate in it.

5 Q Is it also fair to say with the other list that you
6 maintain -- I think you spoke a little bit about fund-raising
7 lists. Is it also fair to say with respect to the
8 fund-raising list that you were merely, from an
9 administrative standpoint, keeping track of these matters?

10 A Yes, I was typing in the numbers.

11 Q And is it also fair to say that if a particular
12 Cabinet secretary was not doing all the suggested events that
13 it didn't come down to you to initiate a discussion about
14 whether the Cabinet secretary should do more events?

15 A That's correct.

16 Q Before we took a break, you were telling us that
17 after the State of the Union that was sometimes a good season
18 to have the Cabinet secretaries out in the country talking
19 about the President's agenda. Is that a fair recap of what
20 you were saying?

21 A Yes. I believe that our goal for that particular
22 project was to take the big themes of the President's State
23 of the Union and then get the -- request the administration
24 surrogates to echo that message throughout the country.

25 Q And you were at the White House until July of '07?

1 A Correct.

2 Q And is it also fair to say that in the summer of
3 '06 when the immigration debate was a topic of discussion
4 throughout the country, do you have a recollection of whether
5 specific Cabinet secretaries might have been out and about in
6 the country talking about the President's immigration
7 initiatives?

8 A I do. I remember having discussions with different
9 offices about encouraging different secretaries to
10 participate in official immigration events to tout the
11 President's agenda. It's my recollection that we requested
12 participation of Secretary Chertoff, who would have
13 jurisdiction over a lot of immigration issues; Secretary
14 Gutierrez, who himself is a naturalized citizen; and I
15 believe Secretary Chao. There may have been others. I don't
16 recall all of them.

17 Q During your time at the White House, which was a
18 little bit over 2 years --

19 A Correct.

20 Q -- is it fair to say that, depending on what the
21 topic of the day was, No Child Left Behind, probably before
22 you came to the White House, might be another example of one
23 of the President's legislative initiatives might spark
24 Cabinet secretaries to be out and about in the country?

25 A Yes. Any issue that the President was talking

1 about, that the White House was encouraging Congress to pass
2 would be something that we would have considered.

3 Additionally, we had a project that was called Jobs Day,
4 which is the first Friday of every month the Department of
5 Labor releases I believe the Nation's unemployment rate; and
6 we used that as an opportunity to talk about how well the
7 economy was going and the low, low unemployment. And so I
8 recall working with other offices in the White House to
9 encourage Cabinet secretaries to travel around the country
10 talking about those numbers, talking about the economy and
11 bringing our message to the American people.

12 Q And for Jobs Day events, is it fair to say that the
13 Secretary of Labor or the Secretary of Commerce or the
14 Secretary of the Treasury would be good Cabinet secretaries
15 for Jobs Day events?

16 A Yes. I remember going first to what we term the
17 economic cabinet, the agencies that have a direct correlation
18 to the Cabinet, which are generally Labor, Commerce, Treasury
19 and asking them. But, additionally, we incorporated, I
20 believe, Departments of Energy and Agriculture in that. They
21 each have a piece of job creation through their different
22 programs.

23 Q And right around the time of the State of the
24 Union, is it fair to say that it was a good time to go out in
25 the country and spread the President's message because the

1 State of the Union was in the news and people were talking
2 about what the President had said?

3 A Yes. It was a particularly good time being in
4 January there wasn't a lot of other news to compete with it.
5 The President's speech is generally a pretty big deal.
6 People seem to pay attention to the major themes that he
7 discussions and having his administration surrogates travel
8 to echo that was a priority for the White House.

9 Q And when one of the President's surrogates, a
10 Cabinet secretary, makes a public appearance, is it generally
11 the goal of the White House to have a well-attended event?

12 A Yes.

13 Q And is it generally the goal of the White House to
14 have media coverage where that is the intent?

15 A Yes.

16 Q And is it fair to say that it's easier to get media
17 coverage in certain times -- during certain times of the
18 year?

19 A Yes. Definitely not around holidays, for example,
20 would be a good time during the week. News outlets usually
21 cover events, from my understanding, certain times of the
22 day, certain days of the week, that kind of thing.

23 Q And is a good time to get coverage for the
24 President's message also when politics is a hot topic, such
25 as the congressional elections?

1 A Sure. I think it was our feeling that people tend
2 to pay more attention to what's going on in the news and
3 issues around election time.

4 Q So in the month of October when the midterm
5 elections are in the news and being covered, is it fair to
6 say that October of '06 might be a good time to spread the
7 President's message, as opposed to February or March of '06?

8 A Yes, that would be -- that was definitely something
9 that we considered. When people are paying attention, they
10 are looking at the issues, they are thinking about the things
11 that they care about in order to make a decision. And, yes,
12 that would have been a good time for us to really talk about
13 what we were focusing on.

14 Q Some of these events, I notice there is a
15 distinction, at least on Exhibit 1, FR, for example, is a
16 fund-raiser and official event is noted. And you mentioned
17 that when it was a fund-raiser the Cabinet secretaries didn't
18 use their title, for example?

19 A That detail was to be worked out between the agency
20 and the requester, but that was my general understanding,
21 that it would be improper for an administration official to
22 use their official title in terms of fund-raiser.

23 Q Were there other considerations? For example, who
24 paid for the travel?

25 A It was my understanding that if a Cabinet official

1 was going to be attending a political event that the entity
2 requesting the political organization needed to pay for the
3 travel, any of the expenses related to the event.

4 Q But those specific details weren't something that
5 you in your role as the scheduler got too involved with; is
6 that fair to say?

7 A That is correct. I sort of vaguely knew what the
8 parameters were, but that was something that the agencies
9 were to work out with the entity that was requesting their
10 presence.

11 Q To the best of your knowledge, do you know if the
12 agencies have different rules?

13 A I don't, no.

14 Q So is it really, to the best of your knowledge,
15 something that would have to be handled by their in-house
16 agency counsel?

17 A That was my understanding. Any question like that
18 would be referred to that agency's counsel's office.

19 Q The terminology "suggested" event, did -- this word
20 can have a number of meanings. For example, if a Member of
21 Congress contacts the White House and suggests that they
22 would like a Cabinet secretary to appear at a public event,
23 that could be one meaning of the term "suggested". Another
24 meaning could be if somebody in the Office of Political
25 Affairs suggested that a Cabinet secretary appear for

1 whatever reason. Can you, to the best of your recollection,
2 walk us through what your understanding of that term was, to
3 clear up any ambiguity? Or maybe it has a number of
4 meanings.

5 A I believe the term "suggested event participation"
6 was how the memo was termed when I received it from my
7 predecessor, so I couldn't tell you where the real impetus of
8 it came from. But it was my understanding, just personally
9 speaking, is the reason it was there is that we were wanting
10 to make it clear to the surrogates that these were
11 recommendations, that we were suggesting them, that we
12 thought they were good ideas. But it was sort of a situation
13 where we were passing this on as recommendation, and it was
14 totally up to them to think about it, decide on it and just
15 let us know if they wanted to accept it or not.

16 Q In your experience in dealing with the different
17 agencies, different Cabinet secretaries, did some Cabinet
18 secretaries have more of an interest in doing some of these
19 events than others?

20 A I think that would have been really determined on
21 what the specific event requests were. I think that the
22 officials would look at the details of the request and see if
23 that was -- if the topic or location was something that they
24 were interested in talking about or traveling to, it would
25 have really depended on each individual request.

1 Q For example, I have seen a couple of these lists --
2 it strikes me that perhaps Secretary Nicholson, being the
3 former head of the RNC, maybe he was a Secretary that ended
4 up doing more fund-raisers, as compared to Secretary Mineta,
5 who was a former Democratic Congressman. Was that your
6 recollection, that some secretaries ended up doing more
7 because they had more of an interest?

8 A I don't recall ever being in a meeting or hearing
9 about the internal deliberations of a Secretary or the staff
10 on whether or not he was or she was keen on accepting these.
11 I think you could probably guess if you wanted to, but I
12 wasn't privy to any of those conversations.

13 Q Looking through some of the events in Exhibit 1,
14 May 19th there is a veterans forum in Colorado. That's on
15 page 1. There is a Hampton, VA, right above the May 19th
16 event. There is a May 12th event, the Hampton, Virginia,
17 Medical Center Tour. And I imagine that these events --
18 September 29th on page 2, Official Veterans Town Hall Meeting
19 with Congresswoman Kelly in New York in September -- I
20 imagine -- is it fair to say that the veterans town hall
21 event may have been requested by some veterans in
22 Congresswoman Kelly's district?

23 A I don't remember seeing information generally on
24 how or why the requester was asking for these events to
25 happen, but I do remember that veterans' issues were a hot

1 topic all year long and that any time that we received these
2 kinds of requests for the Secretary to discuss the ways in
3 which we were assisting our veterans was -- seemed like a
4 good idea.

5 Q Do you have any recollection of whether veterans'
6 issues were specifically Republican? Were there Republican
7 veterans' issues or Democratic veterans' issues that you can
8 remember?

9 A I don't. From my understanding, when we would
10 receive requests for events related to veterans that were
11 definitely official but that was in no way divided on
12 partisan lines.

13 Q And veterans -- in Congresswoman Kelly's district,
14 for example, were probably Republicans and Democrats, is
15 that -- to the best to your --

16 A That would be my best guess.

17 Q The term "political" on these memos, did that
18 always mean to you fund-raisers?

19 A No, political events from my understanding could be
20 fund-raisers, they could be rallies, they could be an event
21 that was with the media, any sort of event like that.

22 Q And so could there have been an event that dealt
23 with -- you know, a political event that dealt with veterans'
24 issues generally?

25 A Yes.

1 Q As opposed to, you know, a political event with
2 veterans where specific advocacy of a candidate was
3 discussed? I guess that's what I'm trying to -- to the best
4 of your recollection.

5 A Well, the structure of the event in terms of what
6 the secretary's remarks would have been or what they would
7 have talked about, who the audience was made up of, were not
8 details that my office generally ever handled or saw. That
9 would have been something that we would have left up to the
10 agency to work out with with the person who's requesting it.

11 Q Some of the civic groups, for example, who
12 requested an event, maybe through the Office of Public
13 Liaison, maybe through the Office of Intergovernmental
14 Affairs, would a veterans' group count as one of those civic
15 groups?

16 A Yes.

17 Q And so the specific issues that the civic groups
18 are concerned about weren't necessarily aligned with -- big
19 P -- politics of Republicans and Democrats; is that fair to
20 say?

21 A That's correct.

22 Q Did anyone that you reported to, whether it be in
23 the scheduling office or the political office, ever
24 specifically instruct you not to arrange events with
25 Democrats?

1 A Not that I can recall.

2 Q So if someone, a Democratic Member of Congress, had
3 requested an event with the President and that request made
4 its way to you, you would pass that along to the appropriate
5 Cabinet secretary?

6 A Yes, had I received those kind of requests, we
7 would have.

8 Q And to the best of your recollection, did you ever
9 receive such a request?

10 A I do not recall receiving those kinds of requests.

11 Q And to the best of your recollection in the run-up
12 to the midterm election in 2006, did any Democrats request
13 public events with the President?

14 A I don't know what the full extent of invitations
15 for the President's participation was. I only saw events
16 that he'd been invited to that he couldn't attend that were
17 selected for surrogates' attendance. That set of
18 invitations, I don't recall seeing one that was specifically
19 for a Democrat.

20 Q From where we sit, I don't remember any specific
21 Democrat that was dialing up the White House, at least as
22 reported in the news, to get members of the President's
23 administration out to a public event. But you were in the
24 scheduling office. Did you remember any Democrats that were
25 racing out of the White House asking for the President or the

1 President's Cabinet to come join them in their district?

2 A I did not see any requests that would have come
3 from that particular side of the aisle.

4 Q If such a request did occur and it made its way to
5 you, you certainly would have passed that along to the
6 Cabinet secretary; is that correct?

7 A Yes.

8 Q The committee has requested from about 30 different
9 agencies the public events that the secretary has --
10 secretaries of all the agencies have done of publicly elected
11 Republicans. And one of the things that we have done in a
12 couple of instances is we've called the agency and asked,
13 have you ever done anything with Democrats? It turns out of
14 course they have. The Secretary of Transportation does a
15 number of events with Republicans, Democrats.

16 And what was interesting I thought is that these memos
17 weren't necessarily comprehensive of the different Cabinet
18 secretaries' public events schedule. Is that something that
19 you understood to be the case?

20 A Yes, this list was meant to be simply a record of
21 the requests that the Office of Political Affairs received to
22 pass on to the agencies. The agencies kept their own
23 schedules of what they were invited to or were going to
24 attend. And they were the ones who -- we did not keep their
25 master schedules.

1 Q And do you ever remember a case where you had --
2 one of these suggested events came in, you passed it along to
3 White House liaison at one of the agencies, and they
4 responded, oh, we just did a public event in that region? Do
5 you remember ever -- ever recollect any discussions like
6 that?

7 A I don't recall an instance of that, but it's --
8 it's possible.

9 Q The President, as you know, is the head of the
10 Republican party; and not only is he the head of the
11 executive branch but he also has political -- a political
12 role. Because of that, as I understand it, certain officials
13 in the White House, mostly folks in the Office of Political
14 Affairs, wore, for lack of a better term, two hats. They had
15 their official duties in the Executive Office of the
16 President, and they had some political duties. It is because
17 of that that we understand folks such as Sara Taylor and
18 other folks in OPA had separate computers for political work.
19 Meaning if Sara Taylor or Scott Jennings was working on a
20 political initiative for the President they might not use
21 their EOP computer. And you said that you, too, had a
22 political computer. Is that -- did I understand that
23 correctly?

24 A Yes, I did have a political computer.

25 Q And you also had an RNC e-mail account?

1 A Yes.

2 Q Was there any other political equipment that you
3 were provided with?

4 A I received a political BlackBerry, and I had a
5 political printer.

6 Q And presumably -- and correct me if I am wrong --
7 that made a great deal of sense because you were scheduling
8 Cabinet secretaries for fund-raisers, is that the case?

9 A I never received a memorandum or formal training or
10 formal explanation of why that we were going to have a set of
11 political equipment and a set of official equipment, but it
12 was my personal understanding that the Hatch Act barred
13 Federal employees from doing political work on government
14 equipment, and that was presumably why we had that equipment.

15 Q Is it fair to say that sometimes it is hard to
16 figure out whether the nature of the task was political or
17 official, which computer to use?

18 A Yes, I think it was very difficult to do that.

19 Q Is it fair to say, to be safe, if there was a
20 question, that you might err on the side of caution and use
21 the political equipment?

22 A Yes.

23 Q From our observation of an extraordinary volume of
24 documents that have been produced from all 30 agencies, we
25 have noticed this most of your e-mail was on your RNC

1 account, is that a fair thing to say?

2 A I sent and received a lot of e-mails on my RNC
3 account.

4 Q And the e-mail that we have is all between mostly
5 you and the various White House liaisons. And so is it fair
6 to say that with the White House liaisons that you might be
7 touching on political issues and official issues with them?

8 A Yes. Um, I would say often in speaking with them I
9 may have been speaking about more than one event at a time,
10 and it could have been either mixed or purely political, and
11 it just was my understanding that we shouldn't be using our
12 political computers if there isn't anything political.

13 Q And I imagine from a practical standpoint it
14 wouldn't -- it wouldn't make a great deal of sense to -- if
15 you had to communicate with Anthony Hullen over at USDA on
16 scheduling the Secretary for a USDA event and a fund-raiser,
17 I can't imagine it would make any sense to send two e-mails
18 on your EOP account and send two memos. Could you sort of
19 walk us through your thinking on that and why you may have
20 said, hey, let's just go with the RNC account for these
21 communications?

22 A Um, since I didn't receive any direction --
23 specific direction on how to divide out your work, I took my
24 cues from my predecessor and from the other people in the
25 office. And I noticed on the first day that I served as the

1 surrogate scheduler that I was receiving messages on my RNC
2 computer --

3 Q Let me stop you real quick and, just briefly, could
4 you tell us what type of Presidential decision-making you
5 were involved with, what types of e-mails that you would send
6 that would relate to an official Presidential decision?

7 A I at no time in my time at the White House was
8 involved in making decisions for the President, on behalf of
9 the President, anything like that.

10 Q Okay, okay. Sorry to interrupt you there. I
11 just -- it struck me as important before you -- before you
12 continue.

13 So you have these -- your predecessor, you had said, you
14 used his RNC account. I believe that's Jason Huntsberry?

15 A Yes.

16 Q And so when you hopped into his role, he had
17 presumably these types of memo?

18 A He did. He sent me the memos that he had been
19 working on when he left his position. I believe they were
20 from an RNC account.

21 On the first day that I was in that role, the other
22 folks in the office e-mailed me at that account; and so I
23 took it as the office norm. And, barring anyone telling me
24 differently, that is what we were to do the business on.

25 Q And did he give you a list of contacts at the

1 various agencies?

2 A Yes. I believe I received the contact information
3 for the folks that he had been working with, and it just --
4 since I got it on that system, I just usually worked on those
5 documents and from those works on that system.

6 Q Was that like a Microsoft Outlook environment that
7 you were exchanging e-mails on, that you remember?

8 A I believe it was an Excel spreadsheet of the names
9 and phone numbers of the people that he worked with.

10 Q But when you would e-mail Anthony Hullen at USDA,
11 did you type in his e-mail address every time or did you get
12 it from a contacts within Outlook or how did you maintain
13 those, to the extent you remember?

14 A I think I eventually entered them into my contact
15 list in the Outlook contact list --

16 Q In the RNC e-mail environment?

17 A Yes, to keep it all in one place and have it easily
18 accessible.

19 Q And so, at the end of the day, if you were going to
20 e-mail Anthony Hullen or any other White House liaison, you
21 would have your Microsoft Outlook environment open with your
22 e-mail and your contacts and you would just use that. Is it
23 fair to say that that was just -- because that was just
24 practical?

25 A It was a matter of convenience, given that with a

1 BlackBerry that would correspond to that e-mail. If it is in
2 your contact list, all you have to do is type in the first
3 couple letters of their name, and the e-mail comes up. You
4 wouldn't have to physically type out sometimes lengthy e-mail
5 addresses.

6 Q The committee, as you may or may not know, has made
7 some news regarding looking at the Presidential Records Act.
8 Do you have any understanding of what that Act requires?

9 A I think I have a vague understanding that it meant
10 that Federal officials, White House employees needed to save
11 documents; and I think that I saved the things that I needed
12 to save, to the best of my ability.

13 Q And when's the first time you ever heard of this
14 Presidential Records Act, to the extent you can recall?

15 A I think the first time I would have heard about it
16 would have been in the initial ethics briefing that White
17 House employees go through when they begin their employment
18 at the White House.

19 Q And was that pretty much it or was it a
20 much-discussed topic?

21 A To my recollection, it was not a much-discussed
22 topic. I knew vaguely what it was about, but I don't recall
23 details about the specifics of it or reminders of it. It was
24 something that was part of the overall ethics briefing. It
25 would have included Hatch Act, how you discuss White House

1 business, that kind of thing.

2 Q Did anyone at the White House ever tell you that
3 there's a strategic plan to circumvent the Presidential
4 Records Act --

5 A Not that I recall.

6 Q -- by conducting official business on RNC accounts?

7 A Not that I recall.

8 Q When did you get the RNC equipment? I guess -- was
9 a laptop one of them or was it a desktop, the computer?

10 A I received a laptop I think the day that I started
11 or on or about the day that I started my job as surrogate
12 scheduler. And I had at the time a personal BlackBerry that
13 the RNC loaded the political e-mail on to.

14 Q Okay.

15 A And was reimbursed subsequently by them.

16 Q And then the printer?

17 A The printer, correct.

18 Q So you got all of the equipment when you sat down
19 into the surrogate scheduling seat?

20 A Yes.

21 Q And when they handed you that equipment, did anyone
22 from the White House's Counsel's Office or any lawyer at the
23 RNC brief you on when you should use it, when you shouldn't?

24 A Not that I can recall.

25 Q So when you're sitting in your seat as a surrogate

1 scheduler, are you just doing your best to figure out, hey,
2 if this is political, I will do it on the political equipment
3 and, if it is not, I will do it on the EOP account. Is that
4 pretty much how you arrived at which equipment you'd be
5 using?

6 A I would say that, barring some exact direction on
7 what to do, I followed little cues from my colleagues and my
8 predecessor and did the best I could to make sure that I did
9 everything the right way.

10 Q And do you have anyone, any of your supervisors,
11 giving you any pointers or, hey, this ought to be on the
12 RNC's account? Did you ever remember any of that?

13 A I don't recall them saying anything to that effect.

14 Q So is it fair to say that you're just trying to
15 think in your own mind based on what your predecessor did,
16 based on what you had seen in the type of e-mail traffic? Is
17 that sort of the universe of inputs into your decision-making
18 process?

19 A Yes, without clear direction, I -- I took cues from
20 the people around me. I looked to see what my predecessor
21 had done.

22 And I should mention that before I became the associate
23 director of scheduling, in addition to an official computer,
24 I had an official BlackBerry. And shortly after I was
25 transferred to the surrogate scheduling job, the White House

1 took back my White House BlackBerry. So I was then left with
2 a political BlackBerry, and I guess I took that also as a cue
3 that it was okay to be doing a lot of my work on the
4 political computer.

5 Q When you were at the White House, do you remember a
6 lot of folks walking around with all sorts of BlackBerrys on
7 their belt? Did people use like two BlackBerrys?

8 A No, I only recall them using one BlackBerry.

9 Q How about two phones? It seems to me you can end
10 up with two cell phones, two BlackBerrys, two printers.
11 What's your recollection of how this all sort of worked
12 itself out?

13 A Outside of folks with personal cell phones, I think
14 that my observation was that most folks had one form of
15 communication that was for their work business; and that
16 would have been typically a BlackBerry -- a BlackBerry, not
17 two BlackBerrys.

18 Q And so you had a personal BlackBerry. There was
19 certainly a point in time where you -- let's say the RNC came
20 with a BlackBerry for you. You could have had three
21 BlackBerrys at that point in time, correct?

22 A I could have had three BlackBerrys, I definitely
23 did not want three BlackBerrys.

24 Q But you don't remember anyone sort of walking you
25 through, hey, you can't have three BlackBerrys. It just

1 wouldn't make any sense. The reason we have these devices is
2 to communicate and make things easier. If you have three, it
3 doesn't make anything easier. Do you ever remember any
4 discussion like that?

5 A I don't. I think the reason that I had the RNC
6 e-mail loaded on to my personal BlackBerry was my choice. At
7 the time I had a White House BlackBerry, I had a personal
8 BlackBerry. As you may or may not know, White House
9 employees can't access personal e-mail on government
10 computers. So I had a personal BlackBerry; and then, in
11 order to avoid a third BlackBerry, I had my political --

12 Q How does that work, where you can't dial up Hotmail
13 if you're on the White House campus?

14 A You can't. And, actually, they tell you this when
15 you first start at the White House, that you can't access
16 Hotmail, AOL, Yahoo. It was my understanding that was
17 something that started with this administration. But it was
18 this administration's policy to not allow that.

19 Q Was that sort of a self-enforcing thing like, you
20 know, they told you you couldn't go to the Hotmail Web site
21 so you didn't or was there -- to the best of your
22 recollection, was there a technology thing in place that, if
23 you went to it, it didn't let you get there?

24 A I don't recall what the details surrounding that
25 was. I just remember knowing from the get-go that you

1 couldn't check your personal e-mail. You couldn't do
2 anything like that. I already had a personal BlackBerry
3 previous to my employment at the White House, so I just used
4 it for my -- my personal use.

5 Q Some of these suggested events lists went out
6 beyond the Cabinet secretaries, like the Drug Czar Act 1.
7 And some of the Cabinet secretaries under their various
8 statutes were permitted to do fund-raisers; some weren't. As
9 I think I understand it, the Drug Czar is not supposed to be
10 out doing fund-raisers, is that your -- do you have any
11 recollection about whether there were certain folks like the
12 Drug Czar who weren't supposed to be out on the fund-raising
13 circuit?

14 A Yes, definitely. I know that members of the
15 so-called War Cabinet were not permitted to do political
16 events -- State Department, Justice, Defense, Homeland
17 Security; and I learned from ONDCP themselves that they were
18 not permitted to do any type of political event. I took
19 those rules seriously, and we have definitely respected their
20 wishes.

21 Q Were you the primary -- I mean, how many folks at
22 the White House were in contact with the White House
23 liaisons? Were you one of the main folks or was it really --
24 was it hard to pin down who the main people were?

25 A I couldn't be completely sure of who all that they

1 would have talked to, but I think it would be fair to say
2 that White House liaisons, by the nature of their job, would
3 have spoken with the Office of Cabinet Liaison, Presidential
4 personnel, and other people in the Office of Political
5 Affairs.

6 Q So if people at the White House in the Office of
7 Political Affairs, the Cabinet liaison needed to get in touch
8 with the White House liaison, they didn't go through you
9 necessarily?

10 A They absolutely could have contacted them on their
11 own.

12 Q Do you ever remember a time when someone at the
13 White House gave you instructions to direct the official
14 business of an agency through your contacts with White House
15 liaison?

16 A No. The only direction I had was that our rule was
17 to take the requests that were received and put them together
18 in organized, concise form and send that to the agency for
19 their ultimate consideration.

20 Q So yourself and the surrogates scheduling -- you
21 weren't involved with any of the official business of the
22 agency in their decision-making process?

23 A No.

24 Q There's a term that's been reported on the
25 newspaper flowing from some of this e-mail that the committee

1 has obtained that's called asset deployment. Subsequent to
2 learning about this term, the committee launched an
3 investigation into whether and how this, you know, asset
4 deployment was used to potentially marshal the official
5 resources of the government to benefit Republicans. Have you
6 ever heard of that term before, "asset deployment"?

7 A I have heard the term, but, to the best of my
8 recollection, that is not something that I heard or used in
9 my time at the White House.

10 Q Do you remember if there was a specific initiative
11 regarding asset deployment, deploying assets?

12 A No.

13 Q So this wasn't a Sara Taylor initiative, this asset
14 deployment team, to the best of your recollection?

15 A No. I think that our wish was that when events
16 were requested of the Cabinet that we were able to do it in
17 an organized and concise way, put together those requests
18 together for them and pass them on. And they would make
19 those decisions of their own choosing, without pressure or
20 fear of any sort of punishment if they don't do them.

21 Q So, to the best of your recollection, there wasn't
22 an asset deployment team that met and figured out how to
23 deploy assets?

24 A Not to my knowledge. The memos that were sent that
25 would detail the requests were really the only way that the

1 agencies would have seen the breadth of the requests we were
2 asking them of.

3 Q So it is also fair to say that you never attended
4 any asset deployment team meetings?

5 A Not that I can recall.

6 Q And do you ever recall any meetings internal to the
7 White House where an asset deployment team or task force was
8 impaneled?

9 A No.

10 Q So to the best of your recollection there's nobody
11 at the White House that was in charge of the asset deployment
12 strategy or team?

13 A Not to my recollection.

14 Q No team captain for asset deployment?

15 A Not that I can recall.

16 Q We've heard the term asset deployment in all 30 or
17 so agencies that are on the receiving end of correspondence
18 that have been asked to search for documents relating to
19 asset deployment, and so I -- you said that you never really
20 heard much of that term; is that fair to say?

21 A That is correct, to the best of my recollection.
22 It's not what we would have termed the request of our
23 administration surrogates.

24 Q So it's possible that asset deployment may have
25 been one way of describing something. It wasn't a specific

1 concept. You know, the capital A asset, capital D
2 deployment, with the PowerPoint slides, you know, the asset
3 deployment team, that type of thing.

4 A From my time in the White House, I don't recall
5 seeing that terminology. I don't recall hearing it or really
6 seeing it anywhere.

7 Q The -- getting back to these -- this memo,
8 Exhibit 1, is it fair to say that -- let's take the first
9 one. The VA Secretary met with Congressman Fitzpatrick. By
10 the way, do you know if Congressman Fitzpatrick won his
11 re-elect?

12 A I don't recall.

13 Q I recall. He did not.

14 Do you know if the February 25th event with Doug
15 Rollstone, do you know if he won his election?

16 A It is my recollection that Mr. Rollstone did not
17 win his election.

18 Q No, he didn't.

19 September 1 there was an official event with Congressman
20 Mike Sodrel. Do you have any recollection of whether
21 Congressman Sodrel won his reelect?

22 A I believe Mr. Sodrel did not win.

23 Q No, he didn't.

24 On the last page, there is an event that may or may not
25 have come -- it has a TBD with Congressman Leach, former

1 distinguished chairman of the Banking Committee. Do you know
2 if Congressman Leach won his reelection?

3 A I don't know.

4 Q Sadly, he did not.

5 September 30th there's a meeting, VA facility dedication
6 with Senator Burns, Montana. As we sit here today, do you
7 have any recollection whether Senator Burns won his
8 reelection?

9 A I believe Senator Burns did not win his election.

10 Q Let's go back to the September 1 event with Mike
11 Sodrel. You've got an event here with the Secretary of
12 Veterans Affairs, Secretary Nicholson; you've got Congressman
13 Sodrel doing an official event in Indiana; is that fair to
14 say?

15 A Yes, I believe that is what the document here
16 states.

17 Q And it looks like it was completed; and there is a
18 December 10th, '05, date here. Do you know what that means?

19 A That would refer to the date that the request was
20 added to the memo, effectively the date that our office would
21 have received the request.

22 Q Okay. And I guess the completed means that the
23 event occurred?

24 A Yes. If it would have said completed, it would
25 correspond to the date --

1 Q In the first hour, did you say that one of the --
2 obviously, these events occur for numerous reasons, both in
3 the White House and, presumably, the Secretary has his own
4 reasons and the Congressman has his own reasons, but is one
5 of the reasons, at least from the White House's standpoint,
6 to talk about the President's policy plan and initiatives?

7 A Definitely. We want -- we wanted the
8 administration surrogates to talk about Presidential agenda
9 items.

10 Q And if Secretary Nicholson is out in Congressman
11 Sodrel's district on September 1 talking about, presumably,
12 since it is an official event, the official business of the
13 VA and the President's message, is it fair to say that the
14 benefit at least to VA and the benefit to the President are
15 achieved whether or not Congressman Sodrel continues to serve
16 the United States Congress?

17 A That's my understanding, yes.

18 Q So whether or not Congressman Sodrel is a
19 participant in the 110th Congress, it is still -- by sending
20 the Secretary of Veterans Affairs out there to Indiana still
21 achieves at least part of the White House's intended purpose
22 to talk about the President's policy; is that correct?

23 A That's my understanding.
24
25

1 RPTS MERCHANT

2 DCMN MAGMER

3 BY MR. CASTOR:

4 Q Now if there was an ancillary benefit to getting
5 positive press for Congressman Sodrel, is it fair to say that
6 the White House and Republicans everywhere all across America
7 would be -- that that would be a good thing, too?

8 A Yes. I mean, we are a Republican White House and
9 supporters of the President; and anytime that a positive
10 message was going to be presented around the country,
11 especially with a person who is an ally of the President on a
12 number of issues, then we would have considered that to be a
13 good thing.

14 Q And so it's a good thing for the President, for the
15 White House, for the Secretary; and it's a good thing for a
16 Congressman, presumably if it's a good event and
17 well-attended. And so, as I understand your testimony here,
18 there's a number of potential ramifications from a particular
19 event?

20 A Yes.

21 Q Okay. I think my time is up.

22 [Recess.]

23 Mr. Leviss. Ms. McLaughlin, we met at the beginning off
24 the record, so, for your benefit, I'm David Leviss. I'm also
25 with the majority staff. Thank you for coming in and

1 participating in this deposition today.

2 EXAMINATION

3 BY MR. LEVISS:

4 Q I have some questions for you. I'm going to start
5 out focusing on the Office of Political Affairs' practice of
6 giving political briefings at Federal agencies. We've seen
7 through this investigation many times OPA gave briefings that
8 included a PowerPoint slide show with sections entitled The
9 Political Environment or Political Landscape. Are you
10 familiar with briefings like this?

11 A I am.

12 Q Many of the briefings that I've seen discuss future
13 elections for the House, the Senate for state governors and
14 they often mention specific candidates in these elections.
15 So when I'm asking questions about political briefings will
16 you understand that that's what I'm referring to?

17 A Yes.

18 Q Did you see any of these briefings?

19 A I did.

20 Q Roughly how many?

21 A I don't remember the number, so I really couldn't
22 give you a number or even a range.

23 Q Would it be more than one then?

24 A It would be more than one, but I don't remember
25 what the number was.

1 Q How did you come to see these briefings?

2 A I had been assigned the task of coordinating the
3 scheduling of these briefings with the agencies. So, often,
4 after I would -- did come to a mutual determination with the
5 agency on the time and the date, you know, and all that, I
6 would -- staff, whoever, from OPA would go and actually give
7 the presentation.

8 Q And when did that become one of your
9 responsibilities?

10 A I don't remember what the time was. Sometime early
11 in 2006, but I couldn't tell you the date.

12 Q But after you first became surrogate scheduler?

13 A Yes.

14 Q Do you remember who asked you to take on this
15 responsibility?

16 A Sara Taylor.

17 Q So explain to me how the process worked. How would
18 you schedule these briefings with agencies?

19 A It was fairly straightforward. We would offer to
20 the agencies, if they so wished, a political briefing to be
21 given to their political appointees; and they just had to let
22 us know if they were interested in one.

23 Q And how did you make it available to them? How did
24 you identify to the agencies that this was something
25 available to them?

1 A It's my recollection that I probably either sent
2 them an e-mail or called them on the phone to offer that.

3 Q And who at the agencies would you contact about
4 this?

5 A Typically, it would have been the White House
6 liaisons, because those were the folks that I had the most
7 contact with.

8 Q And did many agencies take you up on this offer?

9 A I believe most of the ones that we offered did.

10 Q And roughly how many would that be?

11 A I don't remember what the number would be.

12 Q Do you think it would be more than 20?

13 A I mean, taking a guess, it would be around 20, but
14 I just don't remember.

15 Q So an agency, a White House liaison, communicates
16 back to you that they would like a political briefing. And
17 what happens then?

18 A We would work together to determine a date that
19 would work for both my office and for their attendees. And
20 then from there we would either go to the agency for the
21 briefing to be presented or they would come to the White
22 House.

23 Q And I explained to you that I'm referring to these
24 as political briefings. How did you refer to them?

25 A It's my recollection that they were referred to as

1 political briefings.

2 Q Any other term used?

3 A Not that I can recall.

4 Q What determined whether you went to the agency --
5 "you" meaning whoever was presenting the briefing -- or
6 whether they came to the White House?

7 A I believe that was generally up to the agency that
8 we were offering the briefing to as to whatever they felt
9 they were most comfortable with.

10 Q Comfortable in what respect?

11 A I don't know what their internal deliberations were
12 with it, but I considered that decision to be up to them.

13 Q And what about time of day for the briefing?

14 A I had a general understanding that the time of day
15 that the briefing could be held at would be determined by the
16 type of political appointee that was going to be getting the
17 briefing.

18 For example, it was my understanding that
19 Senate-confirmed people -- officials, secretaries, that
20 level -- could do it any time of day; and anyone who is not
21 Senate confirmed would have to have it done at a certain time
22 of day. But it was my understanding that that would be
23 determined by the agency's general counsel.

24 Q So the agency would tell you when it could be
25 scheduled?

1 A Yes, generally. They would recommend a time, yes.

2 Q And who presented the political briefings that you
3 scheduled?

4 A It was typically Sara Taylor, although sometimes
5 Scott Jennings did either coming here or present them himself
6 if she could not.

7 Q But more frequently Sara Taylor?

8 A That's my recollection.

9 Q Anybody else present them that you're aware of?

10 A No.

11 Q So --

12 Mr. Brown. Could we have a moment?

13 Mr. Leviss. Sure.

14 [Discussion off the record.]

15 Mr. Brown. Back on. Thanks.

16 The Witness. In addition to Sara and Scott, I do
17 remember that Karl Rove did at least attend or briefly
18 present at a few of them.

19 BY MR. LEVISS:

20 Q And those were briefings that you had scheduled?

21 A Yes.

22 Q When you say "briefly present", can you give me an
23 estimate of how long he would spend doing his presentation?

24 A I don't recall the amount of time, but I sort of
25 vaguely recall that he would maybe open it or give a few

1 remarks, not necessarily stay for the whole thing.

2 Q So Mr. Rove's remarks were in addition to somebody
3 else giving a political briefing?

4 A That's my recollection.

5 Q Is there any reason -- was there anything special
6 about the events that Karl Rove was attending?

7 A I don't recall what the details were surrounding
8 the briefings that he attended, so I don't remember.

9 Q So you don't know of any reason why he would attend
10 some briefings but not others?

11 A Not that I can recall.

12 Q The briefings that Karl Rove attended, were they at
13 the White House or at agencies or both?

14 A The ones that I saw him speak at were at the White
15 House.

16 Q And what did he say?

17 A I don't remember what his -- the details of his
18 comments.

19 Q What was the nature of them?

20 A I remember him saying thank you to the people who
21 attended. They were political appointees and sort of a
22 general thank you for your service to the country. But,
23 beyond that, I don't recall.

24 Q Did he tell jokes?

25 A I don't remember.

1 Q Did he discuss polling data?

2 A I don't remember what the details of his comments
3 were.

4 Q Did you play any role in providing these briefings?

5 A No. My role was only to schedule the time, the
6 date and the logisticals of where we were going to go and
7 when. I didn't write the briefings.

8 Q Did you ever present the slide deck?

9 A I can remember a few times when I physically ran
10 the clicker or, you know, pushed the button on the laptop,
11 but, other than that, no.

12 Q But you attended other briefings when you weren't
13 running the clicker, is that correct?

14 A Correct.

15 Q And what was your role at those briefings?

16 A Simply to staff the presenter, either Sara or
17 Scott, make sure that they went to the right room, that we
18 started on time, that kind of thing.

19 Q Would anyone introduce you to the attendants at
20 these briefings?

21 A I remember sometimes they did introduce me.

22 Q Did they ever explain what your job was at the
23 White House?

24 A I don't remember.

25 Q Did anyone ever talk about your role as surrogate

1 scheduler?

2 A I don't remember.

3 Q Do you remember anything else that they might have
4 said about you?

5 A I don't.

6 Q What do you know of the reason for providing these
7 political briefings to Federal agency officials?

8 A I don't remember receiving a detailed explanation
9 or any sort of official notice of what the purpose was. It
10 was my personal understanding that it was to provide an
11 update on the political landscape to our political
12 appointees.

13 Q Anything else?

14 A I also think that it was to give a general thank
15 you to our political appointees for their service to the
16 government.

17 Q Anything else?

18 A That's all I can recall.

19 Q Do you remember anything about how you got this
20 sense that that was the purpose of the briefings?

21 A Well, I remember that when the briefings generally
22 started they began with whoever was speaking thanking the
23 attendees for their service to the country, for their work at
24 the agencies, the hard work that they do; and my overall
25 understanding of the presentation was that it was an

1 explanation of the political landscape. I don't recollect
2 hearing someone say this is what the purpose is. That was
3 just my understanding.

4 Q Why educate, why update agency officials about the
5 political landscape?

6 A The content of the briefing --

7 Mr. Brown. Excuse me. Are you asking her what she
8 understood other people to be doing in the sense that -- you
9 know, are you asking why Sara wanted to provide the update,
10 or are you asking her objectively why she thinks somebody
11 would want to update people on the political landscape?

12 BY MR. LEVISS:

13 Q You can assume that pretty much any question I ask
14 today is preceded by what's your understanding and what's
15 your recollection. I mean, it's a fair clarification, but
16 I'm interested in what you know of the reason to update
17 political officials or -- I'm sorry -- agency officials about
18 the political landscape.

19 A Well, that would really have been Sara's call. I
20 don't know that I had a clear opinion or definition or
21 feeling about the reason why we were doing it. I just felt
22 that it was an explanation of the political landscape, and my
23 role in it was to have set up the meeting and then staff the
24 presenter. And that's pretty much how it seemed to me.

25 Q Did you ever have a discussion with anyone in the

1 White House about why spend so much time on these briefings?

2 A I don't recall having one.

3 Q Did it seem like a good use of your time?

4 A Personally speaking, I did think it was a good idea
5 to talk to political appointees about -- and thank them for
6 their service and give them an update.

7 Q On the political landscape?

8 A On the political landscape.

9 Q And why did you think that was a good idea?

10 A I thought it was important to keep political
11 appointees informed and to make sure that they knew that the
12 White House appreciated their work in the Federal agencies.

13 Q I understand the "thank you" side of it. I'm
14 actually asking about why you thought it was a good idea to
15 keep them updated on the political landscape?

16 A If you're asking me why I personally felt that way,
17 it would be because, if I was working in the agency, I
18 thought that I would have appreciated and would have wanted
19 to know from the White House's perspective how they felt
20 about the current situation, the current political landscape,
21 what was going on.

22 Q And by "political landscape" do you mean the status
23 of particular elections?

24 A Well, to me, the content of the briefing, which I
25 didn't create or write, wasn't so much about -- I didn't

1 perceive it as completely about the election. There were a
2 lot of different factors that were explained. It was
3 historical factors that have affected previous presidents,
4 public opinion polls on the Congress, on the President, on
5 how Americans felt about different issues; and I found that
6 to be interesting. Things that I would not have probably
7 necessarily known about of how the public polling numbers
8 about health care had shifted over a series of months. So I
9 saw it as a complete package of an overall landscape, and
10 discussions of the upcoming elections was just a part of the
11 entire briefing.

12 Q Well, why include in these briefings a discussion
13 of which Republican Members were vulnerable?

14 A Well, I think that's -- we were sending these
15 agencies a lot of requests for events. I'm sure that there
16 were members of their advance staffs and press staffs in
17 attendance at those briefings. I think that, in general,
18 political appointees would care -- that's only my opinion --
19 about what would be going on in the election. I mean, I know
20 I'm a political appointee. It's something I would follow.
21 It's something I would want to be informed about.

22 Q So you think that the agency officials would want
23 to know which Republican officeholders the White House viewed
24 to be vulnerable?

25 A Well, I think that we looked at it as that being

1 one of the many issues that we discussed. I would not say
2 that that was, from my perspective, the predominant topic of
3 that briefing. There was a lot of different things,
4 especially when we were talking about issues that a
5 particular agency would have been -- would have cared about.

6 In talking about how Americans felt about the current
7 state of health care, for example, if you were in a
8 health-care-related agency, that might be information that
9 you would be interested in hearing.

10 And so for me it was -- from my perspective, it was an
11 overall package of information that, as a political appointee
12 in an agency, I would have been grateful for someone sharing
13 for me in a concise way.

14 Q You mentioned in your response that you were
15 sending over a lot of requests. Were these briefings helpful
16 to the agency officials in processing your requests? Were
17 they relevant to them?

18 A I don't know if they were helpful or not. You
19 would have to ask the agency personnel who attended them if
20 the briefings were helpful in considering the requests that
21 we sent over.

22 Q Did you think the briefings should be helpful to
23 them in considering the requests?

24 A My opinion would be that it would be helpful, but I
25 don't know if it was.

1 Q Of the briefings that you observed, did they
2 generally follow the same format?

3 A Generally, I think they did.

4 Q Were there significant differences from one agency
5 to another?

6 A Not that I can recall.

7 Q Did they vary by presenter, say if Sara Taylor were
8 doing it over Scott Jennings?

9 A It may have in terms of their speaking style or
10 maybe the verbiage they would have used in discussing
11 different parts of the briefing, but I wouldn't say it was a
12 significant difference. I mean, different people speak
13 differently.

14 Q Did they vary much by audience, who was in the
15 audience?

16 A I don't remember.

17 Q Did the slide decks themselves, the ones you saw,
18 vary significantly from one briefing to the next?

19 A I don't remember.

20 Q You don't remember whether they varied?

21 A I don't remember if or how they may have varied. I
22 don't.

23 Q Did you notice whether the presentations -- the
24 slide presentations changed as it got closer to the 2006
25 election?

1 A I think that they may have changed in terms of how
2 information was updated. I think several of the slides I
3 remember included public opinion on different issues. And as
4 you get -- as months progress and you get through a year
5 those numbers are going to change and be modified in that
6 sense. Other than that, I don't remember any other ways.

7 Q What about the updates on candidates?

8 A They may have shifted, but I don't remember
9 specific ways or instances of that.

10 Q Were you at all involved in the process of
11 modifying these slide presentations prior to a briefing?

12 A No. The writing of, the production of, changing
13 of, that was not something that I was involved in. I only
14 was setting up a meeting and staffing the presenter at the
15 event, but that was the extent to which I really had anything
16 to do with them.

17 Q Did OPA ever provide more than one political
18 briefing to the same agency officials in the time that you
19 were involved in these?

20 A I believe we did. I believe that we gave
21 presentations to the Department of Commerce at least two
22 times and may have also presented to the Department of
23 Agriculture twice. It may have been more, but I don't recall
24 all of them.

25 Q Do you have any understanding about why it made

1 sense for OPA to come back and do a second political briefing
2 for those agency officials?

3 A Only if they would have asked for a second one.
4 It's my recollection that in those two instances one of the
5 briefings were for the Secretary in an SES level and the
6 other level was for their Schedule Cs. They were divided out
7 in that sense respectively.

8 Mr. Leviss. I'm going to show you a document that we're
9 marking Exhibit 5.

10 [McLaughlin Exhibit No. 5
11 was marked for identification.]

12 Mr. Leviss. And it begins with an e-mail from Nathan
13 Hollifield to Sara Taylor dated August 16, 2005, with a bates
14 number HOGRO02-1172, and it continues to 1190. Please take a
15 look and it and tell me when you've had a chance to review
16 it.

17 Have you had a chance to look at it?

18 The Witness. I have.

19 BY MR. LEVISS:

20 Q We believe this briefing was presented by Sara
21 Taylor to the Department of Energy political appointees in
22 August of 2005, which I understand is prior to you starting
23 as surrogate scheduler. Is this briefing similar to other
24 political briefings that you did review or -- I'm sorry --
25 that you did witness?

1 A I do recognize some slides that were in the
2 briefings that I saw.

3 Q So does that mean it is similar? I'm not asking
4 you if every slide is the same, but does this look like the
5 kind of political briefing that you saw when you were
6 accompanying Sara Taylor?

7 A It does. It does largely resemble the one I saw.

8 Q If you would turn to the page with the bates number
9 1187. The title on this is 2006 House Races to Watch, Open
10 Seats; and there are eight of them with the name of a
11 representative who I guess was retiring or had left that
12 seat. And then to the right there's a box that says At Risk
13 Democrats, and there are 11 on that list, and they're divided
14 into Tier 1 and Tier 2. Have you ever seen slides from these
15 political briefings that discuss tiers of races like Tier 1
16 and Tier 2 here?

17 A I believe I did see slides that did use those
18 terms.

19 Q And do you have any understanding of what Tier 1
20 and Tier 2 refer to?

21 A It is my understanding that Tier 1 refers to a top
22 priority and Tier 2 is a second priority.

23 Q Top priority of whom?

24 A I don't -- I didn't have a part in creating the
25 list, so I don't know all the details about the way in which

1 somebody considered them a priority. I don't really know the
2 factors that would have gone into that, to answer that
3 question.

4 Q I'm sorry. Maybe my question was unclear. I don't
5 mean who put these tiers together. I mean, whose priority is
6 it? Is it a particular office that views this priority? Is
7 this OPA's priority? You said to me that Tier 1 reflects top
8 priority, and I'm asking top priority of what entity?

9 A In terms of a document produced by OPA, the tier
10 ranking would be, to my knowledge, OPA's prioritization of
11 it.

12 Q And prioritization in terms of what?

13 A You would have to ask the folks who created the
14 list what they would determine the priority to be.

15 Q But what does it mean to you?

16 A To me, without sort of getting the official
17 explanation on all this, probably would have meant a Member
18 who was vulnerable in the reelection campaign.

19 Q As viewed by OPA?

20 A Yes.

21 Q If you'll turn the page to bates number 1188, it
22 still says 2006 House Races to Watch. This one has a
23 subtitle At Risk Republicans, with 22 in parentheses; and now
24 we have three categories: Tier 1, Tier 2 and Tier 3. And in
25 each tier there are district numbers and the name of a

1 Republican Member of Congress. What's your understanding of
2 Tier 1, Tier 2 and Tier 3 as reflected on this slide?

3 A Again, not being the person who produced or wrote
4 the list, I couldn't tell you what the -- all the reasoning
5 was that went into it. But my personal understanding was
6 that Tier 1 would have meant the most at-risk Member in terms
7 of their ability to be reelected, Tier 2 would have been the
8 next most at risk, and Tier 3 would be a lower level of being
9 at risk.

10 Q Did you ever have any discussions within the White
11 House about candidates being in Tier 1, Tier 2 or Tier 3?

12 A Yes. Our office would discuss from time to time
13 the individuals who were on these categories and just general
14 information about what was going on in their districts.

15 Q And how did the knowledge that a candidate was in a
16 particular tier affect your job?

17 A Well, certainly if a person who was in a tier
18 requested a political event, a fundraiser, for example, they,
19 being considered important to the President's legislative
20 success, would be someone that we would be interested in
21 supporting by recommending their request to be fulfilled.

22 Q Did that only apply to requests for political
23 events?

24 A Well, sometimes when these incumbents -- for
25 example, if they would have requested an official event, it

1 would have been one of the many factors that we would have
2 taken into consideration.

3 Q One of the many factors would be whether the
4 candidate was in a particular tier?

5 A Well, I mean, we would considered them, first and
6 foremost, to be allies of the President. And when requesting
7 official events our thinking would have been centered around
8 in supporting a Presidential agenda in supporting someone who
9 was supportive of the President and his agenda, and some of
10 these people would have been included in those requests. But
11 it certainly wasn't -- I should be clear. It wasn't the only
12 thing that we would have considered. It was a consideration,
13 but it wasn't the only factor.

14 Q Is everyone on this page an ally of the President,
15 according to your understanding?

16 A To my personal understanding, yes.

17 Q Are there any other tiers of Republican candidates
18 that are not represented by the three tiers on this sheet?

19 A Not that I can recall.

20 Q There's no Tier 4 or Tier 5 or anything like that?

21 A Not that I can recall.

22 Q Did you ever communicate to agencies that a
23 particular request was coming from a candidate who was, say,
24 Tier 1 or Tier 2 or Tier 3?

25 A I don't recall referring to the individuals who

1 requested events in terms of their tier number. I don't
2 recall that.

3 Q What about in terms of how much of a priority it
4 was for the White House?

5 A I'm sure at times I would have, in the course of
6 passing on a request, referred to their priority in terms of
7 our office.

8 Q How did you learn which Members were considered a
9 priority for your office?

10 A I received, along with other members of the Office
11 of Political Affairs, a document that listed the individuals
12 that the White House, in particular its Office of Political
13 Affairs, considered to be allies of the President that we
14 wanted to support.

15 Q So would that be a list of vulnerable allies of the
16 President or all allies of the President?

17 A This list that I had mentioned would be considered
18 the vulnerable list.

19 Q And where did you get this list from?

20 A I received it from Sara Taylor.

21 Q Do you know who put the list together?

22 A I don't. It could have been a number of people. I
23 don't know specifically who.

24 Q How did you receive it?

25 A The list came in different forms throughout the

1 year. So I could have received it at times over e-mail or I
2 could have received it over hard copy in meetings or someone
3 handing it to me.

4 Q So was the list updated periodically?

5 A Yes, to my recollection.

6 Q Were Members added to the list?

7 A Yes.

8 Q Were Members taken off the list?

9 A Yes.

10 Q And would that be a reflection of the Office of
11 Political Affairs' view of that particular Member's
12 vulnerability?

13 A That would have been up to Sara and whatever other
14 sources she considered. So I can't specifically speak to
15 that.

16 Q What did you take it to mean if a Member was taken
17 off the list?

18 A My personal opinion would be that they were
19 probably doing better in their ability to win their election
20 and therefore they weren't on the list.

21 Q And what did it mean to you if a Member was added
22 to the list?

23 A I would have personally taken that as they were not
24 doing so well in their chance of being reelected.

25 Q Did this list have a name? I mean, how did people

1 at OPA refer to this list?

2 A I don't recall the document having a title, but I
3 do remember that we referred to it as the target list.

4 Q Did you have a target list for Democratic
5 officeholders?

6 A I believe that the structure of the target list, to
7 the best of my recollection, may have had the names of the
8 Democrat opposition next to the Republican candidate. But
9 I'm not -- I think that may have changed over time. I can't
10 be exactly sure what each and every version looked like.

11 Q So are you speaking of a separate kind of list or
12 are you talking about more information that was on these
13 target lists you were just describing?

14 A I believe that the target list that I can remember,
15 in addition to listing by district the name of the Republican
16 incumbent or candidate, may have also had the name of the
17 Democrat next to it.

18 Q Did the target list that you've described also
19 include Republican candidates, Republicans who had not yet
20 been elected to Congress or the Senate?

21 A Yes, that's my recollection.

22 Q And do you recall whether they -- whether those
23 nonincumbent Republicans were also classified by tiers?

24 A To my recollection, they were classified by tiers.

25 Q Within the same tier structure as the incumbents or

1 within a separate structure?

2 A I believe they were within the same structure as
3 the incumbents.

4 Q Did the political briefings at agencies ever
5 include suggestions about how people could support the
6 President's allies?

7 A In terms of the presentations that I witnessed, the
8 only time I can recall anything of that nature coming up
9 would have been during the Q and A section that happened at
10 the end of the briefings where the attendees had an
11 opportunity to ask whoever was presenting that day any sort
12 of questions that they had. And sometimes I can recall
13 attendees asking specific questions about races. I recall it
14 as being generally based around their home State or their
15 home district, and occasionally I do remember attendees
16 asking how they could be involved or how they could help.

17 Q And do you recall how these questions were
18 answered?

19 A My recollection is that the presenter would refer
20 them to the Republican National Committee for more
21 information. I recall them saying that it wasn't something
22 they could discuss at that venue.

23 Q Do you remember any discussion of the suggested
24 event participation list at these briefings?

25 A I don't recall mention of that.

1 Q Either during the briefing or in the Q and A
2 session?

3 A The only time I remember the suggested event memo
4 being mentioned would have been with the meetings with the
5 Senate-confirmed staff, because they would have been
6 presumably in a decision-making role in terms of the event
7 request that we were passing to their secretaries. I don't
8 recall that being ever mentioned within the Schedule C
9 nonSenate-confirmed meetings.

10 Q So for briefings with PAS officials, presidentially
11 appointed, Senate-confirmed, what discussion of the suggested
12 event memos do you recall?

13 A I recall bringing a copy of the current memo to
14 those meetings. Sometimes the secretaries attended, and so
15 it would be a good -- it seemed like a good reference tool to
16 remind them of the request list that we had. I don't recall
17 any other details about how they were discussed or what was
18 said.

19 Q Would you discuss the memos at these meetings?

20 A No. I had a nonspeaking role at these events.

21 Q So who was discussing them?

22 A It would have been whoever was presenting that day.

23 Q Would that presenter identify you within -- or did
24 that presenter ever identify you within the discussion of the
25 suggested-event memos?

1 A I remember being introduced to whatever group was
2 being presented to. But I don't remember if I was mentioned
3 as the person who was coordinating the request memo or
4 talking to the liaisons. I don't know if that was mentioned
5 or not.

6 Q Any mention during political briefings of the
7 72-hour campaign?

8 A The only time I remember that coming up would have
9 been during the Q and A section when one of the participants
10 would have asked how they could get involved. I believe at
11 times folks did mention how do we get involved in 72-hour.
12 It's my recollection that the presenter would have said we
13 can't talk about that here. You know, please call the
14 Republican National Committee to answer your question.

15 Q What does the 72-hour campaign mean to you?

16 A My personal understanding of it is that it is a
17 program that the Republican National Committee sponsors
18 wherein they coordinate volunteers to campaign approximately
19 the last 3 days before an election, the Friday, Saturday,
20 Sunday, Monday.

21 Q Did you ever have any discussions with White House
22 liaisons about 72-hour campaign activities?

23 A Not that I can recall.

24 Q Was it your understanding that your activities or
25 that your involvement in scheduling these political briefings

1 was part of your official work or part of your political
2 work?

3 A I didn't have a clear understanding of where that
4 would have fallen between those two categories.

5 Q Is it something you ever discussed with anybody?

6 A No, not to my recollection.

7 Q Did you use your political or your White House
8 e-mail specifically to schedule briefings? Did you make a
9 deliberate choice?

10 A My recollection is that I used my political e-mail
11 for a lot of the messages that I sent and received. And to
12 my recollection I would have scheduled these and coordinated
13 the logistics of them from my political computer.

14 Q Can you estimate about what portion of your time
15 you spent on political-briefing-related activity as opposed
16 to the rest of your portfolio?

17 A I really don't know.

18 Q Did you have involvement in scheduling briefings
19 every week?

20 A Not to my recollection.

21 Q Was it every month?

22 A I don't really have a clear memory of what the
23 frequency of them were.

24 Q It sounds like you spent more time scheduling
25 surrogate events than scheduling briefings, is that safe to

1 say?

2 A Yes. In terms of the time I spent requesting
3 events of administration surrogates, following up on those
4 requests, you know, tracking the changes on the memos, that
5 was definitely something I spent a lot of time on.

6 Mr. Leviss. Can I have tab 32? I'm going to mark this
7 Exhibit 6.

8 [McLaughlin Exhibit No. 6
9 was marked for identification.]

10 Mr. Leviss. I'm going to ask you to take a look at it
11 and tell me when you've had a chance to review it. This is
12 an e-mail from Mindy McLaughlin to -- at the top of it -- to
13 Taylor Hughes. The date is September 7, 2006. The subject
14 is HUD Schedule C meeting, and the bates number is
15 HOGRO02-1905, and it's a one-page e-mail.

16 Have you had a chance to review it?

17 The Witness. I have.

18 BY MR. LEVISS:

19 Q Is this -- was this an e-mail you initiated?

20 A It appears to be so, although I don't remember it
21 in particular.

22 Q At the bottom of it, it starts, again -- actually,
23 it starts on September 6, 2006, with an e-mail from you to
24 Sara Taylor copying Jessica Swinehart. Who is Jessica
25 Swinehart?

1 A I believe Jessica was Sara Taylor's executive
2 assistant.

3 Q And in this e-mail you say, "Dave Hazelton called
4 to ask if Karl or you could do a morale boosting meeting with
5 the HUD Schedule Cs sometime early next week. He was really
6 impressed with the impact Karl's meeting on Tuesday had on
7 his CoS and thinks it will be helpful to the political
8 appointees.

9 " He wants the meeting to, quote, put the fear of God,
10 closed quote, in them about continuing to work hard and sign
11 up for 72-hour.

12 "What do you think?"

13 Who is Dave Hazelton?

14 A Dave Hazelton was the White House liaison at the
15 Department of Housing and Urban Development.

16 Q And Karl, is that Karl Rove?

17 A Yes.

18 Q And he says -- he refers to Karl's meeting on
19 Tuesday with his CoS. Is that his chief of staff? Is that
20 the HUD chief of staff?

21 A I don't remember anything about this e-mail
22 exchange.

23 Q Is CoS an abbreviation you've used before?

24 A Yes, CoS generally means chief of staff.

25 Q So you believe this means chief of staff. You

1 don't know anything about a meeting Karl Rove had in
2 September of 2006 with the HUD chief of staff, is that
3 correct?

4 A Correct, I don't have any recollection of it.

5 Q Okay. Do you have any recollection of a
6 conversation with Dave Hazelton in which he asked for a
7 morale boosting meeting?

8 A I don't. I don't remember having that
9 conversation.

10 Q Do you remember a conversation in which Dave
11 Hazelton used the phrase "put the fear of God into people"?

12 A No. That's clearly what I wrote, but I don't
13 remember anything about the conversation or any of the
14 details around it.

15 Q Is Mr. Hazelton someone you spoke with frequently?

16 A Yes. He was a White House liaison. He would have
17 been somebody I would have talked to frequently.

18 Q Was he a friend?

19 A I think our relationship was on a professional
20 level. As a White House liaison, I would have talked to him
21 in a professional circumstance.

22 Q Did you speak with him more or less frequently than
23 any other White House liaison generally?

24 A I don't think so.

25 Q Do you have any idea what a morale boosting meeting

1 would be, as referred in this e-mail?

2 A I don't remember what the details or circumstances
3 were around that request.

4 Q Did you ever have occasion to ask Sara if she could
5 do -- she or Karl could do a morale boosting meeting with
6 Schedule Cs at any agency?

7 A I remember that Mr. Rove attended a morale boosting
8 meeting with DHS Schedule Cs, but I don't recall the details
9 that surrounded that event.

10 Q So what does a morale boosting meeting mean to you
11 in that context?

12 A To my recollection, it was just a meeting of the
13 political appointees and agency where the speaker thanked
14 them for their efforts, just encouraged them to work hard and
15 keep the faith, that kind of thing.

16 Q Did it include a political update?

17 A I don't recall.

18 Q Did it include any comments about how the
19 President's allies were doing in their electoral campaigns?

20 A I don't remember what the content of those meetings
21 were.

22 Q In one of her responses or I guess one of your
23 further e-mails above, you say -- and this one is from you to
24 Taylor Hughes copying Christon Tanner, and you forward the
25 exchange with Sara Taylor and you say, "HUD would like this

1 to happen early next week, either Tuesday, 9/12, or
2 Wednesday, 9/13. Since it isn't a political briefing I don't
3 think it has to be after 5:30 p.m. It would be similar to
4 the meeting with the agency CoS and White House liaisons on
5 Tuesday morning."

6 What does it mean to you that it would not be a
7 political briefing?

8 A I don't recall or remember the details that
9 surrounded this, so I really couldn't tell you.

10 Q So sitting here today it doesn't mean anything to
11 you seeing these words?

12 A I don't really remember what the circumstances were
13 that were surrounding the briefing.

14 Q Do you recall ever distinguishing among agency
15 presentations by OPA folks considering some of these
16 political briefings and others some other type of meeting, I
17 guess like a morale boosting meeting?

18 A It was my understanding that political briefings
19 generally for Schedule Cs needed to happen after 5:00.
20 Ultimately, that decision was made by that agency general
21 counsel. But that was my general understanding at the time,
22 was to be after business hours. But I, again, don't remember
23 the details or circumstance around this meeting in order to
24 definitively say what exactly I meant.

25 Q Well, what could OPA do at a meeting with Schedule

1 Cs that occurred during business hours? What's your view?

2 A I don't really, I don't really know.

3 Q Did you attend any OPA meetings with Schedule Cs at
4 agencies during business hours?

5 A I don't remember the times of the Schedule C
6 briefings that I attended. I don't have that information.

7 Q Okay. But you don't remember ever attending an OPA
8 briefing during the normal workday?

9 A I don't remember the times of the briefings I
10 attended with Schedule Cs.

11 Q I understand you don't remember specific times, but
12 did you always attend these after hours?

13 A I don't recall.

14 Q What were your hours typically at the White House?

15 A 7:30 a.m. to about 8:30.

16 Q Did you spend most of that time in the White House?

17 A Yes, generally.

18 Q What work-related reasons would you have for
19 leaving the White House? In other words, I'm not interested
20 in lunch or going to the gym or things like that.

21 A One reason would have been to attend these
22 briefings. I would sometimes staff White House staff at
23 events that would require me to be gone during my workday. I
24 can't recall other reasons other than lunch, dinner, gym
25 time.

1 Q Okay. I just want to make sure that I have a clear
2 understanding.

3 Do you have any recollection of attending an agency
4 political briefing during the workday when you were working
5 at the White House?

6 Mr. Brown. Dave, when you say "during the workday" do
7 you mean before 5 or after 5?

8 Mr. Leviss. That's a fair point. Before 5.

9 The Witness. I mean, it's possible, but I just don't --
10 I don't remember. I do think that I would have attended some
11 of the SCS above meetings during the workday, but I don't
12 remember if I would have attended a Schedule C briefing
13 before 5:00. I just don't recall.

14 Mr. Leviss. Okay. I'll move on.

15 Mr. Brown. David, I don't know if this is helpful.
16 Mindy, if there was a Schedule C briefing and it was a
17 political briefing and it occurred before 5, you would have
18 gone right?

19 The Witness. Yeah. But that would have been -- if that
20 agency -- agency's counsel had determined that that would
21 have been okay, then I'm sure I would have gone, but I don't
22 remember if I did or I didn't.

23 BY MR. LEVISS:

24 Q You just don't know if that occurred?

25 A Correct.

1 Q What do you understand the phrase "put the fear of
2 God into someone" to mean?

3 A Well, I think in this instance I was recounting
4 someone else's words. So in terms of what in this particular
5 passage what that meant would be a question that Dave
6 Hazelton could really answer for you. I don't recall what
7 the circumstances were around this that would be able to
8 explain what that meant.

9 Q Sure. But what does it mean to you?

10 A In general, I would say put the fear of God would
11 be just -- I think that, in general, a phrase like this would
12 be to remind folks, in particular Schedule Cs, about working
13 hard in the government and to not forget who they work for,
14 American people, the President. I don't know that I would
15 really have anything else to add to that.

16 Q And what does that have to do with the 72-hour
17 campaign?

18 A I don't recall what it meant in this instance. I
19 don't remember the details of it.

20 Q Is it fair to say, in looking at this e-mail today,
21 that regardless of what you remember of your exchange with
22 Mr. Hazelton, is it fair to say that you believed when you
23 forwarded this request that he wanted a meeting that would
24 convince HUD Schedule Cs to, according to your e-mail, work
25 hard and sign up for the 72-hour campaign?

1 I'm adding the word "campaign", but I'm assuming that
2 that's what you mean from the context?

3 A Again, I don't remember what the context or the
4 circumstances were about this e-mail exchange in order to say
5 whether that was or was not something that this e-mail would
6 have meant.

7 Q Is that a fair understanding of what you believed
8 this request to mean?

9 A I just can't tell you, given that I don't remember
10 this e-mail exchange. I couldn't tell you what I meant or
11 understood at the time.

12 Q Would it ever have been your idea to suggest a
13 meeting to encourage Schedule Cs at an agency to work on the
14 72-hour campaign?

15 A I'm sorry. Can you repeat that?

16 Q Would it ever have been your idea to suggest a
17 meeting between OPA and Schedule Cs at an agency to encourage
18 them to sign up for the 72-hour campaign? Is that something
19 that would have been your idea?

20 A No. It was not my call to have these briefings or
21 to decide who was to receive them or not receive them or what
22 they would talk about. I think my -- obviously, I wrote this
23 e-mail and that I'm relaying a request that someone, an
24 agency, had for a briefing. I'm relaying that to my boss who
25 would present the briefings. And, in general, I was just

1 passing on their message. It wasn't my decision whether or
2 not they would have the briefing or my call. I just was in
3 charge of facilitating the meeting to happen in terms of the
4 date, the time, the location, that kind of thing.

5 Q I understand your role as a facilitator -- and my
6 hour is almost up. I just have one or two questions on this.

7 I understand your role as a facilitator, but I want to
8 make sure that I'm not misinterpreting the words of your
9 e-mail. Am I wrong in reading that you have passed on a
10 request from Dave Hazelton, the White House liaison, for a
11 morale boosting meeting with HUD Schedule Cs? Not am I
12 wrong. Is that a correct interpretation of what your words
13 say?

14 A It does look like I am passing on a request from
15 the HUD White House liaison for a political briefing or for,
16 excuse me, a morale boosting meeting.

17 Q Am I correct in reading your e-mail -- am I correct
18 in reading it to mean that Mr. Hazelton expressed to you that
19 he wanted the meeting to put the fear of God in them about
20 continuing to work hard and sign up for 72-hour?

21 A Yes, that would be the recounting of the
22 conversation that he would have relayed to me. Although I --

23 Mr. Brown. I think we're done. The hour is up.

24 Mr. Leviss. I can pick this up again at the next hour.

25 Mr. Brown. Why don't you do that.

1 Mr. Leviss. Are you finished answering the question?

2 Mr. Brown. If you're done with the answer, then we'll
3 break and start again.

4 Mr. Leviss. I think there's a question pending.

5 The Witness. I think that was -- I don't think I have
6 anything else to add.

7 BY MR. LEVISS:

8 Q So was the answer to my question, yes or no, was
9 that a fair understanding?

10 A This e-mail, from reading it now, I mean, not
11 remembering the details, is just me relaying a conversation
12 that I must have had with Dave Hazelton about his request for
13 a morale boosting meeting; and I am passing along some of the
14 comments that he would have apparently given to me about what
15 he wanted the meeting to contain. I'm passing along his
16 words. They're not my words. It wasn't my decision to have
17 the meeting. I'm just passing along someone else's request.

18 Mr. Leviss. Okay. Are you done?

19 The Witness. Yes.

20 Mr. Leviss. Thank you.

21 Ms. Sachsman. Let's go off the record.

22 [Lunch Recess.]

23

24

25

1 RPTS DEAN

2 DCMN HERZFELD

3 [1:38 p.m.]

4 Mr. Castor. Welcome back from lunch,
5 Ms. McLaughlin. It is 1:38. You had a chance to get some
6 lunch?

7 The Witness. I did.

8 Mr. Castor. Did you find it delicious in the new
9 cafeteria?

10 The Witness. It was wonderful.

11 Ms. Sachsman. You don't have to answer that on the
12 record.

13 BY MR. CASTOR:

14 Q When you came to the White House, let me ask you
15 this, when did you graduate undergrad?

16 A May of 2001.

17 Q And so when you first came to the White House, how
18 old were you?

19 A I was 25.

20 Q And when you were the surrogate scheduler, you were
21 25, 26, 27?

22 A I think I was 26 when I took the job.

23 Q And you had testified earlier this morning that the
24 content of the presentations that Sara Taylor gave, you were
25 not part of the staff that put together that material; is

1 that correct?

2 A Yes.

3 Q Is it also fair to say that you weren't in charge
4 of the content of the information supplied at the briefings?

5 A That's correct.

6 Q And as I understood your testimony, you scheduled
7 the political briefings from time to time?

8 A Yes.

9 Q And you made arrangements, looked from logistical
10 purposes, the different logistical aspects of the
11 presentation, such as overhead projector, that type of thing?

12 A Correct.

13 Q And you knew what room it was going to be in and
14 what time, and from time to time you went with the presenter?

15 A Correct.

16 Q Is that really the extent of your meaningful
17 participation in the briefing, in the follow-up Q&A?

18 A Yes.

19 Q And were you ever asked to take notes at the
20 presentation?

21 A Not to my recollection.

22 Q Did you ever have any recollection of taking notes?

23 A No.

24 Q When the presenter, whether it be Sara Taylor or
25 another White House staffer such as Scott Jennings, made the

1 presentation, had the Q&A, did you ever recall a time when
2 you would jot down some follow-up items?

3 A I don't recall ever doing that.

4 Q And during the presentation and then the subsequent
5 Q&A, was there any discussion of instructions that either
6 Sara was giving to the Schedule Cs or that the Schedule Cs
7 were giving to Sara about the official business of the
8 agency?

9 A Not that I can recall.

10 Q So is it fair to say that the purpose of the
11 presentation, one of the purposes, was to help the political
12 appointees better understand the political landscape?

13 A I didn't receive an official explanation of the
14 purpose, but that was my understanding.

15 Q Is it fair to say going back to the 2006 midterms,
16 I think it was pretty well known that there were a bunch of
17 Congressmen and women in the Midwest, maybe Indiana, Ohio, I
18 think Illinois there were some competitive seats; would you
19 agree with that?

20 A I'm sorry, could you repeat your question?

21 Q That there were some competitive seats in Indiana,
22 Ohio, Illinois in the '06 midterms?

23 A That was my recollection.

24 Q If I remember correctly, I think there were three
25 or four seats in Indiana that switched parties?

1 A I believe that's correct.

2 Q And three or four in Ohio that either switched
3 parties or almost switched parties; is that --

4 A I can't be sure what the breakdown was, but that
5 could be correct.

6 Q In spreading the President's policy agenda to the
7 good people of Ohio and Indiana, isn't it important that the
8 Cabinet Secretaries and the Schedule C political appointees
9 of the President are aware of the political environment of
10 those States, to the best of your -- as you sat as a
11 surrogate scheduler?

12 A This was my understanding, yes.

13 Q And it wouldn't do any good to the President's
14 policy agenda if there was a Cabinet Secretary who had no
15 idea that Mike Sodrel was in a competitive race, would it?

16 A I think from our perspective it was important to
17 spread the President's message around to the various parts of
18 the countries, and to the extent we could do that with the
19 support of the President's allies, that was considered a good
20 thing.

21 Q Do you know if the folks in the Office of Political
22 Affairs read The Hotline, the National Journal publication?

23 A I don't know which publications they read.

24 Q Or Charlie Cook. Isn't it fair to say there were a
25 bunch of folks out there like Charlie Cook; the Washington

1 Post has Chris Cillizza who puts together the top 25 House
2 races. Isn't it fair to say that more likely than not, the
3 folks at the White House were aware of who sits on top of
4 those lists?

5 A It is more likely than not that they would know
6 that.

7 Q Wouldn't it be a form of political malpractice if
8 you're a political professional in the White House if you
9 didn't know which races were the hottest, the most contested
10 races?

11 A I think that employees of the White House in
12 general keep up with the news in order to best do our jobs,
13 to know what's going on around, know what the current issues
14 are.

15 Q Did you ever recall a White House official in
16 presenting these briefings of ever asking or instructing
17 agency officials to take official action on behalf of any of
18 the individuals listed in these -- as at-risk Republicans?

19 A Not to my recollection.

20 Q Do you ever recollect a White House official asking
21 anybody at the agency to take official action to harm a
22 Democrat that was at the -- on the at-risk Democrats list?

23 A I don't recall that.

24 Q Do you ever recall anybody at the White House
25 soliciting funds from agency officials at these political

1 briefings?

2 A No.

3 Q Do you ever recall a White House official from --
4 instructing agency officials to participate in RNC events?

5 A No.

6 Q Or RNC-organized activities such as the 72-hour
7 program?

8 A Not that I recall.

9 Q Did the participation in election campaign ever
10 come up in the course of a Q&A? Like, you know, do you ever
11 recollect an agency official asking, what can I do to get
12 involved?

13 A No, not to my recollection.

14 Q And if -- you know, if one -- you know, if someone,
15 one of the Schedule Cs, did ask, do you know what the answer
16 would have been, like what the policy was with the Office of
17 Political Affairs?

18 A It was my understanding and recollection that if
19 one of the attendees at the political briefings asked during
20 the Q&A how they could get involved, the response from the
21 presenter would be something along the lines of it's not
22 appropriate to talk about that here, you should call the RNC
23 and talk to them about it.

24 Q So if someone gets in the business of 72-hour
25 program helping Republicans, what can I do to put leaflets on

1 people's doors, the policy, as you understood it, was, hey,
2 call the RNC?

3 A That's correct.

4 Q This Exhibit 6 we were looking at before the break,
5 as I understand this e-mail, this fellow Dave Hazelton calls
6 you on the phone, right?

7 A Yes. That's what it says.

8 Q And asks -- and he's the White House liaison.
9 You're talking to him with some frequency, right?

10 A Yes.

11 Q He calls you on the phone, and he's trying to get
12 Karl Rove over to the agency; is that pretty much what's
13 going on here?

14 A Yes. That's what the e-mail states.

15 Q Karl's a pretty famous person in the White House;
16 is that fair to say?

17 A I think that's fair.

18 Q You have the President, the Vice President, I'm
19 sure Andy Card is a big name, but after the President and
20 Vice President, can you think of a bigger name other than
21 Karl Rove?

22 A I suppose that would depend on the individual
23 person's knowledge of White House personnel.

24 Q But it seems to me that a lot of White House
25 liaisons are supposed to have Karl Rove over to their agency

1 to talk about politics, talk about the President; is that
2 fair to say?

3 A That would be my opinion, yes.

4 Q So the fact that a White House liaison calls you up
5 and asks to see if you can get Karl come over to do some
6 morale boosting, or if you could do anything with the HUD
7 Schedule Cs, that would seem to me to be a pretty ordinary
8 request or something that a White House liaison would be
9 interested in having?

10 A I wouldn't have been surprised by this, I don't
11 think.

12 Q And so you did your best at taking whatever
13 Hazelton said to you, and you put it in e-mail, and you sent
14 it off to the people above you; is that right?

15 A It looks like here I was, I believe, passing on
16 HUD's request on to my superior to see what her opinion was
17 about having a morale-boosting meeting.

18 Q Do you know if this ever happened, the meeting?
19 Did Karl Rove ever come over and talk to the Schedule Cs?

20 A I don't recall that this ever happened.

21 Q How many times do you remember White House liaisons
22 asked for somebody like Karl to come over another top White
23 House staffer such as Sara Taylor?

24 A For morale-boosting meetings, I don't recall ever
25 receiving the request myself.

1 Q Well "morale boosting" sounds like it was a
2 Hazelton term. Just generally do you have a recollection of
3 how frequently White House liaisons would ask for one of the
4 big-name White House staffers to come over and talk?

5 A Often the White House liaisons would ask for these
6 political briefings to happen, so outside of them, I only
7 remember hosting a morale-boosting meeting for DHS
8 politicals.

9 Q Do you know if Hazelton could have just been asking
10 for a political briefing from Karl?

11 A I don't. According to what I wrote here in this
12 e-mail, he was just asking for a morale-boosting meeting.

13 Q That could have been a political briefing, it could
14 have been a number of things.

15 A It could -- I don't -- I don't remember what the
16 circumstances were regarding -- around their request at that
17 time. It very well could have been, I don't know.

18 Q You said earlier that you don't remember Karl doing
19 a lot of these political briefings; you said a couple of
20 times. Do you ever remember Karl going over to the agencies
21 to meet with the Schedule Cs?

22 A I don't recall if he did.

23 Q As a surrogate scheduler, isn't it true that
24 you're -- that you're trying to -- a good part of your job is
25 getting events filled with speakers?

1 A I --

2 Q Cabinet Secretaries?

3 A A bulk of my job was passing the request on,
4 recommending that they do them, following up if they did.
5 So, yes, if that was fulfilled, then that would have been a
6 good thing.

7 Q It was important in your job to have a good
8 relationship with the White House liaisons?

9 A Yes.

10 Q You wanted the White House liaisons to be
11 responsive to you when you needed a surrogate to talk about
12 the President's message; is that correct?

13 A That's correct.

14 Q So in turn it was in your benefit to be as friendly
15 as possible with the White House liaisons, and if they asked
16 for something, it is in your best interest if you pass it on
17 up the line to your bosses, right?

18 A Yes. Just in the same way that I would past on
19 requests that I received and hope that they were considered,
20 I would try to do the same with requests I would receive from
21 the agencies.

22 Q Uh-huh. Part of this back and forth that you had
23 with the White House liaisons, one of the ways to foster a
24 good relationship with these folks is to be responsive
25 when -- when they request things over e-mail, you want to

1 respond and be as helpful as possible; isn't that true?

2 A Yes.

3 Q From time to time did you ever develop, you know,
4 working friendships with these folks that you would exchange
5 banter with them on e-mail?

6 A Yes, I would say that's so.

7 Q And wasn't that a helpful way to maintain good
8 working relations with the White House liaisons?

9 A Yes, I think it was a good thing.

10 Q Going back to Exhibit 1, there's a bunch of Lincoln
11 Day dinners on here on page 1, February 25th, and there's one
12 on March 31. And then some of the documents produced to us
13 from the RNC show a lot of Lincoln Day dinners. Is that
14 something you remember, that there were a high volume of
15 Lincoln Day dinners?

16 A I do.

17 Q What's your understanding of what a Lincoln Day
18 dinner was?

19 A Lincoln Day dinners are typically political events.
20 They are always political events, but they are typically held
21 in winter months by local Republican Party county
22 organizations and from usually January to March.

23 Q When you say local, is that down by the county
24 level?

25 A Yes.

1 Q So, you know, across America there could be quite a
2 number of Lincoln Day dinners?

3 A That's correct.

4 Q Is it fair to say that most of the Cabinet
5 Secretaries participated in those from time to time?

6 A A bulk of them did participate in the Lincoln Day
7 dinners.

8 Q Show up as a guest speaker?

9 A Yes.

10 Q Is that pretty much what was going on?

11 A Correct. They would deliver the keynote speech.

12 Q Is it fair to say that pretty much all the Cabinet
13 Secretaries, whether it is the VA Secretary or any other
14 Cabinet Secretary?

15 A The Secretaries who were permitted to engage in
16 political events, I think most of them were asked to do them.
17 You know, I'm not quite sure if all of those asked did
18 Lincoln Days, but a bulk of them did.

19 Q But Secretary Mineta probably didn't, did he,
20 former Democrat, a Member of Congress?

21 A I would very much doubt that he did.

22 Q You say you graduated from college in 2001; is
23 that --

24 A Correct.

25 Q I don't know how up on the Clinton administration

1 you were when you were a college student, but did you ever
2 remember that some of the fund-raising initiatives that the
3 former administration utilized in the White House -- did you
4 ever hear any stories about Lincoln Day bedroom
5 opportunities?

6 A I did hear stories of offering time in the Lincoln
7 bedroom in exchange for campaign funds. So I've heard
8 stories of Vice President Gore making fund-raising phone
9 calls from his official offices.

10 Q Have you ever heard about the extraordinary high
11 volume of coffees that former President Clinton conducted in
12 the White House?

13 A I may have heard stories about those things.

14 Q Your testimony earlier, really all day, has pretty
15 much indicated that you never witnessed a White House
16 official asking agency officials to get involved with
17 contributing money to specific candidates. Was there ever an
18 opportunity for the White House Counsel's Office to sort of
19 help you understand at your level what you can and can't do
20 from a fund-raising perspective?

21 A I remember at least a few times that White House
22 counsel's staff would come to OPA staff meetings and give us
23 a brief rundown kind of reminder speech.

24 Q And so it was your understanding that hosting
25 fund-raisers in the form of coffees in the White House wasn't

1 something that this administration was engaged in?

2 A It was my understanding that no member of the
3 administration could ask people to donate money to a
4 political candidate or cause.

5 Q On White House grounds?

6 A On official business or on official time.

7 Q When you were putting together some of these
8 suggested event lists, I guess you would -- you said that
9 most of them would get run by Sara Taylor. Do you have any
10 idea whether or not she -- she specifically looked at these
11 memos on a regular basis?

12 A To my recollection, she would look through the
13 memos and review them pretty carefully.

14 Q And did you ever have a conversation with any White
15 House official about whether certain initiatives, whether it
16 be a political Lincoln Day dinner type of event or a State of
17 the Union, you know, follow-up type of event, whether that
18 was permissible under the Hatch Act rules?

19 A I don't recall having conversations like that.

20 Q And did you ever have a conversation about whether
21 those types of things occurred in the previous
22 administration?

23 A I don't remember that ever coming up.

24 Q So as part of your day-to-day duties, you weren't
25 considering, and you weren't given direction about what had

1 been done in past White Houses, whether it was a Republican
2 or Democrat?

3 A Not that I can recall.

4 Mr. Castor. I think that's all my questions for now.

5 Ms. Sachsman. Do you want to take a break before we
6 start up?

7 The Witness. I could take a really short break.

8 Ms. Sachsman. Why don't we take a couple of minutes?

9 [Recess.]

10 Ms. Sachsman. Back on the record. It's 2:06.

11 Mr. Leviss. Before the last round, Reg, you and I spoke
12 briefly on the record about the exhibits we are using today.
13 I have made a point of saying after we convened after lunch
14 that we need to retrieve the copies of exhibits that we've
15 used today. It is not something that I said when we left
16 before lunch. You had mentioned to me that you've
17 transmitted some of them, and I asked you if you would reach
18 out to wherever you transmitted it to and make sure that
19 those documents don't get any further, and I believe you said
20 you would do that, and I just want to make sure we're clear
21 on the record about that.

22 Mr. Brown. Yeah, I think that's right. And to the
23 extent that we have copies of exhibits here now, we weren't
24 told earlier we wouldn't be able to keep them, so we marked
25 up some of them. An the ones that we marked up, obviously I

1 think we would rather destroy than give back so that you guys
2 don't have our notes on the documents. I believe that's a
3 reasonable accommodation.

4 Ms. Sachsman. That's fine. What we can do is we'll
5 take them and go destroy them right now.

6 Mr. Brown. Now?

7 Ms. Sachsman. No, I don't mean right now. I mean when
8 we're completed. We will take them from you, but we assure
9 you that we will not look at them before they get destroyed.

10 Mr. Brown. We'll figure it out.

11 BY MS. SACHSMAN:

12 Q Back onto the subject of travel. And from a
13 proffer that your attorney has provided to the committee,
14 it's my understanding that there were some types of events
15 for which you were tasked with developing the initial list of
16 events to suggest. And my understanding was that was the
17 like the State of the Union events and the Jobs Day events;
18 is that correct?

19 A Yes.

20 Q Can you describe what you were tasked to do for
21 those different types of events?

22 A Sure. My recollection was that my task in terms of
23 events in relation to the Presidential State of the Union
24 Address, where administration surrogates were going to be
25 asked to cover our country echoing his message, as well as

1 the Jobs Day events where administration surrogates were
2 going to be asked to travel around the country talking about
3 the jobs numbers that were released, was to create a list of
4 recommended cities or media markets for those surrogates to
5 travel to.

6 Q And who told you to do that?

7 A I believe I received that direction from Sara
8 Taylor.

9 Q And how did you develop that list?

10 A I -- to my recollection I developed that list by
11 looking at the areas that were important to the President's
12 agenda, such as places that made sense in terms of the
13 policy. For example, if the topic was going to be the
14 economy, I would think about the big financial centers around
15 the U.S., New York, Boston, Chicago. If it was going to be
16 about renewable energy, I would pick up the cities that have
17 some sort of relationship with that particular issue, and we
18 also looked at the allies of the President, where they were
19 located.

20 Q Okay. And by the allies of the President, where
21 they were located, were you then referring to that target
22 list?

23 A Yes.

24 Q And who told you to consider that target list when
25 you were developing the list of events for State of the Union

1 and Jobs Day events?

2 A I believe Sara asked me to make sure that the
3 cities, the biggest cities in the districts, were included in
4 the list.

5 Q When you developed that initial Jobs Day list, did
6 someone review that list?

7 A I believe I showed that list to Sara and subsequent
8 lists that would follow with each of the projects, and she
9 would approve them.

10 Q Did she make changes to them when you gave them to
11 her?

12 A I do recall that she would make some changes.

13 Q Back to the suggested events memos. In the
14 attorney proffer that we received, we were told that Sara
15 Taylor at times had told you to modify the structure of the
16 list, of the memo by providing more detail; is that correct?

17 A Yes.

18 Q And can you describe what she told you to do?

19 A In general I think what she asked me to do was if I
20 knew what the topic would be of an event, to add that into
21 the list. For example, if I would have had something on the
22 list that would have said official event with so-and-so, she
23 asked me to add, you know, what the official that was going
24 to be about -- this is a general way to describe it -- and to
25 be just more clear with our memos.

1 Q And do you remember when she made those suggestions
2 to you?

3 A I don't.

4 Q Was it early on when you just started or later on?

5 A I -- I couldn't be sure what part of the year it
6 was.

7 Q And why is Sara Taylor listed as one of the authors
8 of the memo?

9 A She instructed me to add her name to the memo, and
10 she did review it.

11 Q I'm going to show you a document that is an e-mail
12 from you to Matt Smith from September 22nd, 2006. We'll mark
13 it as Exhibit 7, I believe we are on, RNC GOC 3390.

14 [McLaughlin Exhibit No. 7
15 was marked for identification.]

16 Mr. Brown. The version we have is redacted. Is that --

17 Ms. Sachsman. Yes?

18 Mr. Brown. -- intentional?

19 Ms. Sachsman. I believe that the redactions on this
20 were telephone numbers.

21 Mr. Leviss. I believe it was redacted when produced to
22 us.

23 Ms. Sachsman. Yes, it was redacted when produced to us.
24 We have not redacted it.

25 BY MS. SACHSMAN:

1 Q Have you had a chance to review it?

2 A I have.

3 Q The e-mail explains that we have come up with a
4 list of events that our highest priority congressional
5 incumbents have requested for the Secretary. We are asking
6 them to happen somewhere between October 9th and November 3rd
7 to be the most effective.

8 And then it's a list of a series of different events,
9 one with Shaw, one with Leach, Pryce and Cubin.

10 And then it appears a response to you within the text of
11 your original e-mail with a see below, and there are some
12 comments about where they are with that.

13 Do you remember this e-mail?

14 A I don't. I don't remember it in particular, but I
15 don't -- I'm sure I wrote it.

16 Q Who is the "we" referred to in this e-mail that has
17 come up with the list of events?

18 A I think in this instance it would have been the
19 Office of Political Affairs in general.

20 Q And why were these people the highest priority
21 congressional incumbents to the Office of Political Affairs?

22 A I believe that would have been because they were on
23 our list of priority districts.

24 Q Is that the same list that was the target list?

25 A Yes.

1 Q And why did these events need to occur between
2 October 9th and November 3rd for maximum effectiveness?

3 A Without knowing what the details were about the
4 request, my -- I guess it would have to be because they were
5 events that we wanted to happen before the election.

6 Q Were some of these official events?

7 A I don't remember.

8 Q I can tell you that at least one of the events, the
9 Pryce event, occurred, and it appears to be an official
10 event. Does that surprise you at all?

11 Mr. Brown. Do you have a document that shows what the
12 event was so that she could look at it and tell you whether
13 she thinks it's official or political, or is there no
14 document she could look at?

15 Ms. Sachsman. I do not. But the question is not
16 whether it occurred, it's merely whether it would surprise
17 you that one of them was an official event.

18 The Witness. No, I don't know what these events were.
19 So if you're asking my -- to speculate if it would surprise
20 me or not, I mean, I guess it wouldn't surprise me.

21 BY MS. SACHSMAN:

22 Q It would?

23 A It -- it would not surprise me.

24 Q Did you send out an e-mail like this to a series of
25 different agencies?

1 A Yes.

2 Q The e-mail states, I was just looking through
3 Secretary Kempthorne's memo and wanted to say a quick thank
4 you for getting so many of these scheduled. I think you have
5 a good plan here that is going to cover a lot of our
6 strategic areas and will do a lot of good. I know some of
7 the folks on our list can be challenging, but we are
8 confident of a good result on 11/7.

9 Do you recall sending this e-mail?

10 A I don't, but I'm sure that I did write it.

11 Q Was this memo, Secretary Kempthorne's memo,
12 referring to the suggested participation memos that we've
13 been -- that is Exhibit 1, for example?

14 A I'm sure that's what it was.

15 Q And what did you mean by this plan is going to
16 cover a lot of our strategic areas?

17 A I don't recall what the circumstances would have
18 been around that time in order to really remember what I
19 meant by that.

20 Q Would it have referred to, again, the areas covered
21 on that target list?

22 A It may have, but I don't remember.

23 Q And what do you mean by it will do a lot of good,
24 or, I guess, these events will do a lot of good?

25 A Well, I think in general we felt that when the

1 administration delegates traveled around the country doing
2 events in support of the President's allies or talking about
3 his agenda, those would be good things.

4 Q And you go on here to explain it will do a lot of
5 good to say, I know -- well, I know some of the folks on our
6 list can be challenging, but we are confident of good results
7 on 11/7.

8 Are you referring to the election?

9 A That's probably what I meant, yes.

10 Q Is it a fair reading of this e-mail to interpret
11 that a lot of good that you think these events will do are
12 related to having a good result on 11/7?

13 A That was certainly, I think, something that our
14 office wanted to happen. We wanted to have a good midterm
15 election.

16 Q And your reference to only 19 days to go, is that a
17 reference to until the election?

18 A I believe so.

19 Q You had discussed, when Mr. Castor was questioning
20 you, that you did not discourage events with Democrats; is
21 that correct?

22 A That's to the best of my recollection.

23 Q What about nonpriority Republicans, did you all
24 have a practice of discouraging events with nonpriority
25 Republicans before the election?

1 A I do recall that we would sometimes receive event
2 requests from nonpriority Republicans, and to my best
3 recollection, I would typically pass those on to the agency
4 with some sort of caveat just to let them know that it wasn't
5 a priority, but they were -- that they should know they were
6 requested.

7 Q And why would you do that? Was that something that
8 Sara Taylor had instructed you to do?

9 A To my recollection, my best recollection, I believe
10 I would -- I did ask her at some point what to do with the
11 requests from nonpriority Republicans, and to my
12 recollection, she instructed me to pass those requests on
13 to -- the surrogate's office would know that they were, in
14 fact, requested for.

15 Q Would the events with the nonpriority Republicans
16 that you were passing on to the agencies, would those make it
17 onto the suggested events list or memos?

18 A Not that I can recall, not usually at least.

19 Q And by nonpriority Republicans, are we talking
20 about people who were not on the target list?

21 A Yes.

22 Q Do you recall questioning -- I guess questioning
23 agencies when they had events with Democrats?

24 A I remember after the 2006 elections noticing that
25 our Cabinet Secretaries were doing events with Democrats.

1 But in terms of questioning them, I don't know that that's
2 what we did.

3 [McLaughlin Exhibit No. 9
4 was marked for identification.]

5 BY MS. SACHSMAN:

6 Q I'm going to show you an e-mail that we'll mark as
7 Exhibit 9. It is Bates stamped DOC-H-00021. And I want to
8 call your attention to the e-mail at the bottom, which is
9 from Mindy McLaughlin, you, to Christy Simon at the
10 Department of Commerce on March 10th, 2006.

11 Mr. Brown. There are some stray references to GWB43 at
12 the top and bottom of the pages, and it is pretty blurry.
13 There is nothing redacted on this. This is the form in which
14 you received it?

15 Ms. Sachsman. This is the document that I received.

16 Mr. Brown. Okay.

17 BY MS. SACHSMAN:

18 Q Have you had a chance to review it?

19 A Yes.

20 Q In your e-mail you ask Christy Simon, can you find
21 out why Sandy Baruah is doing his event in San Diego with
22 Representative Susan Davis -- and you list that she is a
23 Democrat from California 53 -- instead of the folks we had
24 recommended, Issa, Hunter? I didn't know she was being
25 included until I saw it on the press release.

1 Do you recall sending this e-mail?

2 A I don't recall sending this e-mail, but I wrote it.

3 Q Do you -- well, why were you questioning this event
4 with Susan Davis?

5 A I don't remember what the circumstances were
6 surrounding this particular e-mail or this request, but it
7 sounds like here from what I wrote that we had recommended
8 Mr. Baruah to do an event with two Members, and I would have
9 seen it on a press release as being with another Member, and
10 I would have simply asked why they didn't take our
11 recommendation.

12 Q Do you recall what the response was?

13 A I don't recall.

14 Q Is that the only time when you asked about -- when
15 you asked about an event that occurred with someone other
16 than who you had recommended?

17 A I don't know if that was the only time or not.

18 [McLaughlin Exhibit No. 10

19 was marked for identification.]

20 BY MS. SACHSMAN:

21 Q I will mark this as Exhibit 10, and it is Bates
22 stamped Asset Deployment 001-808. It is an e-mail exchange
23 between you and Bryan Slater from the Department of Labor on
24 August 9th, 2006.

25 I want to call your attention to an e-mail sort of in

1 the middle of this first page from you to Bryan Slater on
2 August 9th. And it states, sure. Do you know why she -- I
3 believe that's a typo -- doing an event for Regula when we've
4 explicitly asked the Cabinet to curtail events for
5 nonpriority Members? Especially in Ohio, where there are
6 tons of folks to help?

7 Do you remember sending that e-mail?

8 A I don't remember sending any of the e-mails in this
9 string, but they are clearly from me.

10 Q Do you recall having an explicit request from --
11 who's the "we" -- we've explicitly asked the Cabinet to
12 curtail events for nonpriority Members?

13 A I think in general that would have meant the Office
14 of Political Affairs and a general request of Cabinet
15 agencies to attend events.

16 Q And do you recall in August before the 2006
17 election making that request to the Cabinet to curtail events
18 for nonpriority Members?

19 A I don't recall saying that.

20 Q He goes on to explain that Regula is the Chair of
21 their appropriations subcommittee and specifically asked her
22 to come out and do this, this is a grant to his district.
23 And then he asks you, is that okay?

24 Do you have any idea why he would ask you whether that
25 would be okay?

1 A Well, it looks, judging by whatever I wrote in this
2 e-mail, that I simply was asking him why Secretary Chao would
3 be doing an event for a nontargeted Member, and, you know, he
4 gave me a reason. We certainly understood a Secretary
5 wanting to fulfill requests by committee chairmen
6 subcommittee chairmen, whatever the case may be, and so I was
7 only asking why. I wasn't really asking to approve the
8 event, it was just simply we wanted to have a reason, and he
9 gave me a reason, and it was fine. But is this okay is
10 really his question to me, not me sort of saying if we didn't
11 like it, it wasn't going to happen.

12 Q When I read it saying, is that okay, it sounds as
13 if he is asking you for permission to do that event. Do you
14 read it differently?

15 Mr. Brown. Are you asking her to tell you what he meant
16 by his e-mail?

17 Ms. Sachsman. I'm asking her to tell me what she
18 understands his e-mail to mean when she looks at it right
19 now.

20 Mr. Brown. If you know, you can answer the question.

21 The Witness. I could only guess what I would have
22 interpreted that to mean at that time.

23 BY MS. SACHSMAN:

24 Q Sure. Why don't you guess?

25 A Reading this now, I'm not recalling it from when it

1 was written, I would take it to mean him asking me if we had
2 any problem with him doing an event with Regula, if there was
3 any further questioning or any push-back on that. It looks
4 to me that my response was there wasn't any problem with it,
5 I was pleased with his answer and was happy that he responded
6 to me.

7 Q You had said previously that you -- that after the
8 election you started noticing that people were having events
9 with Democrats; is that correct?

10 A That is correct.

11 Q How did you start noticing that?

12 A I would receive the Cabinet reports which would
13 detail the upcoming travel of the Cabinet and sub-Cabinet so
14 I could see where they were going.

15 Q Did you have an intern create for you a list of
16 events that Cabinet officials were having with Democrats?

17 A I do remember asking my intern at the time to sort
18 of catalogue the requests that we -- the events that were on
19 the Cabinet report that were with Democrats.

20 Q And was that the first time you had done that after
21 the election? Had you ever done that before the election?

22 A I don't recall doing that before the election.

23 Q And why did you do that after the election?

24 A I recall that after the election, and seeing the
25 Cabinet reports, that I noticed that there were a number of

1 events with Democratic Congressmen, and I wanted to make sure
2 that my superiors knew what they were.

3 Q Did any superiors ask you to do that?

4 A No.

5 Q And did you send that information to your
6 superiors?

7 A I believe I e-mailed it.

8 Q And did any of them respond to you?

9 A To my recollection, the times that I would send the
10 list of the events that I had noticed, I don't recall
11 receiving a response that indicated any action. To the best
12 of my recollection, the responses I received were, that's
13 fine, no problem, thanks for sharing, things to that effect.

14 Q From the responses that you received, it was your
15 understanding that you should continue collecting a list of
16 events with Democrats, or that it was not necessary?

17 A I don't recall receiving instruction either way.

18 Q What was Karl Rove's involvement in travel for
19 agency officials?

20 Mr. Brown. You can only speak to what you know, but go
21 ahead and answer it.

22 The Witness. I don't know if he had any involvement in
23 the requests that we were passing on to the agencies.

24 BY MS. SACHSMAN:

25 Q Do you know if he was aware of what you were doing?

1 A I don't know.

2 Q Did you ever have any discussions with Karl Rove?

3 A Did I have any discussions with him about anything
4 or about Cabinet travel?

5 Q About anything.

6 A Yes.

7 Q How often did you come into contact with Karl Rove?

8 A I probably spoke with him once every 2 weeks,
9 3 weeks. It just kind of depended on what was going on.

10 Q And was that sort of social contact, or was it
11 business-related?

12 A Business-related.

13 Q Did any of those conversations have to do with your
14 surrogate travel duties?

15 Mr. Brown. You know, before you answer that question,
16 we're going to have to take a break. We were instructed by
17 the White House to pause and to consult with them before she
18 talks about discussions with senior -- senior officials and
19 Karl, since the assistant to the President would fit in that
20 category.

21 Mr. Leviss. She answered a --

22 Mr. Brown. We're going to stop and take a break, and
23 we'll call the White House and proceed if it is okay. We
24 told you on the front end that we've been asked to do that,
25 and I don't necessarily think there's going to be a problem

1 at all, but we're going to take a break.

2 Mr. Leviss. If you're instructing her not to answer
3 this question, we can defer until after this round, and we
4 can take a break then.

5 Mr. Brown. Okay, that's fine as well.

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1 RPTS MERCHANT

2 DCMN MAGMER

3 Mr. Castor. And just for the record, all of our
4 witnesses are permitted to take breaks as they need them?

5 Ms. Sachsman. Sure. If you need to take a break right
6 now, if you feel the need to do that right now, we can. But,
7 otherwise, I think it would be faster if we just sort of
8 continue on.

9 Mr. Brown. I believe the easiest thing for us, if you
10 want to ask conversations, I need to get instructions.
11 Because you guys have not allowed the White House to come to
12 these meetings. And we're in a difficult position. It's not
13 our issue, but we've been asked to respect their rights. And
14 so I would like to find out whether or not this is a topic
15 she can talk about freely or not. And so I would like to
16 take a break to do that. So why don't we just do that.

17 Ms. Sachsman. Okay.

18 Mr. Leviss. I understand that we would like to finish
19 this whole session as quickly as possible. But if your
20 preference is to take a break now and not to continue, we'll
21 honor that.

22 Mr. Brown. We will take a break now, which shouldn't
23 take more than 5 minutes.

24 [Recess.]

25 Ms. Sachsman. Okay. Before we went off the record,

1 Mr. Brown, you indicated that you needed to talk to White
2 House counsel.

3 Mr. Brown. We did, and we're ready to proceed.

4 BY MS. SACHSMAN:

5 Q Okay. I had asked you the question had you had
6 communications with Karl Rove about your business, your
7 activity of doing surrogate scheduling. Did you have such
8 communications?

9 A I did.

10 Q And what was the content of those communications?

11 A I would staff Karl at events, his events; and I
12 would accompany him -- his Washington, D.C., events. So I
13 would accompany him and just be around him in that context.
14 I also would discuss his political event request schedule
15 with him.

16 Q And those would be requests for Karl Rove to do
17 political events?

18 A Correct.

19 Q Did you ever discuss with Mr. Rove requests for
20 agency members to do events?

21 A Not that I can recall.

22 Q What about requests for other surrogates to do
23 events?

24 A Not that I can recall.

25 Q Do you know whether Karl Rove received the target

1 list that you received?

2 A I don't know.

3 Q Did you ever discuss with Karl Rove whether any
4 particular event was a priority?

5 A No.

6 Ms. Sachsman. Let's look at tab 20. We'll mark this as
7 Exhibit 11.

8 [McLaughlin Exhibit No. 11
9 was marked for identification.]

10 Ms. Sachsman. Exhibit 11 is bate stamped HHS-406
11 through 408. It's an e-mail exchange, and just the top
12 e-mail is from Mindy McLaughlin to Jamie Burke at HHS,
13 June 27, 2006.

14 And, actually, let's also mark Exhibit 12, which I think
15 will put this in slightly more context. It's tab 19.

16 [McLaughlin Exhibit No. 12
17 was marked for identification.]

18 Ms. Sachsman. Exhibit 12 is HHS-403 through HHS-405,
19 and the top e-mail is from Mindy McLaughlin to Jamie Burke.

20 Mr. Brown. I'm sorry, if we could have a minute.

21 Ms. Sachsman. This e-mail is dated June 27, 2006, also.
22 They go together, so you might want to look at them in
23 context. The only difference between the two of them, just
24 FYI, is that top e-mail; and one was sent slightly before the
25 next.

1 Mr. Brown. I think we're ready.

2 BY MS. SACHSMAN:

3 Q Exhibit 12 is just to give you context for the top
4 e-mail in Exhibit 11, which is what I want to ask you about.

5 The top e-mail in Exhibit 11 was sent at 8:14 a.m.,
6 June 27th; and it was in response to a questioning by HHS
7 about a particular event. And you stated, "also, Karl and
8 Ruben Barrales signed off on this as a priority, if that
9 helps."

10 Is the Karl referred to in this e-mail Karl Rove?

11 A I believe it is.

12 Q And how would you have known that Karl Rove and
13 Ruben Barrales had signed off on this event as a priority?

14 A Judging by the rest of the e-mails, it does state
15 that the event that was in question was an event that the
16 President had been invited to. And when invitations came in
17 for the President's attendance it's my understanding that it
18 went through a staffing process, I think is what we called
19 it, where the senior staff would look at the request and make
20 a determination on whether they felt the President should
21 attend it or not attend it, and if not attend it if someone
22 else should go in his place.

23 So I believe that this is what I would call a POTUS
24 regret, and I believe my top comment here about Karl and
25 Ruben Barrales signing off would be in reference to their

1 comments on the staffing sheet about what their opinion was
2 about the invitation of the President.

3 Q So just that I have this correct, when you had this
4 event, because it was a POTUS regret, you would have had some
5 sheet of paper that Karl Rove -- and I assume then Ruben
6 Barrales, also -- had noted that this would have been a
7 priority event on?

8 A Yes.

9 Q And it would be as part of that POTUS event
10 process?

11 A Correct.

12 Q Was there a similar such document for the nonPOTUS
13 regret events?

14 A Do you mean for events that were not directly for
15 the President?

16 Q Yes.

17 A Not that I can recall.

18 Q Would it have stated on this document why he had
19 signed off on it as a priority?

20 A Sometimes I remember that they would say a reason;
21 and sometimes it would just say something to the effect of
22 good event, good idea, something like that. So it would have
23 just kind of depended on each and every one of the staffing
24 sheets.

25 Q Do you recall specifically for this event what it

1 said?

2 A I don't.

3 Q You had indicated when Mr. Castor was questioning
4 you that the term "asset deployment" was not used when you
5 were at the White House, at least to your knowledge, is that
6 correct?

7 A To my best recollection, I don't recall using it.

8 Q What about the term "asset"?

9 A I mean, I don't recall using asset, although it's
10 possible. I just don't remember.

11 Q I guess more specifically my question would be, do
12 you recall using the term "asset" in relation to surrogates,
13 as in calling surrogates assets?

14 A I don't recall.

15 Q Do you recall if that was a common practice in the
16 office?

17 A I don't.

18 Ms. Sachsman. We're going to mark another document as
19 Exhibit 13. It's RNC-GOC-002303 through 002306.

20 [McLaughlin Exhibit No. 13

21 was marked for identification.]

22 Ms. Sachsman. And the first page is just an e-mail from
23 you to yourself. Have you had a chance to review it?

24 The Witness. Yes.

25 BY MS. SACHSMAN:

1 Q Can you describe to me what this document is?

2 A This appears to be an Excel spreadsheet that would
3 have been modified from my master tracking spreadsheet that
4 would have just detailed the requests that were on my list
5 that had not been scheduled or completed.

6 Q And did you create the spreadsheet?

7 A No. I believe that this spreadsheet was the -- the
8 format of the spreadsheet was what I inherited from my
9 predecessor, and I simply continued on with it.

10 Q At the top of the spreadsheet you can see that it
11 says asset all the way to the left; and underneath asset are
12 the names of what I believe to be different surrogates, is
13 that correct?

14 A Yes.

15 Q Do you know why the term "asset" is referring to
16 the surrogates?

17 A I believe that would refer to the -- that was what
18 was on the document that I inherited when I took that job.
19 So that was what my predecessor would have put on. If I
20 would have started that spreadsheet I may have called it name
21 or surrogate, but that's just what was on the spreadsheet
22 that I was given when I started, and I didn't change it.

23 Q I believe during your counsel's proffer he
24 indicated that they did have a term or that you had some term
25 that you used to refer to the general process of arranging

1 surrogate travel and that that term was "surrogate program",
2 is that correct?

3 A Yes.

4 Q And how was that term used?

5 A I think, generally speaking, the practice of
6 recommending and passing along event requests to the
7 President's surrogates was simply called the surrogate
8 program.

9 Q And who called it that?

10 A I don't remember. It may have just been a general
11 term. I don't know if it was assigned by one person.

12 Q Sure. But who used it, I guess? Would it have
13 been everybody in OPA, Sara Taylor or a specific person?

14 A I think that was a general term that our office
15 used. I mean, other people in the White House may have used
16 it. I don't remember.

17 Q One of the aspects of the asset deployment program
18 that we've learned about was that White House officials would
19 try to publicize grants to specific areas in order to provide
20 positive media events for incumbents who were up for
21 reelection. Did you ever do that, reach out to agencies to
22 try and publicize grants to specific areas in order to
23 provide positive media events for incumbents who are up for
24 reelection?

25 Mr. Brown. Does "you" in this context meant meaning

1 Mindy personally or you meaning the Office of Political
2 Affairs?

3 Ms. Sachsman. You as meaning Mindy personally.

4 Mr. Brown. Okay.

5 The Witness. To the best of my recollection, there
6 would be times when we would receive requests that were
7 essentially asking for surrogates to attend events where a
8 grant was going to be announced. But it was my understanding
9 that, at the time that the event was requested, the decision
10 to approve or grant the grant that had already been made.

11 So, to the best of my recollection, the only times when
12 I would see requests for grants were when they came in to us
13 from offices that were requesting events to publicize them.

14 BY MS. SACHSMAN:

15 Q And I assume actually you wouldn't see the events
16 coming in from an office to publicize an event. You would
17 instead see a request coming from somebody from OPA telling
18 you that they needed you to publicize an event, is that
19 correct?

20 A I wouldn't characterize it like that. I think
21 that, from what I remember, we would receive requests from
22 members, OPA would receive requests that would, for example,
23 ask that Secretary whatever would come to that district to
24 publicize the grant that had been approved or announced or
25 whatever and do it just publicly.

1 And so what we would then do is, if it seemed like a
2 good idea, pass that on to the surrogate and just ask them if
3 they wouldn't mind traveling out to the district to, you
4 know, give over the big cardboard check or talk to the media
5 about why that area was getting a grant.

6 I think that there were some times that I would remember
7 of agencies coming to us saying, you know, so and so
8 requested their presence to come out and announce the grant
9 or letting us know that they were going to go travel to some
10 area for a grant announcement. But all this was in the
11 context of already decided grants that were -- it was simply
12 a matter of was there going to be an event occurring
13 surrounding it.

14 Q I understand that. I'm a little confused by the
15 way you phrased the beginning of your answer. Because
16 previously you had told us that you had no contact with
17 different actual requesters and that you couldn't really say
18 what the communication was between those actual requesters
19 and, say, OPA about how they were requesting an event. In
20 this instance, you were able to give us an example where you
21 believe that the requester specifically asked to publicize
22 the specific kind of an event. Can you explain why you would
23 have more detail about this kind of an event than another
24 kind?

25 Mr. Brown. Susanne, can you read back the part of the

1 transcript where it says that? Because I don't recall --
2 it's not in my notes -- that she said what you said she said.

3 BY MS. SACHSMAN:

4 Q I guess my initial understanding, and maybe I'm
5 wrong, was that you did not communicate with outside
6 requesters, is that correct, other than I think you said
7 political groups, but that you were not communicating with
8 Members' offices?

9 A That's to the best of my knowledge. I mean, to
10 clarify, I would sometimes see or just in the text of an
11 e-mail being forwarded to me another office requesting an
12 event forwarding it to someone who then forwarded to me with
13 the detail in it. I think that's what I meant to refer to,
14 meaning I would see an e-mail that would describe what they
15 were asking for and that I could use that information because
16 it was on the string of e-mails that I saw.

17 Q Okay. I understand. Thank you.

18 For those events that involved publicizing grant
19 announcements -- and I understand it's just publicizing them
20 and not the activity of giving them -- are you aware or --
21 are you aware of whether OPA initiated any of those
22 suggestions or whether all of those suggestions came from
23 Members' offices?

24 A I don't recall if -- I don't recall.

25 Q After the election, Karl Rove met with a number of

1 agency officials in November of 2006; and he thanked them for
2 working hard to fulfill travel requests. Were you at that
3 meeting?

4 A Do you know what date that was on?

5 Ms. Sachsman. I don't have an exact date. I'll show
6 you what I have. It's tab 36. We'll mark that as
7 Exhibit 14, and the Bates number is Simon-22, and it's a
8 three-page document, and I believe this document has been
9 made public.

10 [McLaughlin Exhibit No. 14

11 was marked for identification.]

12 BY MS. SACHSMAN:

13 Q Okay. This isn't an e-mail to you, but this is an
14 e-mail from Doug Simon to a group of people within ONDCP
15 describing a Karl Rove meeting which appeared to have
16 occurred some time around the date that the e-mail was sent,
17 which is November 21st of 2006.

18 Do you recall being at that meeting?

19 A I don't.

20 Q Do you recall Karl Rove or providing information to
21 Karl Rove about which agencies had gone above and beyond the
22 call of duty with the suggested event memos?

23 A I don't.

24 Ms. Sachsman. Okay. Let's look at tab 37. We'll mark
25 this as Exhibit 15. This has no bates stamp number.

1 [McLaughlin Exhibit No. 15
2 was marked for identification.]

3 BY MS. SACHSMAN:

4 Q The top e-mail is from Doug Simon to Mindy
5 McLaughlin on November 20th of 2006. I assume then that this
6 document identifies for us in the first e-mail that the date
7 of the Karl Rove briefing would have been November 16th of
8 2006. And he e-mails to you requesting the final surrogate
9 memo from November. He wants to give it to the director and
10 thanks for having KR give us the kudos last night. And you
11 responded, here you go. Yes, you guys were super helpful.
12 We wanted KR to know exactly who our super stars were.
13 Thanks for everything.

14 Does that refresh your recollection?

15 A It doesn't. I don't recall sending Karl Rove a
16 memo that details anything about the amount of travel that
17 our surrogates did.

18 Q Do you --

19 A If I can?

20 Q Sure.

21 A It is possible that I would have said something
22 like that to Sara Taylor, and she could have done with it
23 what she did, but I don't recall sending it to Karl.

24 Q Do you recall creating a document after the
25 election that described in any sense which agencies had

1 fulfilled the most requests?

2 A I have a vague recollection of doing some sort of
3 document to that effect for Sara, but I don't really know the
4 details of what it would have included.

5 Q Do you recall why you did that?

6 A I don't.

7 Q Do you recall who you thought were the superstars
8 in getting those event -- suggested event lists done to
9 agencies?

10 A I don't recall which agencies.

11 Ms. Sachsman. All right. I think what we're going to
12 do now is -- I'm pretty much almost done with my time -- is
13 stop, let Mr. Castor go, and then my colleague, Mr. Leviss,
14 is going to pick back up.

15 Mr. Brown. Do you want to take a quick break?

16 The Witness. Sure.

17 [Recess.]

18 Mr. Castor. Back on the record. Thanks again, Ms.
19 McLaughlin.

20 BY MR. CASTOR:

21 Q Going back to 1994, according to a National Journal
22 article, in the previous administration, the travel of
23 Cabinet secretaries was monitored. Copies of the itineraries
24 would go to the Political Director at the time, Joan Baggett,
25 the White House Director of Legislative Affairs, Patrick

1 Griffin, and the Director of Intergovernmental Affairs,
2 Marcia Hale. In your time in the White House, do you know
3 if -- were there similar folks -- was there a Director of
4 Intergovernmental Affairs while you were at the White House?

5 A Yes.

6 Q And certainly there was a Director of Political
7 Affairs?

8 A Yes.

9 Q And a Director of Legislative Affairs?

10 A Yes.

11 Q Do you know if they received copies of these
12 suggested event list memos on a regular basis? Was that part
13 of your standard operating procedure, to share that with
14 those White House officials?

15 A I don't recall sending the memos to anybody in
16 Intergovernmental Affairs or Legislative Affairs, although
17 Political Affairs would have been able to see them.

18 Q But it wasn't, to your knowledge, part of the
19 standard practice to have the Legislative Affairs folks
20 looking at these memos?

21 A No.

22 Q According to this 1994 article, the travel plans of
23 the Cabinet secretaries were coordinated by these White House
24 officials. Do you know if in your time at the White House
25 the Legislative Affairs folks, the Intergovernmental Affairs

1 folks, were involved in planning the travel of Cabinet
2 secretaries?

3 A Not to my knowledge.

4 Q Harold Ickes, a former senior Clinton official, is
5 quoted in this particular article saying that both the
6 President and the First Lady are updated on a regular basis
7 on the travel activities in the Cabinet. Do you know if the
8 First Lady in your tenure was updated on the travel
9 itineraries of the Cabinet secretaries?

10 A I don't know if she was.

11 Q Did you update the First Lady?

12 A I did not.

13 Q You did not?

14 A Correct.

15 Q In 1997, the Washington Times reported that,
16 despite legal concerns, the White House Political Affairs
17 Office organized a massive effort to enlist 10 Cabinet
18 members, including the Attorney General, to campaign for
19 President Clinton's reelection. In your time as the
20 surrogate scheduler, did you ever get involved with planning
21 for the President's campaign schedule?

22 A I did not.

23 Q In this '97 Washington Times article it states,
24 Cabinet secretaries were to be sent to solicit support from
25 groups they normally dealt with. For example, former Labor

1 Secretary Reich was to travel to Kentucky to speak before
2 labor unions; and Health and Human Service's Secretary
3 Shalala was to travel also to Kentucky to attend a Medicare
4 rally for women. Because, as a memo drafted by Doug Sosnik
5 said, it was a big issue in Kentucky. Do you know if the
6 Secretary of Labor in your tenure at the White House traveled
7 to Kentucky to talk about any big issues?

8 A Well, the Secretary of Labor is married to the
9 senior Senator from Kentucky, so it is my recollection that
10 she did travel to Kentucky quite frequently.

11 Q Do you know if she had any official events in
12 Kentucky, in the State of Kentucky?

13 A I'm sure she did.

14 Q Do you know if she ever spoke before labor unions?

15 A I don't know for sure.

16 Q Apparently, this memo in the Clinton administration
17 was entitled Recommended Cabinet Travel. And it seems, at
18 least from reading the newspaper articles, that if Clinton
19 administration folks were doing, I would call it, recommended
20 Cabinet travel or a suggested event list, it sort of seems
21 this type of keeping track of where the Cabinet secretaries
22 are going is something that has occurred for years. Was it
23 your understanding that was the case?

24 A I did not have a sense of whether or not this
25 occurred in a previous administration.

1 Q Do you know if the position of surrogate scheduler
2 existed in previous administrations?

3 A I don't. I don't, but it wouldn't surprise me.

4 Q Do you know if in previous White Houses there was
5 someone in the scheduling office that organized events for
6 Cabinet secretaries but based on a request that would
7 initially go to the President?

8 A I don't, no.

9 Q Would it surprise you if that was the case?

10 A No.

11 Q Ceci Connolly from the Washington Post reported in
12 November '99 that top aides to Vice President Gore met with
13 Cabinet officials to urge them to schedule official events
14 that following spring that will enable the Democratic
15 Presidential candidates to travel the country at government
16 expense at a time when his campaign bank account will be
17 depleted. Were you ever involved in any initiatives to help
18 government Cabinet officials travel the country at government
19 expense to piggyback using the government's resources to get
20 them to fund-raisers?

21 A Well, neither the President or the Vice President
22 were seeking their reelection, so I did not encounter a
23 situation like that.

24 Q Any of these events that occurred, do you remember
25 a time when an official event was specifically organized to

1 get a Cabinet secretary out to a fund-raiser? Do you have
2 any recollection of that specifically?

3 A My recollection is that if we had received a
4 request for an official event and had been accepted or we
5 knew through the Cabinet report that an official would be
6 doing an official event in a certain city, that we would ask
7 them to add sometimes a political event on to that same trip
8 if it was already existing. It's my understanding that it
9 would be then up to the political organization to work out a
10 fair way to reimburse the government for the travel costs
11 incurred. But that is the extent of my recollection on that
12 topic.

13 Q So it's your understanding that the official event
14 sort of came first and then maybe a fund-raiser was added if
15 the Secretary was going to be in the region?

16 A That's my understanding and recollection.

17 Q And you don't have a specific recollection of a
18 fund-raiser coming first and then an official event was sort
19 of cooked up to get the Cabinet secretary out there?

20 A No, not to my recollection.

21 Q John Solomon, at the time he was with the
22 Associated Press, a veteran, a member of the Washington press
23 corps, wrote in March of '97 that in the Clinton
24 administration Cabinet secretaries were actually assigned
25 States. Do you have any recollection in your tenure as a

1 surrogate scheduler where specific Cabinet secretaries were
2 assigned States?

3 A No. To my recollection, as requests came in, they
4 were sent then to the agencies for their ultimate
5 consideration; and they weren't assigned events to do.

6 Q So Secretary Nicholson, for example, he wasn't in
7 charge of a State?

8 A To my knowledge.

9 Q If a set of grants was about to be announced by a
10 particular agency, after the official decision has been made
11 it's our understanding that the White House political office
12 may or may not choose to do press on the event. Were you
13 ever involved with scheduling Cabinet travel specifically
14 that you were aware of was in conjunction with the
15 announcement of a grant or other sort of official targeted
16 action of an agency?

17 A Well, certainly we received requests for Cabinet
18 officials to appear at events that would publicize already
19 announced grants, and I would also occasionally hear of or
20 read about on the Cabinet report that a secretary was going
21 to, in fact, go to an area to publicize a grant.

22 Q And did your office or you specifically, did you
23 track that travel as well or did you only track travel
24 pursuant to one of the requests that we talked about earlier
25 that sort of was an input to one of the suggested event

1 memos?

2 A I believe that the events that went on the
3 suggested event memo came from the requests that we received
4 in general.

5 Q So there may have been additional travel by Cabinet
6 secretaries at the initiative of the White House that you did
7 not necessarily keep track of?

8 A Yes. There were some instances where Cabinet
9 secretaries attended events in support of the Jobs Day
10 project, which I have described, or the post State of the
11 Union message echoing. Sometimes those are on the memo, and
12 sometimes they're not. I don't recall if all of them are on
13 there.

14 Q So, consequently, if I understand you, the memos --
15 the suggested event memos that we've been discussing isn't
16 necessarily inclusive of all the public events of Cabinet
17 secretaries that were initiated, at least in part by White
18 House officials? There could have been plenty other events?

19 A That is, to my knowledge, correct.

20 Q Oftentimes I think it's fair to say that
21 announcements of grants, whether it be in a Republican
22 administration or Democratic administration, there's more
23 fanfare associated with official announcements in October of
24 election years. I think that's just the nature of our
25 political system. Do you ever remember any discussions with

1 staff of the Office of Political Affairs, the White House
2 Counsel's Office, about those types of events that might be
3 scheduled that might be part of your role as surrogate
4 scheduler that happened in and around the election period
5 about whether or not the type of event was appropriate?

6 A I don't recall any guidance or conversations to
7 that effect.

8 Q Was there any heightened scrutiny, like around the
9 election season?

10 A I vaguely remember hearing about or being told by
11 the agencies that could not participate in political events
12 that they had to be extra careful about the official events
13 that they did around the election time because they were not
14 permitted to do political events and wouldn't want to be
15 perceived as somehow, you know, going around that. I don't
16 remember all the details about it, but I do remember hearing
17 from agencies who couldn't do political events that they had
18 to really be careful about where they traveled around the
19 country around election day, around the election period, and
20 just the official events they did.

21 Q And is it fair to say that part of the reasoning
22 behind that might be legal? There might be a statute that
23 dictates or it might be perception?

24 A Either of those are possible. Those decisions
25 would have been made by those agency's general counsels; and

1 if they would have told us of any sort of rules, we would
2 have, I'm sure, respected them. And I vaguely remember
3 hearing those types of things.

4 Q Was there anybody in the -- in addition to Sara
5 Taylor, was there anyone in the Office of Political Affairs
6 that you worked with specifically to map out some of these
7 events, or was it all equally among the regional directors?

8 A I would say that the requests that came in were
9 received equally from the regional associate directors. I
10 think there's quite a variety geographically on these memos.

11 Q Was anyone, in addition to Sara, in the Office of
12 Political Affairs particularly involved with these memos?
13 Did you send these memos to anyone other than Sara? Maybe
14 you said before you didn't, but Scott Jennings, for example,
15 was he a regular recipient of these?

16 A I remember sometimes when Sara was not able to
17 review them that I would then show them to Scott Jennings for
18 his approval. And I do also remember sharing them with Mel
19 Raines, who was then the Vice President's political director,
20 for her approval when Sara was not able.

21 Q Outside of the Office of Political Affairs, you
22 said that some of the White House offices that contributed
23 potentially to potential events were the Office of
24 Intergovernmental Affairs, Office of Public Liaison. Maybe
25 in your own words, to the best of your memory, what did the

1 Office of Public Liaison do?

2 A My understanding of OPL's role was to work with and
3 communicate with the various constituency groups. I know
4 they dealt with students. I saw a lot of student groups come
5 into the White House, different civic groups, that kind of
6 thing.

7 Q Would they also deal with the trade organizations
8 or would that be another office?

9 A I believe there was a business portfolio within the
10 Public Liaison Office. So, yes, trade organizations would
11 have been included.

12 Q How about the Office of Intergovernmental Affairs?
13 How frequently did they -- how frequently did you communicate
14 with those folks?

15 A From my recollection, I didn't communicate with
16 them frequently, but I did talk to them when they had
17 requests for an administration official that they wanted my
18 help in requesting.

19 Mr. Castor. That's all I have for right now. Thanks.

20 Ms. Sachsman. Do you want to take a break?

21 Mr. Brown. How much more do you have?

22 Mr. Leviss. I can wrap it up in another hour, maybe
23 less.

24 [Discussion off the record.]

25 BY MR. LEVISS:

1 Q Back in January, 2007, Scott Jennings, who was then
2 at the Office of Political Affairs in the White House,
3 provided a political briefing to GSA political appointees.
4 Are you familiar with the briefing I'm referring to?

5 A Yes.

6 Q Did you attend it, first of all?

7 A I did not.

8 Q Did you schedule it?

9 A I did not.

10 Q In the early part of this investigation a series of
11 witnesses from GSA testified to the committee about a
12 conversation that ensued following Mr. Jennings' slide
13 presentation at GSA. Did you hear anything about the GSA
14 presentation from Mr. Jennings after he visited GSA?

15 A I did not. The only way I even know there was a
16 GSA briefing was that I read it in the media.

17 Q So no one at OPA discussed with you what happened
18 at GSA prior to seeing it in the media?

19 A That's my recollection.
20
21
22
23
24
25

1 RPTS DEAN

2 DCMN MAGMER

3 BY MR. LEVISS:

4 Q Did anyone with firsthand knowledge speak to you
5 about it after the stories came out in the media?

6 A Not that I can recall.

7 Q Okay. Mr. Castor asked you some questions about
8 travel by Cabinet agency officials and you talked in some of
9 your answers about a Cabinet report or Cabinet reports?

10 A That's correct.

11 Q Is it true that White House liaisons routinely
12 submitted Cabinet reports to the Office of Cabinet Liaison?

13 A I can't speak to where Cabinet liaisons exactly
14 received that information. I don't know if it was from a
15 liaison. I don't know who it was from in an agency.

16 Q The Office of Cabinet Liaison did receive updates
17 on Cabinet official travel; is that correct?

18 A Yes, that's my understanding.

19 Q Did OPA have access to those reports through the
20 Office of Cabinet Liaison?

21 A I don't know if everyone did. I had access to
22 those reports, but I don't know if the rest of the office
23 did.

24 Q Do you know if Sara Taylor could have gotten access
25 to those reports if she wanted them?

1 A I am sure she could have if she had wanted them.

2 Q When we had several conversations with your
3 attorneys prior to your coming in and they represented to the
4 committee that you -- or they told the committee that you and
5 Scott Jennings had a meeting at one point prior to the 2006
6 midterm elections. You had a meeting with the White House
7 liaison at the ONDCP, the Office of National Drug Control
8 Policy. That White House liaison was Doug Simon, and
9 Mr. Simon and another representative from ONDCP attended this
10 meeting in which you discussed travel requests. Does this
11 ring a bell?

12 A Yes.

13 Q Please describe what occurred at the meeting and
14 when it occurred, things like that?

15 A I don't remember the date of the meeting. It was
16 vaguely at some point in 2006, to my best recollection. And
17 I remember I was surprised that ONDCP asked for a meeting.
18 It was not an agency I had spoken with a lot at that point.
19 They came to the White House, Doug Simon and this other
20 individual from that office.

21 Q Did they ask you for a meeting?

22 A That's my recollection, yes. And I believe that
23 they stated that they were not allowed to do fund-raisers and
24 political events, but yet they were allowed to do official
25 events and that Director Walters was happy to travel the

1 country and go where the President wanted him to go in
2 support of the administration's drug policy. I remember that
3 he remarked that it wasn't -- their work was not a subject
4 that was limited to a certain geographical area, that they
5 could go pretty much anywhere in the country and that -- I
6 found that to be good news and helpful and that they were
7 willing to travel as we recommended to them.

8 Q When you say "he", do you mean Doug Simon --

9 A Yes.

10 Q -- was making these remarks?

11 A Yes.

12 Q Did Mr. Simon say anything to you about the
13 Director of ONDCP's willingness to help the President's
14 allies?

15 A Not that I can recall.

16 Q Do you recall anything else that he said at this
17 meeting?

18 A I don't.

19 Q Do you know who the other ONDCP official was who
20 attended it?

21 A I don't remember.

22 Q Okay.

23 A I do know it was a man, but I can't remember his
24 name or what the title would have been.

25 Q Could it have been Scott Burns?

1 surrogate travel and that that term was "surrogate program",
2 is that correct?

3 A Yes.

4 Q And how was that term used?

5 A I think, generally speaking, the practice of
6 recommending and passing along event requests to the
7 President's surrogates was simply called the surrogate
8 program.

9 Q And who called it that?

10 A I don't remember. It may have just been a general
11 term. I don't know if it was assigned by one person.

12 Q Sure. But who used it, I guess? Would it have
13 been everybody in OPA, Sara Taylor or a specific person?

14 A I think that was a general term that our office
15 used. I mean, other people in the White House may have used
16 it. I don't remember.

17 Q One of the aspects of the asset deployment program
18 that we've learned about was that White House officials would
19 try to publicize grants to specific areas in order to provide
20 positive media events for incumbents who were up for
21 reelection. Did you ever do that, reach out to agencies to
22 try and publicize grants to specific areas in order to
23 provide positive media events for incumbents who are up for
24 reelection?

25 Mr. Brown. Does "you" in this context meant meaning

1 Mindy personally or you meaning the Office of Political
2 Affairs?

3 Ms. Sachsman. You as meaning Mindy personally.

4 Mr. Brown. Okay.

5 The Witness. To the best of my recollection, there
6 would be times when we would receive requests that were
7 essentially asking for surrogates to attend events where a
8 grant was going to be announced. But it was my understanding
9 that, at the time that the event was requested, the decision
10 to approve or grant the grant that had already been made.

11 So, to the best of my recollection, the only times when
12 I would see requests for grants were when they came in to us
13 from offices that were requesting events to publicize them.

14 BY MS. SACHSMAN:

15 Q And I assume actually you wouldn't see the events
16 coming in from an office to publicize an event. You would
17 instead see a request coming from somebody from OPA telling
18 you that they needed you to publicize an event, is that
19 correct?

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21 that, from what I remember, we would receive requests from
22 members, OPA would receive requests that would, for example,
23 ask that Secretary whatever would come to that district to
24 publicize the grant that had been approved or announced or
25 whatever and do it just publicly.

1 And so what we would then do is, if it seemed like a
2 good idea, pass that on to the surrogate and just ask them if
3 they wouldn't mind traveling out to the district to, you
4 know, give over the big cardboard check or talk to the media
5 about why that area was getting a grant.

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11 context of already decided grants that were -- it was simply
12 a matter of was there going to be an event occurring
13 surrounding it.

14 Q I understand that. I'm a little confused by the
15 way you phrased the beginning of your answer. Because
16 previously you had told us that you had no contact with
17 different actual requesters and that you couldn't really say
18 what the communication was between those actual requesters
19 and, say, OPA about how they were requesting an event. In
20 this instance, you were able to give us an example where you
21 believe that the requester specifically asked to publicize
22 the specific kind of an event. Can you explain why you would
23 have more detail about this kind of an event than another
24 kind?

25 Mr. Brown. Susanne, can you read back the part of the

1 transcript where it says that? Because I don't recall --
2 it's not in my notes -- that she said what you said she said.

3 BY MS. SACHSMAN:

4 Q I guess my initial understanding, and maybe I'm
5 wrong, was that you did not communicate with outside
6 requesters, is that correct, other than I think you said
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8 Members' offices?

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16 it was on the string of e-mails that I saw.

17 Q Okay. I understand. Thank you.

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19 announcements -- and I understand it's just publicizing them
20 and not the activity of giving them -- are you aware or --
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4 A Do you know what date that was on?

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8 three-page document, and I believe this document has been
9 made public.

10 [McLaughlin Exhibit No. 14

11 was marked for identification.]

12 BY MS. SACHSMAN:

13 Q Okay. This isn't an e-mail to you, but this is an
14 e-mail from Doug Simon to a group of people within ONDCP
15 describing a Karl Rove meeting which appeared to have
16 occurred some time around the date that the e-mail was sent,
17 which is November 21st of 2006.

18 Do you recall being at that meeting?

19 A I don't.

20 Q Do you recall Karl Rove or providing information to
21 Karl Rove about which agencies had gone above and beyond the
22 call of duty with the suggested event memos?

23 A I don't.

24 Ms. Sachsman. Okay. Let's look at tab 37. We'll mark
25 this as Exhibit 15. This has no bates stamp number.

1 [McLaughlin Exhibit No. 15
2 was marked for identification.]

3 BY MS. SACHSMAN:

4 Q The top e-mail is from Doug Simon to Mindy
5 McLaughlin on November 20th of 2006. I assume then that this
6 document identifies for us in the first e-mail that the date
7 of the Karl Rove briefing would have been November 16th of
8 2006. And he e-mails to you requesting the final surrogate
9 memo from November. He wants to give it to the director and
10 thanks for having KR give us the kudos last night. And you
11 responded, here you go. Yes, you guys were super helpful.
12 We wanted KR to know exactly who our super stars were.
13 Thanks for everything.

14 Does that refresh your recollection?

15 A It doesn't. I don't recall sending Karl Rove a
16 memo that details anything about the amount of travel that
17 our surrogates did.

18 Q Do you --

19 A If I can?

20 Q Sure.

21 A It is possible that I would have said something
22 like that to Sara Taylor, and she could have done with it
23 what she did, but I don't recall sending it to Karl.

24 Q Do you recall creating a document after the
25 election that described in any sense which agencies had

1 fulfilled the most requests?

2 A I have a vague recollection of doing some sort of
3 document to that effect for Sara, but I don't really know the
4 details of what it would have included.

5 Q Do you recall why you did that?

6 A I don't.

7 Q Do you recall who you thought were the superstars
8 in getting those event -- suggested event lists done to
9 agencies?

10 A I don't recall which agencies.

11 Ms. Sachsman. All right. I think what we're going to
12 do now is -- I'm pretty much almost done with my time -- is
13 stop, let Mr. Castor go, and then my colleague, Mr. Leviss,
14 is going to pick back up.

15 Mr. Brown. Do you want to take a quick break?

16 The Witness. Sure.

17 [Recess.]

18 Mr. Castor. Back on the record. Thanks again, Ms.
19 McLaughlin.

20 BY MR. CASTOR:

21 Q Going back to 1994, according to a National Journal
22 article, in the previous administration, the travel of
23 Cabinet secretaries was monitored. Copies of the itineraries
24 would go to the Political Director at the time, Joan Baggett,
25 the White House Director of Legislative Affairs, Patrick

1 Griffin, and the Director of Intergovernmental Affairs,
2 Marcia Hale. In your time in the White House, do you know
3 if -- were there similar folks -- was there a Director of
4 Intergovernmental Affairs while you were at the White House?

5 A Yes.

6 Q And certainly there was a Director of Political
7 Affairs?

8 A Yes.

9 Q And a Director of Legislative Affairs?

10 A Yes.

11 Q Do you know if they received copies of these
12 suggested event list memos on a regular basis? Was that part
13 of your standard operating procedure, to share that with
14 those White House officials?

15 A I don't recall sending the memos to anybody in
16 Intergovernmental Affairs or Legislative Affairs, although
17 Political Affairs would have been able to see them.

18 Q But it wasn't, to your knowledge, part of the
19 standard practice to have the Legislative Affairs folks
20 looking at these memos?

21 A No.

22 Q According to this 1994 article, the travel plans of
23 the Cabinet secretaries were coordinated by these White House
24 officials. Do you know if in your time at the White House
25 the Legislative Affairs folks, the Intergovernmental Affairs

1 folks, were involved in planning the travel of Cabinet
2 secretaries?

3 A Not to my knowledge.

4 Q Harold Ickes, a former senior Clinton official, is
5 quoted in this particular article saying that both the
6 President and the First Lady are updated on a regular basis
7 on the travel activities in the Cabinet. Do you know if the
8 First Lady in your tenure was updated on the travel
9 itineraries of the Cabinet secretaries?

10 A I don't know if she was.

11 Q Did you update the First Lady?

12 A I did not.

13 Q You did not?

14 A Correct.

15 Q In 1997, the Washington Times reported that,
16 despite legal concerns, the White House Political Affairs
17 Office organized a massive effort to enlist 10 Cabinet
18 members, including the Attorney General, to campaign for
19 President Clinton's reelection. In your time as the
20 surrogate scheduler, did you ever get involved with planning
21 for the President's campaign schedule?

22 A I did not.

23 Q In this '97 Washington Times article it states,
24 Cabinet secretaries were to be sent to solicit support from
25 groups they normally dealt with. For example, former Labor

1 Secretary Reich was to travel to Kentucky to speak before
2 labor unions; and Health and Human Service's Secretary
3 Shalala was to travel also to Kentucky to attend a Medicare
4 rally for women. Because, as a memo drafted by Doug Sosnik
5 said, it was a big issue in Kentucky. Do you know if the
6 Secretary of Labor in your tenure at the White House traveled
7 to Kentucky to talk about any big issues?

8 A Well, the Secretary of Labor is married to the
9 senior Senator from Kentucky, so it is my recollection that
10 she did travel to Kentucky quite frequently.

11 Q Do you know if she had any official events in
12 Kentucky, in the State of Kentucky?

13 A I'm sure she did.

14 Q Do you know if she ever spoke before labor unions?

15 A I don't know for sure.

16 Q Apparently, this memo in the Clinton administration
17 was entitled Recommended Cabinet Travel. And it seems, at
18 least from reading the newspaper articles, that if Clinton
19 administration folks were doing, I would call it, recommended
20 Cabinet travel or a suggested event list, it sort of seems
21 this type of keeping track of where the Cabinet secretaries
22 are going is something that has occurred for years. Was it
23 your understanding that was the case?

24 A I did not have a sense of whether or not this
25 occurred in a previous administration.

1 Q Do you know if the position of surrogate scheduler
2 existed in previous administrations?

3 A I don't. I don't, but it wouldn't surprise me.

4 Q Do you know if in previous White Houses there was
5 someone in the scheduling office that organized events for
6 Cabinet secretaries but based on a request that would
7 initially go to the President?

8 A I don't, no.

9 Q Would it surprise you if that was the case?

10 A No.

11 Q Ceci Connolly from the Washington Post reported in
12 November '99 that top aides to Vice President Gore met with
13 Cabinet officials to urge them to schedule official events
14 that following spring that will enable the Democratic
15 Presidential candidates to travel the country at government
16 expense at a time when his campaign bank account will be
17 depleted. Were you ever involved in any initiatives to help
18 government Cabinet officials travel the country at government
19 expense to piggyback using the government's resources to get
20 them to fund-raisers?

21 A Well, neither the President or the Vice President
22 were seeking their reelection, so I did not encounter a
23 situation like that.

24 Q Any of these events that occurred, do you remember
25 a time when an official event was specifically organized to

1 get a Cabinet secretary out to a fund-raiser? Do you have
2 any recollection of that specifically?

3 A My recollection is that if we had received a
4 request for an official event and had been accepted or we
5 knew through the Cabinet report that an official would be
6 doing an official event in a certain city, that we would ask
7 them to add sometimes a political event on to that same trip
8 if it was already existing. It's my understanding that it
9 would be then up to the political organization to work out a
10 fair way to reimburse the government for the travel costs
11 incurred. But that is the extent of my recollection on that
12 topic.

13 Q So it's your understanding that the official event
14 sort of came first and then maybe a fund-raiser was added if
15 the Secretary was going to be in the region?

16 A That's my understanding and recollection.

17 Q And you don't have a specific recollection of a
18 fund-raiser coming first and then an official event was sort
19 of cooked up to get the Cabinet secretary out there?

20 A No, not to my recollection.

21 Q John Solomon, at the time he was with the
22 Associated Press, a veteran, a member of the Washington press
23 corps, wrote in March of '97 that in the Clinton
24 administration Cabinet secretaries were actually assigned
25 States. Do you have any recollection in your tenure as a

1 surrogate scheduler where specific Cabinet secretaries were
2 assigned States?

3 A No. To my recollection, as requests came in, they
4 were sent then to the agencies for their ultimate
5 consideration; and they weren't assigned events to do.

6 Q So Secretary Nicholson, for example, he wasn't in
7 charge of a State?

8 A To my knowledge.

9 Q If a set of grants was about to be announced by a
10 particular agency, after the official decision has been made
11 it's our understanding that the White House political office
12 may or may not choose to do press on the event. Were you
13 ever involved with scheduling Cabinet travel specifically
14 that you were aware of was in conjunction with the
15 announcement of a grant or other sort of official targeted
16 action of an agency?

17 A Well, certainly we received requests for Cabinet
18 officials to appear at events that would publicize already
19 announced grants, and I would also occasionally hear of or
20 read about on the Cabinet report that a secretary was going
21 to, in fact, go to an area to publicize a grant.

22 Q And did your office or you specifically, did you
23 track that travel as well or did you only track travel
24 pursuant to one of the requests that we talked about earlier
25 that sort of was an input to one of the suggested event

1 memos?

2 A I believe that the events that went on the
3 suggested event memo came from the requests that we received
4 in general.

5 Q So there may have been additional travel by Cabinet
6 secretaries at the initiative of the White House that you did
7 not necessarily keep track of?

8 A Yes. There were some instances where Cabinet
9 secretaries attended events in support of the Jobs Day
10 project, which I have described, or the post State of the
11 Union message echoing. Sometimes those are on the memo, and
12 sometimes they're not. I don't recall if all of them are on
13 there.

14 Q So, consequently, if I understand you, the memos --
15 the suggested event memos that we've been discussing isn't
16 necessarily inclusive of all the public events of Cabinet
17 secretaries that were initiated, at least in part by White
18 House officials? There could have been plenty other events?

19 A That is, to my knowledge, correct.

20 Q Oftentimes I think it's fair to say that
21 announcements of grants, whether it be in a Republican
22 administration or Democratic administration, there's more
23 fanfare associated with official announcements in October of
24 election years. I think that's just the nature of our
25 political system. Do you ever remember any discussions with

1 staff of the Office of Political Affairs, the White House
2 Counsel's Office, about those types of events that might be
3 scheduled that might be part of your role as surrogate
4 scheduler that happened in and around the election period
5 about whether or not the type of event was appropriate?

6 A I don't recall any guidance or conversations to
7 that effect.

8 Q Was there any heightened scrutiny, like around the
9 election season?

10 A I vaguely remember hearing about or being told by
11 the agencies that could not participate in political events
12 that they had to be extra careful about the official events
13 that they did around the election time because they were not
14 permitted to do political events and wouldn't want to be
15 perceived as somehow, you know, going around that. I don't
16 remember all the details about it, but I do remember hearing
17 from agencies who couldn't do political events that they had
18 to really be careful about where they traveled around the
19 country around election day, around the election period, and
20 just the official events they did.

21 Q And is it fair to say that part of the reasoning
22 behind that might be legal? There might be a statute that
23 dictates or it might be perception?

24 A Either of those are possible. Those decisions
25 would have been made by those agency's general counsels; and

1 if they would have told us of any sort of rules, we would
2 have, I'm sure, respected them. And I vaguely remember
3 hearing those types of things.

4 Q Was there anybody in the -- in addition to Sara
5 Taylor, was there anyone in the Office of Political Affairs
6 that you worked with specifically to map out some of these
7 events, or was it all equally among the regional directors?

8 A I would say that the requests that came in were
9 received equally from the regional associate directors. I
10 think there's quite a variety geographically on these memos.

11 Q Was anyone, in addition to Sara, in the Office of
12 Political Affairs particularly involved with these memos?
13 Did you send these memos to anyone other than Sara? Maybe
14 you said before you didn't, but Scott Jennings, for example,
15 was he a regular recipient of these?

16 A I remember sometimes when Sara was not able to
17 review them that I would then show them to Scott Jennings for
18 his approval. And I do also remember sharing them with Mel
19 Raines, who was then the Vice President's political director,
20 for her approval when Sara was not able.

21 Q Outside of the Office of Political Affairs, you
22 said that some of the White House offices that contributed
23 potentially to potential events were the Office of
24 Intergovernmental Affairs, Office of Public Liaison. Maybe
25 in your own words, to the best of your memory, what did the

1 Office of Public Liaison do?

2 A My understanding of OPL's role was to work with and
3 communicate with the various constituency groups. I know
4 they dealt with students. I saw a lot of student groups come
5 into the White House, different civic groups, that kind of
6 thing.

7 Q Would they also deal with the trade organizations
8 or would that be another office?

9 A I believe there was a business portfolio within the
10 Public Liaison Office. So, yes, trade organizations would
11 have been included.

12 Q How about the Office of Intergovernmental Affairs?
13 How frequently did they -- how frequently did you communicate
14 with those folks?

15 A From my recollection, I didn't communicate with
16 them frequently, but I did talk to them when they had
17 requests for an administration official that they wanted my
18 help in requesting.

19 Mr. Castor. That's all I have for right now. Thanks.

20 Ms. Sachsman. Do you want to take a break?

21 Mr. Brown. How much more do you have?

22 Mr. Leviss. I can wrap it up in another hour, maybe
23 less.

24 [Discussion off the record.]

25 BY MR. LEVISS:

1 Q Back in January, 2007, Scott Jennings, who was then
2 at the Office of Political Affairs in the White House,
3 provided a political briefing to GSA political appointees.
4 Are you familiar with the briefing I'm referring to?

5 A Yes.

6 Q Did you attend it, first of all?

7 A I did not.

8 Q Did you schedule it?

9 A I did not.

10 Q In the early part of this investigation a series of
11 witnesses from GSA testified to the committee about a
12 conversation that ensued following Mr. Jennings' slide
13 presentation at GSA. Did you hear anything about the GSA
14 presentation from Mr. Jennings after he visited GSA?

15 A I did not. The only way I even know there was a
16 GSA briefing was that I read it in the media.

17 Q So no one at OPA discussed with you what happened
18 at GSA prior to seeing it in the media?

19 A That's my recollection.

20

21

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25

1 RPTS DEAN

2 DCMN MAGMER

3 BY MR. LEVISS:

4 Q Did anyone with firsthand knowledge speak to you
5 about it after the stories came out in the media?

6 A Not that I can recall.

7 Q Okay. Mr. Castor asked you some questions about
8 travel by Cabinet agency officials and you talked in some of
9 your answers about a Cabinet report or Cabinet reports?

10 A That's correct.

11 Q Is it true that White House liaisons routinely
12 submitted Cabinet reports to the Office of Cabinet Liaison?

13 A I can't speak to where Cabinet liaisons exactly
14 received that information. I don't know if it was from a
15 liaison. I don't know who it was from in an agency.

16 Q The Office of Cabinet Liaison did receive updates
17 on Cabinet official travel; is that correct?

18 A Yes, that's my understanding.

19 Q Did OPA have access to those reports through the
20 Office of Cabinet Liaison?

21 A I don't know if everyone did. I had access to
22 those reports, but I don't know if the rest of the office
23 did.

24 Q Do you know if Sara Taylor could have gotten access
25 to those reports if she wanted them?

1 A I am sure she could have if she had wanted them.

2 Q When we had several conversations with your
3 attorneys prior to your coming in and they represented to the
4 committee that you -- or they told the committee that you and
5 Scott Jennings had a meeting at one point prior to the 2006
6 midterm elections. You had a meeting with the White House
7 liaison at the ONDCP, the Office of National Drug Control
8 Policy. That White House liaison was Doug Simon, and
9 Mr. Simon and another representative from ONDCP attended this
10 meeting in which you discussed travel requests. Does this
11 ring a bell?

12 A Yes.

13 Q Please describe what occurred at the meeting and
14 when it occurred, things like that?

15 A I don't remember the date of the meeting. It was
16 vaguely at some point in 2006, to my best recollection. And
17 I remember I was surprised that ONDCP asked for a meeting.
18 It was not an agency I had spoken with a lot at that point.
19 They came to the White House, Doug Simon and this other
20 individual from that office.

21 Q Did they ask you for a meeting?

22 A That's my recollection, yes. And I believe that
23 they stated that they were not allowed to do fund-raisers and
24 political events, but yet they were allowed to do official
25 events and that Director Walters was happy to travel the

1 country and go where the President wanted him to go in
2 support of the administration's drug policy. I remember that
3 he remarked that it wasn't -- their work was not a subject
4 that was limited to a certain geographical area, that they
5 could go pretty much anywhere in the country and that -- I
6 found that to be good news and helpful and that they were
7 willing to travel as we recommended to them.

8 Q When you say "he", do you mean Doug Simon --

9 A Yes.

10 Q -- was making these remarks?

11 A Yes.

12 Q Did Mr. Simon say anything to you about the
13 Director of ONDCP's willingness to help the President's
14 allies?

15 A Not that I can recall.

16 Q Do you recall anything else that he said at this
17 meeting?

18 A I don't.

19 Q Do you know who the other ONDCP official was who
20 attended it?

21 A I don't remember.

22 Q Okay.

23 A I do know it was a man, but I can't remember his
24 name or what the title would have been.

25 Q Could it have been Scott Burns?

1 A I just couldn't be sure.

2 Mr. Leviss. Okay.

3 [McLaughlin Exhibit No. 16
4 was marked for identification.]

5 Mr. Leviss. Let me know when you've had a chance to
6 review it. There is no Bates number, but it is an e-mail
7 from you -- I'm sorry, from Doug Simon to you dated
8 March 30th, 2006, with the subject "ONDCP Update".

9 Have you had a chance to look at it?

10 The Witness. I have.

11 BY MR. LEVISS:

12 Q As I said, the subject line is ONDCP Update. The
13 e-mail lists a number of Republican officeholders: C. Burns,
14 who I take to be Senator Burns, Wilson, Doolittle, Chabot,
15 Kyl, G. Davis and Purdue; and it has a comments about the
16 status of events. And then at the bottom it says, "Keep um
17 coming -- the Director can't wait to help all who want it".

18 What did -- first of all, do you recall this exchange?

19 A I don't. I'm sure I received it and obviously
20 reapplied to it, but I don't remember it.

21 Q What does the line at the bottom I just read mean
22 to you sitting here today?

23 A I would take that to mean that Director Walters was
24 willing to consider the requests that we sent his way.

25 Q So keep um coming, what does that mean?

1 A My opinion is that Doug meant that we should
2 continue to send event requests to him for Director Walters'
3 consideration.

4 Q Okay. The line about the Director can't wait to
5 help all who want it, is that a similar statement to what
6 Mr. Simon made in your meeting in the White House that you
7 were just recounting?

8 A My recollection of Doug Simon's conversation with
9 Scott Jennings and I in the White House was that Director
10 Walters was -- would happily consider the request for travel
11 that the White House sent to his office. If that is, in
12 fact, what Doug was meaning here in this e-mail, only Doug
13 would really know if that was the correlation he was drawing.
14 Those would be his -- I couldn't really speak for him, if
15 that's in fact what he was referring to.

16 Q Is there any reason ONDCP couldn't just get its
17 requests directly from the Members of Congress?

18 A They absolutely could.

19 [McLaughlin Exhibit No. 17
20 was marked for identification.]

21 Mr. Leviss. I want to show you Exhibit 17. Take a look
22 at it.

23 Have you had a chance to look at it?

24 The Witness. I have.

25 BY MR. LEVISS:

1 Q Do you recall this e-mail?

2 A I don't recall it, but I do acknowledge that I
3 wrote it.

4 Q Okay. It's an e-mail from you to Doug Simon on
5 April 10th, 2006; and the subject is ONDCP Events. And you
6 say, "Doug, here are some congressmen that we think may
7 benefit from an event with the Director. I won't put these
8 on the memo now, but if you see opportunities to make it out
9 to their districts, let me know."

10 Why wouldn't you put events on the memo if you're
11 suggesting them?

12 A I don't recall what the details would have been
13 for -- around this e-mail. I don't remember what I would
14 have been speaking in reference to or why they would have
15 been on the e-mail.

16 Q Are there other instances where you sent
17 suggestions to a White House liaison to do an event with
18 particular members but didn't put them on the memo?

19 A There may have been, but I couldn't recall.

20 Q So was it a common practice?

21 A Um, I don't believe so.

22 Q Was it common for you to identify just individuals
23 who could benefit from an event without actually including
24 any details about, you know, when or what type of an event or
25 anything else?

1 A I remember a few times thinking about areas of the
2 country that would be good for a particular message event. I
3 couldn't tell you a specific time to refer to, but -- so I
4 wouldn't consider it common, but I'm sure it happened
5 occasionally.

6 Q Were the individuals listed on Exhibit 17 -- were
7 they on the target list?

8 A To my recollection, they were.

9 Q Okay. Do you remember any follow-up discussions
10 with Doug Simon about this list that you'd send over?

11 A I don't.

12 Q Do you recall whether he ended up setting up events
13 for any of these individuals?

14 A I don't. I would have to look at the memo in order
15 to check that. I don't remember.

16 Q One of the names on your list here under Nebraska,
17 Fortenberry is a candidate rather than an officeholder.

18 A To my recollection, Jeff Fortenberry was the
19 incumbent congressman, I believe the Nebraska one. That's to
20 the best of my recollection.

21 Q So do you recall any discussion with Mr. Simon
22 about whether it would be appropriate to do an event with
23 Fortenberry?

24 A Well, per the conversation that I had with ONDCP
25 early in 2006, they pretty clearly stated they couldn't do

1 political events. I don't know if that meeting happened
2 before or after this e-mail, but I would not have requested
3 or sent any requests to ONDCP for a political event after I
4 had knowledge that ONDCP couldn't do political events.

5 Q Okay.

6 A I don't recall having made a political request of
7 ONDCP after the conversation that I had with him where they
8 stated that they could not do political events.

9 Q Do you think that that -- the conversation you had
10 with Simon occurred before April 10th of '06 when you sent
11 this e-mail?

12 A That would be my -- my best guess, but I just can't
13 be sure what the date of that meeting was.

14 Q But you don't recall any subsequent
15 conversations -- you don't recall Doug Simon calling you up
16 at any point saying you sent us a request for a candidate and
17 we can't do that?

18 A I don't. That could be possible, but I don't
19 remember sending him a political request after it was made
20 clear they couldn't do political events.

21 Q You've talked a little bit today about guidance you
22 received when you started in the White House and that that
23 guidance included Hatch Act training. How often did you
24 receive training on the Hatch Act when you were at the White
25 House?

1 A I remember receiving an initial briefing when I
2 started work at the White House, and then it encompassed a
3 number of topics. It wasn't just Hatch Act. It was the gift
4 rule and all those different things.

5 And then I do remember closer to the end of 2006, prior
6 to the 2006 elections, receiving sort of brief, I guess,
7 catch-up briefings from the White House Counsel's Office to
8 the Office of Political Affairs about various ethics issues,
9 sort of as a reminder. I don't recall what the content of
10 those were, but it would have been the general ethics issues.

11 Mr. Brown. David, I don't want to take you off of this
12 topic, but I did want to note for the record that I'm reading
13 here that Jeff Fortenberry was elected to the U.S. House of
14 Representatives in November, 2004, to represent Nebraska's
15 First Congressional District.

16 Mr. Castor. He's still a congressman.

17 The Witness. To my recollection, he won his reelection.

18 BY MR. LEVISS:

19 Q Any other Hatch Act briefings or briefings that
20 included Hatch Act guidance while you were in the White
21 House?

22 A Not that I can recall.

23 Q Who provided the initial briefings? Was that White
24 House counsel as well?

25 A It would have been provided by a member of White

1 House counsel. I couldn't tell you who it was.

2 Q The briefings that touched on the Hatch Act,
3 whether it was the initial one or the early 2006 one, did
4 either of them specifically address what agency officials
5 could do or did they just cover what you personally, you
6 Mindy McLaughlin, were permitted to do?

7 A To my recollection, they were focused around what I
8 as a White House employee was allowed to do or not do.

9 Q What was your understanding of how the Hatch Act
10 applied to your work and surrogate scheduling, I guess
11 specifically to whether the Hatch Act limited what you could
12 do in surrogate scheduling?

13 A My understanding was that, per the Hatch Act,
14 Federal employees were not permitted to engage in political
15 activity using government equipment; and subsequently that
16 was my understanding of why I received an RNC computer,
17 Blackberry and printer. Beyond that, it was my understanding
18 that you couldn't ask for personally as an administration
19 official ask for money for a political campaign or use your
20 position within the government to influence a vote or in any
21 way a partisan consequence. You know, use your title in any
22 sort of political way. Those are the things that come to
23 mind.

24 Q Okay. Did you understand the Hatch Act to apply at
25 all to your participation in scheduling political briefings?

1 A No, I didn't read it that way. That wasn't my
2 understanding.

3 Q Did you understand it to apply to assisting others
4 in scheduling fund-raisers?

5 A I didn't understand it to read that way.

6 Q Okay. What about assisting others in scheduling
7 partisan political activities, campaign-related travel?

8 A I didn't understand it to read that way, given that
9 I was doing those things on political equipment.

10 Q So just so I'm clear, you understood that you were
11 permitted to conduct those activities provided you use
12 political equipment?

13 A That was my understanding.

14 Q Okay, thanks.

15 Were you required to keep track of the amount of time
16 you spent on official activities versus the amount of time
17 you spent on political or campaign activities?

18 A Not that I can recall.

19 Q Did you keep track whether or not you were required
20 to?

21 A I don't remember keeping track.

22 Q Did anyone ever instruct you about when to use your
23 RNC e-mail account and when to use your official White House
24 e-mail account?

25 A I did not receive clear guidance on that

1 distinction until either late 2006, early 2007. I don't
2 remember the date, but it was post the 2006 election.

3 Q Did you ever -- prior to receiving that guidance on
4 when to use your RNC mail and when to use your official
5 e-mail, did you ever instruct any of the officials you were
6 communicating with about whether they should write to you at
7 your RNC e-mail account versus your White House e-mail
8 account?

9 A I don't recall ever making that comment.

10 Q When you first began working as surrogate scheduler
11 in December of 2005 you sent out an e-mail to White House
12 liaisons. Do you remember doing that?

13 A It is possible that I did.

14 Q I can show you. It's not a secret.

15 A Yeah, if you have it, I'm sure I wrote it. I just
16 don't recall.

17 [McLaughlin Exhibit No. 18
18 was marked for identification.]

19 Mr. Leviss. Take a look at it and tell me when you've
20 had a chance to review it. It is Bates number HHS-081. It
21 is a one-page e-mail.

22 Ready?

23 The Witness. Yes.

24 BY MR. LEVISS:

25 Q This is an e-mail from Mindy McLaughlin to Mindy

1 McLaughlin, copying Jason Huntsberry, December 12th, 2005,
2 the subject is White House Surrogate Scheduler. At the top
3 it's printed from Jamie Burke's e-mail, who I believe was the
4 White House liaison at HHS?

5 A Yes.

6 Q I assume from that that you blind-copied Ms. Burke
7 and perhaps other people. Because under the subject line you
8 say, Dear White House Liaisons and Friends.

9 A I can't be sure, but that would make sense.

10 Q So it doesn't refresh your recollection about this
11 e-mail?

12 A It doesn't, but -- I mean, it obviously came from
13 my address, and so I'm sure of it.

14 Q Is it safe to assume that you probably sent it out
15 to most White House liaisons since you said Dear White House
16 Liaisons?

17 A Yes, that would be safe to assume.

18 Q At the bottom of it, you say, "I look forward to
19 meeting and working with each of you on travel for your
20 principles. Please do not hesitate to contact me" -- you
21 give your White House phone number -- and then your RNC
22 e-mail address -- "should you need anything". And then you
23 say, "For official requests, my e-mail is" -- and you give
24 your White House e-mail address.

25 A Any idea why you would distinguish between the two

1 e-mail addresses in this way?

2 A To my recollection, I would have written this on
3 the first day that I served as surrogate scheduler. So it
4 was a while ago. I don't remember why I would have, other
5 than that's just what I felt at the time. I haven't had a
6 chance to see these e-mails since I wrote them, so reading it
7 now doesn't bring back any memories about the details of
8 this.

9 Q Interacting with White House liaisons was part of
10 your official work as surrogate scheduler, right?

11 A Yes.

12 Q So communications with them, I would assume,
13 could -- would be official communications; is that right?

14 A Can you repeat your question?

15 Q Sure. If it was part of your official work to
16 communicate with White House liaisons, can you think of any
17 reason why you would tell them to contact you on your RNC
18 e-mail address unless it is an official request?

19 Mr. Brown. David, are you asking her for her legal
20 analysis versus what's supposed to go to an official e-mail
21 address as opposed to what's supposed to go to a political
22 e-mail address? She is not a lawyer.

23 BY MR. LEVISS:

24 Q I'm asking if you can think of any reason why you
25 would tell them to do that.

1 A That is clearly what I wrote. It says what it
2 says. I don't know why I would have written that. I didn't,
3 to my recollection, receive specific direction on how to
4 divide things out until later, post the election. I don't
5 really know.

6 Q Okay. If you had questions about what activities
7 were permissible under the Hatch Act, who could you go to for
8 answers when you were at the White House?

9 A I believe that the person in charge of ethics in
10 the Counsel's Office was Richard Painter, and if you had any
11 questions that he would be the guy to call.

12 Q Did you ever consult with Mr. Painter?

13 A We were instructed to consult the Counsel's Office
14 if we had questions on anything; and I do recall times
15 calling him, asking him questions about invitations to events
16 I would have received and asking if it would be okay for me
17 to attend them, if they met the widely attended event
18 criteria, things of that nature.

19 Q That's more of the gift rule, rather than the Hatch
20 Act.

21 A Correct. I don't recall asking him specifically
22 about the Hatch Act.

23 Q Um --

24 A Again, I'm not a lawyer. I don't know all of the
25 different rules in particular.

1 Q Fair enough.

2 Did any of the political briefings you attended include
3 instruction or messages about what is permitted under the
4 Hatch Act that you recall or did any of the political
5 briefings mention the Hatch Act?

6 A I don't recall either of those.

7 Q Do you ever recall attending a briefing in which
8 Sara Taylor or Scott Jennings explains to agency employees
9 what the ground rules were for political appointees assisting
10 the President and his allies?

11 A I don't recall hearing anything on that topic.

12 Q Okay.

13 A It is possible they made comments, but I don't
14 remember.

15 Mr. Leviss. Let's look at tab 22. I'm going to mark
16 this Exhibit 19.

17 [McLaughlin Exhibit No. 19
18 was marked for identification.]

19 Mr. Leviss. I ask you to take a look at it and tell me
20 when you've reviewed it.

21 The Witness. Do you mind if I take a quick break?

22 Mr. Leviss. Sure, let's go off the record.

23 [Recess.]

24 Mr. Leviss. We'll go back on the record.

25 I just gave you Exhibit 19, which is a one-page e-mail

1 from Matt Smith to you, dated October 9th, 2006, with the
2 Bates number RNC-GOC-2651. Please tell me when you've had a
3 chance to review it.

4 You have looked at it?

5 The Witness. I have.

6 BY MR. LEVISS:

7 Q Do you recall this exchange or this e-mail?

8 A I don't recall it, but I'm sure I received it.

9 Q The subject line is, Need to start using this
10 e-mail for the mixed political/official discussions.

11 It looks to be an e-mail in which Mr. Smith, who is the
12 White House liaison or was the White House liaison at VA, is
13 updating you on suggested events; is that -- is my
14 interpretation accurate?

15 A Yes, that's how I would read it.

16 Q At the top -- towards the top, he says, "Yes,
17 Pryce" -- referring to Representative Pryce from Ohio --
18 "Pryce will be there with Tiberi and Hobson too. Pryce's
19 office is good with that. Long story but we had someone on
20 the ground there call the Special Counsel's office on us and
21 cry Hatch Act violation. Which has now also put a microscope
22 on what I'm doing."

23 Do you remember hearing from Mr. Smith anything about
24 somebody complaining of a Hatch Act violation?

25 A Well, clearly, the e-mail shows that he did inform

1 me of that, but I don't remember anything about that.

2 Q You don't remember anything independent of this
3 e-mail?

4 A I don't.

5 Q Do you recall having any conversations with him
6 about this incident?

7 A I don't.

8 Q Do you recall whether you discussed this --
9 Mr. Smith's e-mail with anybody in the White House?

10 A I don't recall if I discussed it with anyone else.

11 Q Do you recall whether it caused you any concern?

12 A I don't recall if it caused me any concern.

13 Q Do you know offhand whether the Pryce event in
14 Columbus on October 10th was an official or a political
15 event?

16 A Independent of this e-mail I don't, but it says
17 here that they were working on a -- announcing a grant, so
18 that would have been an official event, judging but this
19 e-mail here.

20 [McLaughlin Exhibit No. 20
21 was marked for identification.]

22 Mr. Leviss. This is Exhibit 20.

23 Mr. Brown. There are a couple of gaps in this e-mail,
24 and I wonder if there had been any redactions on this
25 document.

1 Mr. Leviss. It has not been modified by the committee.

2 Mr. Brown. It has not been modified, okay.

3 Mr. Leviss. This is Bates number WAXOAGAD144. It is an
4 e-mail from you, from your RNC e-mail accounts to yourself at
5 your RNC e-mail, account copying your RNC e-mail account. It
6 is very thorough, dated December 7th, 2006, with the subject
7 Surrogate Activity.

8 Have you had a chance to review it?

9 The Witness. I have.

10 BY MR. LEVISS:

11 Q Do you recall sending out this e-mail?

12 A I'm sure I did, but I don't recall it.

13 Q It's a brief e-mail. You say, "Several of you have
14 asked for guidance about the amount of time your surrogates
15 can do events prior to November 7th.

16 "To clarify, our counsel here at the White House have
17 advised that those who have questions regarding this subject
18 consult each of their agency's own legal counsels for an
19 opinion. If your counsel seeks a higher authority, they
20 should contact the Office of Special Counsel. The White
21 House cannot/will not give guidance on this subject.

22 "Please call me if you have any questions."

23 Do you recall receiving requests for guidance from
24 agencies about how much surrogate travel their officials can
25 do?

1 A I have a very vague recollection of agencies asking
2 this question, but beyond that I don't remember much about
3 it.

4 Q Do you remember which agencies were contacting you
5 about this?

6 A I don't. I don't remember which agencies would
7 have asked.

8 Q Do you remember seeking advice from anyone at White
9 House counsel in order to advise the agencies as you appear
10 to do in this e-mail?

11 A I don't remember, but clearly I would have talked
12 to somebody to answer that question.

13 It is possible that I would have taken this question to
14 one of my superiors for them to get the guidance. I don't
15 remember if -- if I actually asked counsel or if someone in
16 my office asked the counsel for this. Naturally, we would
17 have relayed this message. I couldn't be sure.

18 Q So your superiors, you mean someone at OPA?

19 A Correct, it could have been one of my superiors.
20 It could have been me. I can't be sure.

21 Q But you don't remember having this discussion with
22 anybody in OPA or the White House Counsel's Office?

23 A I don't, but I'm -- either myself or someone else
24 in OPA would have had this conversation in order to have
25 gained this information.

1 Q You answered some questions previously about the
2 equipment you received when you were surrogate scheduler, and
3 I have some follow-up questions about that. While you served
4 as surrogate scheduler, did the White House provide you with
5 a Blackberry, a laptop or any other hardware that enabled you
6 to check your official e-mail account from outside the White
7 House complex?

8 A When I became surrogate scheduler, I had a White
9 House Blackberry that I had had from my previous position.

10 Q Okay.

11 A At some point after I had that job of surrogate
12 scheduler, the IT Department at the White House did take away
13 my official Blackberry. Outside of that time that I had the
14 official Blackberry, that was the only way of outside
15 communication. I didn't have an FOB, for example.

16 Q A what?

17 A Certain White House employees I believe had a --
18 may have had some other way of accessing their e-mail.

19 Q One of those secure IDs?

20 A Yeah. I had a secure ID which I never used, but I
21 think I vaguely remember there may have been some other
22 device that people could have used to access their official
23 e-mail, but I didn't have that.

24 Q Did anyone explain to you when they took away your
25 White House Blackberry -- did anyone explain to you why they

1 were taking it away?

2 A Not that I can recall.

3 Q Did you ever discuss with anyone in OPA about --

4 [Discussion off the record.]

5 The Witness. Um, to the best of my recollection, when
6 the IT person at the White House -- they were, I think,
7 installing a new official computer at my work station and
8 they -- and I believe that they saw that I had another
9 Blackberry on my desk. And I vaguely remember that the
10 gentleman asked me, oh, is that a -- is that another
11 Blackberry? And I remember saying, yes, it's an RNC
12 Blackberry. He said, oh, well, you don't need a White House
13 one then.

14 I don't know if you consider that explanation, but
15 that's what they told me. To me, it wasn't an official
16 explanation. It was just they took it, and I was okay with
17 the only one Blackberry.

18 Q It doesn't sound like a very informative
19 explanation.

20 A It wasn't. And I did not seek, to my recollection,
21 further guidance on why or thinking about that.

22 Q Did you have any conversations with anyone in OPA
23 about whether it was appropriate for the White House to take
24 away -- for the White House IT person to take away your
25 Blackberry?

1 A I don't recall having a conversation with anyone in
2 OPA, but I do recall informing Rosa Bennett, who was my
3 superior for Presidential scheduling matters, that I was no
4 longer in possession of a White House Blackberry.

5 Q What was her response?

6 A I don't recall what her response was.

7 Q Was the day that the IT person commented on you not
8 needing a White House Blackberry, is that the same day they
9 took away your Blackberry?

10 A I can't be sure. I'm not sure if it was the same
11 day or if it was an hour later or the next day. But it was
12 around that period of time.

13 To be clear, I did receive a White House Blackberry
14 again -- I got it back -- sometime early in 2007, after the
15 2006 elections, when we received further clarification on the
16 use of our political and official e-mails. I received -- I
17 was back to two Blackberrys.

18 Q I'm glad to hear that.

19 And did you retain your RNC Blackberry for your duration
20 of your time in the White House?

21 A I did. I was double-fisting the Blackberrys.

22 Q So going back to when this IT person takes away
23 your White House Blackberry, prior to that you had a White
24 House Blackberry. You were able to access your official
25 e-mail from outside the office.

1 A Correct.

2 Q This guy -- it was a guy, right?

3 A To my recollection.

4 Q This guy takes away your White House Blackberry.
5 You don't have the FOB or whatever it was that gives you
6 e-mail access to the official White House system from outside
7 the office. Was it a concern at all to you that you could no
8 longer access your White House e-mail from outside the White
9 House?

10 A I definitely remember that as being something I was
11 concerned about. White House employees -- myself, I can only
12 speak for myself -- you're on your Blackberry constantly.
13 You read your Blackberry constantly, you know, weekends,
14 nighttime; and I wanted to not miss out on things I might
15 have to react to or be aware of. And I felt the loss of my
16 White House Blackberry.

17 Q When you occasionally leave the White House --

18 A When I occasionally left it, I definitely -- I
19 noticed that I wasn't able to get as much information as
20 quickly as I normally had been able to.

21 Q Did you raise this concern with anybody?

22 A I did not.

23 Q Did you ever communicate by Blackberry pin code
24 instead of Blackberry e-mail? This is to questions on your
25 White House Blackberry or your RNC Blackberry. Did you ever

1 send or receive pin e-mails, as opposed to regular Blackberry
2 e-mails?

3 A Probably. I don't recall any specific pin
4 messages, but that's very possible.

5 Q Did you have any practice of sending pin messages?

6 A I probably did from time to time.

7 Q In what situation would you send a pin message, as
8 opposed to just a straight e-mail message?

9 A My recollection is that pin messages are sort of
10 the same as an SMS.

11 Q I don't know what that is.

12 A A text message.

13 Q Oh, sorry.

14 A There may have been occasions when I would have
15 used that to communicate with other people who had
16 Blackberrys, but my vague recollection is that it would not
17 have been about political business. That would be sort of a
18 way to describe meeting up with friends or whatnot.

19 Q So it might be more social than official?

20 A That's my recollection, but I can't be quite sure.

21 Q Did anybody suggest to you that you might use pin
22 messages for one type of message versus another?

23 A Not that I --

24 Q How did you get the idea to do it, I guess is --

25 A I think that was one of those things you just sort

1 of knew about your Blackberry. I can't say that I knew -- I
2 don't recall anyone ever telling me or showing me how. You
3 just play around with it, and you sort of figure things out.
4 Like what does this do? And you -- I can't be sure. It was
5 a long time ago.

6 Q Did anyone ever tell you that when you send a pin
7 message that it doesn't leave any record of the
8 communication?

9 A I don't recall that.

10 Q So that wasn't something you were thinking about
11 sending?

12 A No, I couldn't tell you what pin stands for, so I
13 don't know.

14 Q Once you changed jobs from your initial White House
15 position and you became Associate Director of Scheduling, did
16 you use your official or your RNC e-mail account for the
17 majority of your e-mails?

18 A I'm sorry. Can you repeat that?

19 Q As surrogate scheduler, did you use -- did you rely
20 on your official or your RNC e-mail account for the majority
21 of your work-related e-mails?

22 A To the best of my recollection, I used my political
23 account for the majority of the work that we did.

24 Q Was it the vast majority? Can you break it down
25 for me at all?

1 A I don't think I could accurately quantify it for
2 you. I know I used it a lot.

3 Q Were there days when you rarely -- were there days
4 when you didn't use your official e-mail account?

5 A I recall every day that I was in the office that I
6 checked my official account. I don't know that I did a lot
7 of work on it, but I know I did log on, check it. I couldn't
8 tell you how many messages I received or sent, but I would
9 have definitely looked at it.

10 Q Okay. Did you ever have any discussions with Sara
11 Taylor about when to use the RNC account for communications
12 as opposed to using the White House e-mail account?

13 A I have vague recollections of Sara reminding me to
14 do the work on the fund-raising spreadsheet on my political
15 account, that document in particular. But, other than that,
16 I don't recall any other time she would have given me any
17 direct instruction on that.

18 Q So the spreadsheet -- working on the spreadsheet
19 would mean working on the RNC laptop. It is not just a
20 question of sending an e-mail, but actually the work itself
21 she was reminding you to do that on the RNC laptop?

22 A Correct. It was a political document in her mind,
23 so she wanted me to work on a political computer.

24 Q Were there other documents she wanted you to
25 reserve -- wanted you to limit to the political computer?

1 A I didn't receive direction to that effect on any
2 other documents that I can recall.

3 Q Did she give you any rationale or explanation for
4 why she felt you should use your political computer for that
5 one type of document?

6 A Not that I can recall.

7 Q Anybody else in the White House give you guidance
8 on using your political computer for particular types of
9 work?

10 A Not that I can recall.

11 Q Did anybody else in the White House give you any
12 guidance about using a political e-mail account for
13 particular types of communications?

14 A I didn't receive very much guidance at all about
15 what to do or not do on my political account. So, outside of
16 a brief mention about the fund-raising tracking spreadsheet,
17 I don't recall any additional guidance on anything to do with
18 the RNC e-mail.

19 Q And when I'm saying "guidance", I don't just mean a
20 formal lecture on policies and procedures. I mean I would
21 include in that did anybody say in passing, you know, gee,
22 you should be using your RNC account for these types of
23 communications?

24 A I don't recall anybody saying that or having a
25 discussion to that effect. It was considered the office

1 norm, so I didn't have questions.

2 Q Okay. Did you take any steps to ensure that any
3 official communications from your political account would be
4 saved as Presidential records?

5 A I believe that I saved the things that I was
6 supposed to save before I left my time at the White House.

7 Q Did you have a practice of doing that on an ongoing
8 basis or was it something you did before you left the White
9 House?

10 A I remember that in either late 2006 or early 2007
11 the White House Counsel instructed us to begin saving the
12 contents of the political e-mail to extraneous hard drives,
13 and so we began saving political e-mails that way so that --

14 Q How would you do that?

15 A We received from the RNC an extraneous hard drive
16 that we would hook up to our RNC laptop, and then they gave
17 us a detailed list of instructions on how to save our e-mails
18 to that extraneous hard drive. And then after you save them
19 to the hard drive you were allowed to -- you didn't have to
20 keep that stuff in inbox.

21 Outside of that, the only other thing I remember doing
22 was saving documents when I was preparing to leave the White
23 House and grouping the ones together ahead of that time.

24

25

1 RPTS MERCHANT

2 DCMN HERZFELD

3 [4:45 p.m.]

4 BY MR. LEVISS:

5 Q Did anyone ever tell you that you should forward
6 particular e-mails from your political account to your
7 official account?

8 A My recollection is that sometime at the end of 2006
9 or early 2007, White House counsel instructed us to forward
10 from our political account to our White House account any
11 e-mails or messages that contained purely official
12 Presidential matters. And I don't recall if I had a reason
13 to at that point forward messages on. I may have. I don't
14 recall.

15 Q But no one ever advised you to do that prior to
16 this late 2006, early 2007 guidance?

17 A Not that I can recall.

18 Q Did you have any understanding -- when you worked
19 at the White House, did you have any understanding about
20 whether the RNC was preserving e-mail from your political
21 account?

22 A I did not receive guidance from them from that or
23 to that effect if they were keeping it or not. I do recall
24 at some point getting a message from the RNC that they were
25 going to delete your messages every 30 days or so.

1 Q When did that happen?

2 A I can't be sure of what the date was.

3 Q Was that before the 2006 elections?

4 A Yes. It was sometime before, but I don't know
5 when.

6 Q When was the -- when did you receive the extraneous
7 hard drives and the instructions to save your e-mails to
8 them?

9 A I can't be sure what the date was. It was
10 definitely after the election, 2006 election, but I couldn't
11 tell you what the date was.

12 Q And when did you leave the White House?

13 A July 2007.

14 Q So somewhere between November of 2006 and July of
15 2007?

16 A Yeah.

17 Q Do you remember the hard drive coming close to when
18 you left?

19 A Yes. My best guess is that it would be sometime in
20 2007, but I can't be sure what the date was.

21 Q So before you got this notice about the RNC's
22 30-day deletion policy, had anybody told you that the RNC was
23 not preserving all of its e-mail?

24 A Not that I can recall.

25 Q Did you ever have reason to look for old e-mails on

1 your RNC account and discover that they weren't there?

2 A I don't recall ever having a reason to go back to
3 find them, no.

4 Q Did anyone ever tell you during your time in the
5 White House that the RNC -- well, did anyone ever tell you
6 anything about the RNC's practices with respect to e-mail
7 before you got this 30-day deletion notice?

8 A No, not that I can recall. The 30-day deletion
9 notice is the only thing I can ever recall about the RNC
10 e-mail policy retention.

11 Q Did you ever discuss with Sara Taylor the RNC's
12 e-mail deletion or preservation practices?

13 A I may have, but I don't recall details of that.

14 [McLaughlin Exhibit No. 21
15 was marked for identification.]

16 BY MR. LEVISS:

17 Q We are up to Exhibit 21. Take a look and tell me
18 when you've had a chance to review it.

19 Have you had a chance to look at it?

20 A I have.

21 Q It's an e-mail to you from Sara Taylor. The date
22 is November 28, 2006. There's no subject. The Bates number
23 is RNC-GOC-004948.

24 Do you recall this e-mail?

25 A I don't recall sending this e-mail, but I do

1 acknowledge that I sent it.

2 Q Do you recall the subject matter of it?

3 A No, but reading it here, it looks like I was
4 talking to her about archiving documents.

5 Q What was the context? It says, moving offices.
6 Which office was moving?

7 A I recall that late in '06, half of the offices in
8 the EOB were moving to the renovated offices on the other
9 side of the EOB, and it was a big deal because we had to pack
10 up and move all our stuff. And so it looks here that I was
11 saying in the light of moving and packing up the stuff, I was
12 asking for her guidance on what to keep.

13 Q So was OPA moving, or just the surrogate scheduling
14 office? What office were you part of that was moving?

15 A My suite -- my office was located in the scheduling
16 suite, so our office moved to a different part of the EOB.
17 Other services in the White House, including OPA, also moved,
18 although we staggered the dates of the offices moving, the
19 physical location between one side of the building and the
20 other side of the building.

21 Q In the e-mail you say, since we are moving our
22 offices next month, I'm going to archive a lot of my
23 documents. Do you see any reason not to archive the
24 documents I kept about political events; i.e., fund-raisers,
25 Lincoln Day dinners, et cetera? Not sure if that's something

1 we don't want others to see or not.

2 Were you -- what types of records are you discussing?
3 Are these hard-copy records or electronic records or
4 something else?

5 A I don't know what I would have meant by the type of
6 record. I think I was just asking for her general guidance
7 on archiving in general. I don't remember what the form
8 would have been.

9 Q Well, did you archive electronic documents prior to
10 moving offices?

11 A Yes. I don't know if it was prior to moving
12 offices, but before I left the White House, I did archive
13 electronically documents.

14 Q But you left in July of 2007; this is in November
15 of 2006?

16 A Correct. I don't know what point in time I would
17 have done the archiving.

18 Q So when you say in this e-mail, I'm going to
19 archive a lot of my documents, did you archive documents in
20 November or December of '06?

21 A I believe I did the best I could at saving what I
22 needed to save. I'm not sure what was archived and not. I
23 know I did it electronically, so the White House would have
24 that information on what was archived.

25 Q How about did you box up physical hard copies of

1 documents, too? Was that part of your archiving effort at
2 that time?

3 A My recollection is that things that I archived were
4 electronic documents.

5 Q And would this be from your White House account or
6 from your political account?

7 Mr. Brown. I'm sorry, is that question about the
8 e-mail, or is that question about the archiving?

9 BY MR. LEVISS:

10 Q I mean, in November or December of 2006, when you
11 archived a lot of your documents, did you archive your White
12 House documents, your White House electronic documents, or
13 your political account documents or both?

14 A I don't remember what the date was of the
15 archiving. I don't know if it was sometime in 2007 before I
16 left. I can't recall that. And I don't remember which
17 documents I archived, so I couldn't be sure if it was the
18 political or the official. I remember some of the documents
19 that I would have archived I know I would have electronically
20 saved onto a CD that the White House would have, some of my
21 political documents, including the fund-raising spreadsheet,
22 for example, but I couldn't be sure what the complete list of
23 documents would be.

24 Q Did you still have access to the same network after
25 you moved offices?

1 A Yes.

2 Q So why do you need to archive electronic documents
3 when you're moving?

4 A I don't remember why I would have been asking her
5 that question at that time other than it's a general
6 administrative question.

7 Q But beyond the question you asked -- I mean, you do
8 recall archiving electronic documents at this time, right?

9 A I don't. I don't remember what point in time I
10 actually did my electronic archiving.

11 Mr. Brown. David, I just didn't want you to miss what
12 she said. She has a specific recollection of burning the
13 fund-raising data to a CD, which the White House has.

14 Mr. Leviss. Sure.

15 Mr. Brown. And we believe the White House has that in
16 its position now. So I didn't want anybody to think that her
17 documents aren't available. They're there at the White
18 House. And if you want them and you think you've got a right
19 to them, please take that up with them, because we
20 specifically asked. And I'm quite sure that the CDs that she
21 burned are in the possession of the White House.

22 BY MR. LEVISS:

23 Q And I appreciate that point. I'm just trying to
24 understand, I know you left the White House in July of 2007.
25 I gather -- I mean, when I've left offices, I've had to

1 archive some documents and, you know, dispense with others.
2 And I assume that that's a process -- I assume from your
3 testimony that that's a process you undertook in July of
4 2007. But this e-mail is back in November of 2006, and
5 you're talking about moving offices next month, which is
6 December, and you say, I'm going to archive a lot of
7 documents then. And so I'm -- it looks to me, it sounds to
8 me from your e-mail, like there's a separate archiving
9 process going on from what you did when you ultimately left
10 the White House. Is that not your recollection?

11 A My recollection is that we moved our offices in
12 like January or February and not December. The date got
13 pushed back. But to my recollection, the best I can
14 remember, which isn't -- I don't have all the details -- is
15 that when we physically moved offices, I think I moved
16 everything to my new office just because I wasn't sure what
17 to archive. And then when I knew I was going to leave the
18 White House, I did archive certain documents electronically
19 to leave for the White House.

20 Q When you say you moved documents to your new
21 office, did you actually have to do anything? I mean,
22 weren't they on your computer?

23 A The computer files do get transferred, but I
24 remember all the paper in my desk drawer, all the boxes --
25 you know, the books and whatever else I had put in boxes and

1 physically had it moved to my new office.

2 Q So those are paper documents you're talking about
3 then?

4 A Correct, for the most part.

5 Q Do you remember whether you got any feedback from
6 Sara Taylor in response to this?

7 A I don't recall if she responded to this.

8 Q What would there be in these documents that you
9 describe that might be something we don't want others to see?

10 A It was my understanding that political events
11 were -- my understanding that they weren't part of anything
12 that needed to be kept for Presidential records, and so I was
13 seeking to clarify that with her. I'm not sure it's
14 something we would want people to see or not. I was asking a
15 question what I should do about political documents
16 specifically.

17 Q Did you have any concern at this time that there
18 was anything inappropriate in those documents?

19 A Not that I can recall. I think I was just looking
20 for guidance from her on what to do with the paper that I
21 had.

22 Q I don't know where I am after the break.

23 Mr. Castor. I think we're like a couple minutes over.

24 Mr. Leviss. I'm happy to let you have a round. I don't
25 have a lot of material left.

1 [Discussion off the record.]

2 BY MR. CASTOR:

3 Q Ms. McLaughlin, do you recall not archiving any
4 particular set of documents based on instructions from
5 anybody at the White House?

6 A I don't recall receiving any specific instructions
7 on what to archive or what not to archive. So I believe I
8 did the best I could at saving the items that I was supposed
9 to save and left the White House in possession of those
10 documents.

11 Q So nobody told you to destroy any documents?

12 A Not to my recollection.

13 Q And you didn't destroy any documents?

14 A Not to my recollection.

15 Q That, of course, was something other than the trash
16 or documents that -- I mean, obviously you threw pieces of
17 paper away in your recycle bin, but you don't have a
18 recollection of purposefully, intentionally destroying any
19 records that would be fairly considered Presidential under
20 the Presidential Records Act?

21 A Not to my recollection.

22 Q And you did have a rudimentary basic understanding
23 of White House staffers need to keep their papers for
24 ultimate hand-off to the archives; is that correct?

25 A I did have a rudimentary understanding of that.

1 Q And whether something falls into the narrow or
2 broad meaning of the Presidential Records Act, you did have a
3 sense that from a general standpoint, you need to keep your
4 papers, and eventually it gets archived and handed off,
5 correct?

6 A My understanding was that you need to do the best
7 you could to save the documents that you were supposed to
8 save, and I believe I did that.

9 Q And in the context of moving offices, when you
10 boxed up these paper documents and then subsequently you
11 talked about burning files onto a CD, it's your understanding
12 that all of those files were handed off to the appropriate
13 people within the White House such that they would be
14 preserved?

15 A I don't recall which documents were burned, but to
16 the best of my knowledge, I burned the appropriate things and
17 the things I was supposed to save. You have to check with
18 the White House to determine that.

19 Q Do you know who you gave them to; was it a tech
20 guy, was it your boss, was it Sara Taylor?

21 A I didn't receive instruction on what to do with
22 that, so I left it on my desk and alerted my superiors in the
23 scheduling office that it was there so someone would --
24 because it was their office space, so they would know where
25 to find it and where to take it to.

1 Q You said that you worked on the Bush/Cheney reelect
2 in '04, and you worked on a gubernatorial campaign in
3 Kentucky?

4 A That's correct.

5 Q So you have a general sense that fund-raising
6 information for the most part, you know, whether it's on a
7 candidate level or a specific fund-raiser donor level, is
8 proprietary information; is it not?

9 A My understanding when I was an employee of a
10 political campaign was that fund-raising information was
11 something the campaign would keep track of and report to the
12 authorities as was appropriate.

13 Q So the individual that you worked for in Kentucky
14 running for Governor, that person didn't make his donor list
15 available to anybody that asked, did he, to the best of your
16 recollection?

17 A It is my understanding that that campaign submitted
18 all the needed fund-raising information into the Kentucky
19 Campaign Finance Registry.

20 Q But for the most part they're call lists, and
21 they're donor lists, and the people that they would make
22 phone calls to. I mean, that's secret, proprietary
23 information; isn't that fair to say? I mean, maybe I haven't
24 worked on enough political campaigns to know that, but it's
25 my understanding that that's top secret stuff that every

1 candidate keeps?

2 A I don't know I'm really in a position to make that
3 kind of assumption. I wasn't the campaign manager or the
4 finance director on those campaigns. So that may be some
5 people's opinions, but I don't really have a -- I don't
6 really have an opinion whether it was super secret or top
7 secret or any of those things.

8 Q But isn't it fair to say that some of these
9 fund-raising documents that you were keeping, which we've
10 since learned exist somewhere, hopefully at the White House
11 because you didn't destroy them, but isn't it possible that
12 those fund-raising numbers, whether it's by Cabinet
13 Secretary, or whether it's by race, election race, might be
14 proprietary information and might fall under the category of
15 information that, you know, whether it's artfully worded or
16 not -- most e-mails usually aren't artfully worded -- but
17 might fall into the category of information you don't want
18 others to see?

19 A It was my understanding that -- my personal
20 understanding that finance documents, particularly when
21 tracking how much administration surrogates were raising, was
22 a political document, and as such it isn't -- you know, not
23 something we probably want to be publicly printed somewhere.
24 That's how I would quantify it.

25 Q So, I mean, is it fair to say that the language

1 that you used, something we don't want others to see or not,
2 is that a shorthand way of saying proprietary or confidential
3 information? You know, as you sit here today looking back, I
4 know maybe you don't have a present sense of what you meant
5 when you wrote it, but --

6 A I don't really have a sense of if that is what I
7 meant when I wrote that. I think what I meant was that I
8 wasn't sure if it was something we wanted others to see or
9 not, and I was simply asking for guidance. That would have
10 been Sara's decision to -- if that was something that was
11 proprietary, and I think I was seeking her guidance to that
12 end.

13 Q This extraneous hard drive that you spoke about, I
14 think you said you obtained -- the folks that had RNC
15 accounts obtained that somewhere in '07; is that right?

16 A That's my best guess in terms of the time.

17 Q Do you remember if the receipt of that piece of
18 hardware was in conjunction with a congressional oversight
19 initiative that was occurring?

20 A I don't know that. I don't know that that would be
21 the case, but that's very possible.

22 Q In this, I'm not a big text messenger, so maybe I'm
23 going to demonstrate that here on the record, but I wasn't
24 aware, for example, that text messages don't leave a
25 permanent record, were you? And I don't know that you said

1 that earlier. I'm just trying to clear up this text message
2 pin. You know, I think the mayor of Detroit would certainly
3 argue that text messages do leave a permanent record. But
4 did you have any sense that when you were using the text
5 messaging feature on your BlackBerry, whether it was for
6 personal or not, that it was not leaving a permanent record
7 somewhere?

8 A I didn't have any knowledge to that effect.

9 Q And so you don't know whether or not text messages
10 are available if someone wants to go get them?

11 A I didn't know. I didn't realize if it did or
12 didn't.

13 Q And so it's fair to say that at no time when you
14 were utilizing that feature on your BlackBerry were you
15 intentionally violating the Presidential Records Act?

16 A That would be to my best recollection, yes.

17 Q And is it also fair to say whenever you used your
18 RNC BlackBerry, you never were intentionally, purposefully
19 trying to circumvent the Presidential Records Act?

20 A That would be to the best of my recollection.

21 Q Now, this business of you had two BlackBerrys, and
22 then you had one BlackBerry, and it was your personal
23 BlackBerry, and it had the RNC account on it, and then at
24 some point you got another BlackBerry, so you're back to two
25 BlackBerrys, was that like in the '07 time frame as well?

1 A I think I went to having two BlackBerrys around the
2 same time that we received our extraneous hard drive, when we
3 received some new, more specific instruction on how to deal
4 with political and official e-mails. That happened sometime
5 after the 2006 election before I left the White House. My
6 best guess is it was sometime in 2007, but I, again, don't
7 know the date of when those changes occurred.

8 Q And then when you had the two BlackBerrys, you had
9 your RNC BlackBerry and you had your EOP BlackBerry, how many
10 months do you think you had that for?

11 A Are you referring to the second time I had two
12 BlackBerrys?

13 Q Yes.

14 A I can't be sure of what the time length was on how
15 long I had two BlackBerrys.

16 Q And do you remember how that worked? I'm just
17 confused how these folks in the White House that have these
18 two accounts -- I'm just sort of confused practicably how
19 this is supposed to work. And I'm just curious from a
20 fact-finding perspective, did they tell you you're supposed
21 to keep your two BlackBerrys and monitor them? I mean, what
22 were the instructions, to the best of your recollection? I
23 mean, how does this work?

24 A I don't recall receiving instruction on how to use
25 your BlackBerry or how often to check it or really anything

1 other than being given the official White House BlackBerry
2 for the second time with additional information on how to use
3 the two e-mail systems in general.

4 Q And by that point in time, did you frequently check
5 your EOP account BlackBerry, or was it moot because you did
6 most of your stuff on your RNC BlackBerry? Do you have a
7 recollection of how it sort of sorted itself out?

8 A I have a vague recollection that when I received an
9 official White House BlackBerry for the second time after
10 getting more detailed instruction on what to do on a
11 political account, on what to do on an official account, I
12 reviewed my official account messages more frequently than I
13 had previously.

14 Q At any point in time, do you ever remember people
15 sort of throwing their hands up and saying, what the heck is
16 the purpose of e-mail if there's all these rules and
17 regulations in BlackBerrys? It just seems like it gets very
18 complex.

19 A I don't recall anyone making comments to that
20 effect.

21 Q I'm just curious, because you were an end user, you
22 know, using two BlackBerrys. Did you have two cell phones,
23 too?

24 A I believe that each of the BlackBerrys had a phone
25 plan attached to it. Definitely the RNC plan did. I'm

1 unclear about the official one. It may have.

2 Q Was it active, both phone numbers?

3 A To the best of my recollection.

4 Q Did your boss ever call you on your EOP BlackBerry
5 phone, to the best of your recollection?

6 A No, not to my recollection.

7 Q Did you get White House calls on your White House
8 EOP BlackBerry?

9 A Not that I can recall.

10 Q Did you get calls on your RNC BlackBerry?

11 A I would occasionally receive calls on my RNC
12 BlackBerry.

13 Q So you never had occasion to be having a political
14 discussion with your supervisor on your RNC BlackBerry phone
15 and then decide the conversation was taking an official turn
16 and had a discussion about whether you want to hang up the
17 RNC BlackBerry and use the EOP BlackBerry phone; did that
18 ever occur?

19 A I don't recall that situation ever coming up.

20 Q Was it your understanding that that's what was
21 supposed to occur?

22 A I don't know that I ever received instruction on
23 how to handle phone calls that had mixed content. I don't
24 recall really anything regarding phone calls. On e-mails I
25 think we got more detailed instructions on what to do on

1 official and what to do on political, but I won't say I
2 recall instruction on the phone call, on anything to do with
3 phone calls.

4 Q I want to go back real quick to Exhibit 14. Do you
5 still have them in front of you? This is the famous Doug
6 Simon e-mail. It's famous because I think it's been in the
7 newspapers --

8 A Yes.

9 Q Doug says that Karl thanked Commerce,
10 Transportation, Agriculture and the drug czar's office for
11 going above and beyond the call of duty. I forget what you
12 said. Were you in that meeting where Karl allegedly said
13 what Doug Simon said he said?

14 A I don't recall attending that meeting.

15 Q Do you know if what Doug said Karl said was true?
16 Was it generally thought that Commerce, Transportation,
17 Agriculture and the White House drug czar's office went above
18 and beyond the call of duty? Was that a general sentiment
19 inside the White House, to the best of your recollection?

20 A I don't recall that particular sentiment being
21 discussed or mentioned.

22 Q But based on your looking back, especially now that
23 you've had all day to have your recollection refreshed in
24 various areas about various memos, is it fair to say that the
25 drug czar's office, USDA went above and beyond the call of

1 duty, or don't you have enough information to have sort of a
2 present sense of whether that's true or not?

3 A Reading this e-mail, that comment seems to be
4 something that Karl Rove made in a meeting which I didn't
5 attend, so I can't really speak to if, in fact, they went
6 above the call of duty. That's really not my words.

7 Q But you were active during '06, especially in the
8 months leading up to the midterm elections. Did you have a
9 sense, as we sit here today looking back, if the drug czar's
10 office was particularly great, you know, in relative
11 comparison to the other agencies?

12 A I think you would have to look at the individual
13 event memos for each surrogate and compare them to see if
14 that would make that statement true. I don't recall.

15 Q So as you sit here today, you don't see that
16 statement and say, definitely that is true; I remember
17 Transportation, Commerce, USDA and the drug czar's office
18 being tremendous for going above and beyond the call of duty?
19 You don't have that sense as you sit here today?

20 A I believe that each of our departments performed
21 great work in all aspects of their agencies, but I wouldn't
22 necessarily single out certain agencies to say that they went
23 above the call of duty.

24 Mr. Castor. Okay. That's all I have. Thanks.

25

EXAMINATION

1 BY MR. GORDON:

2 Q Ms. McLaughlin, I'm Mike Gordon. I'm going to ask
3 you a few more questions, and I think we're going to be done
4 soon. And these are questions about records preservation and
5 your e-mail practices. We've touched on some of this today,
6 but I wanted to just clarify a few points.

7 I believe earlier today you said that you never received
8 instructions or guidance from others in the White House about
9 how to use your various e-mail accounts, when to use one
10 account or the other, the political or the official; is that
11 right?

12 A I don't recall receiving instruction about how to
13 use official or political accounts until some period of time
14 after the 2006 election prior to when I left the White House
15 when we received more guidance.

16 Q I might be able to help you refresh your
17 recollection of when that later guidance happened based on
18 information the committee has. Tell me if this sounds right.

19 In about March of '07, this committee and others were
20 interested and made it publicly known that they were
21 interested in the White House e-mail practices. And we've
22 learned from the White House that soon after those questions
23 were raised publicly, the White House revised and updated its
24 guidance to staff and brought folks in and gave them revised
25 instructions. So that would have been in approximately the

1 spring of '07.

2 Does that help refresh your recollection? Does that
3 sound to you about the timing?

4 A I don't recall that, but I wouldn't doubt that that
5 would be correct.

6 Q So I would like to first ask you about the period
7 while you're at the White House, but prior to that briefing.
8 Prior to that it sounds like you didn't get any instructions
9 on when to use the political versus the official e-mail
10 account; is that right?

11 A To the best of my recollection.

12 Q And did you get any instructions more generally
13 about records preservation, what your duties were with
14 respect to that?

15 A During my first position at the White House in the
16 scheduling office, I followed the example of the other
17 members of that office in archiving certain documents
18 relating to that job. But when I moved to the next job, I
19 didn't receive any new guidance on how to archive those
20 documents, and so I just did the best I could in the end when
21 I was leaving.

22 Q Right. Well, when you were in your former, your
23 initial White House job, you said you sort of followed the
24 practice of what was around you. My question was more did
25 anyone give you instructions or guidance, this is what you

1 need to do in the way of record preservation?

2 A I believe the other colleagues I had, other
3 nondecision-making colleagues, would have shown me in the
4 practice of just general office procedures this is how we do
5 archiving. But beyond that I don't remember receiving sort
6 of official from a decision-making source information on
7 exactly how to do that.

8 Q You didn't get any instructions from your superiors
9 or White House counsel about here's the type of records you
10 need to keep, and here's the various rules or practices that
11 we have on that; is that right?

12 A To the best of my recollection, yes.

13 Q And so when you became surrogate scheduler, what
14 was your understanding about what types of records you needed
15 to save in that job? Were there any categories or types of
16 records that you received or generated that you understood
17 needed to be saved?

18 A Could you repeat that again?

19 Q When you were surrogate scheduler, were there
20 any -- what was your understanding about what types of
21 record, if any, you needed to save?

22 A I don't recall receiving specific instruction on
23 what to save or what not to save, so I had to make my best
24 judgment on what those things would have been. And I would
25 have left those documents on the CD that I would have burned

1 at the White House, and the White House would have it. So
2 not having direct instruction, I would have just had to use
3 my own judgment in deciding what to keep and what not to
4 keep.

5 Q And what was your judgment? I mean, did you have
6 some operating principles for yourself about what you thought
7 needed to be saved and what didn't?

8 A I remember that I saved to the CD the major
9 documents that I felt encompassed my work there. I also
10 remember that I kept a spreadsheet on my official White House
11 computer that detailed to the best of my knowledge every
12 event that came across my desk. And with those two things in
13 mind, that was my barometer of what was important to keep on
14 a spreadsheet that kept everything in one place.

15 Q So the burning of the CD, that was right before you
16 left to make sure that the White House had your important
17 files?

18 A Correct.

19 Q But as you're doing your work in 2005 and 2006 and
20 2007, was the large spreadsheet that had all the official --
21 I mean, all the events the only document you recall thinking,
22 this is one that we need to save, it's important that I save
23 this record? Were there any other records like that? Am I
24 right that that's a record you wanted to create for that
25 purpose of saving that information?

1 A It was a document that already existed within my
2 position, so in my mind the purpose of keeping it was just to
3 continue the recordkeeping of it. I did recognize it as
4 being useful in archiving what my work entailed. But I don't
5 recall any other documents outside of the fund-raising
6 spreadsheet that I can think of right now that were part of
7 my effort to archive my work.

8 Q So as you're doing your work as a scheduler in
9 2006, for example, there weren't any types of documents you
10 thought, these I need to save?

11 A Not that I can identify right now other than the
12 fund-raising one and the spreadsheet. To my knowledge, the
13 things that I would have thought at the time important to
14 save were burned to that CD.

15 Q Well, the CD burning happens at the end when you're
16 leaving, right? I'm talking about as you're going through
17 your work. You're doing your job every day. You come in,
18 you create documents, receive documents. Am I right that
19 none of those documents, in your mind, were ones you needed
20 to save, or are there some categories that you did feel you
21 needed to save?

22 Mr. Brown. Answer the question to the extent that you
23 recall recognizing -- I guess to you all, this is from 2005,
24 2006, 2007. You've got thousands of her e-mails. She has
25 not had access to any of her records from the committee and

1 hasn't had a chance to go visit the White House, go back
2 through, talk to people, ask them, well, what did I have and
3 the like. And so this is just not the kind of information
4 that she may have had available now. You know, she can
5 answer to the best of her recollection now, but that's it.

6 BY MR. GORDON:

7 Q Let me ask the question, and I appreciate your
8 counsel's comment, and I understand you haven't had the
9 opportunity to review whatever records you created that
10 actually have been saved. But my question isn't about sort
11 of looking back on what was saved now. My question is more
12 as you were doing your job, what was your mind-set about what
13 needed to be saved? And I was paraphrasing what I thought
14 you were saying, which is that you didn't really have an
15 operating understanding about certain types of documents that
16 needed to be saved, you just didn't think that was necessary.
17 Am I right about that?

18 A I would explain my mind-set at the time during my
19 work, not as opposed to when I was thinking about leaving,
20 that I don't recall consciously thinking about or preparing
21 documents for archival purposes. I know that I maintained a
22 master spreadsheet of all the events that came across my
23 desk, and that was the extent to which I would have thought
24 about keeping records for future use. I didn't have a clear
25 direction or guidance or procedure on archiving things other

1 than the master spreadsheet at the time of my work there.

2 Q At the time of your work, you created that master
3 spreadsheet. Are you saying one of the reasons you created
4 it was for archiving purposes?

5 A It was one of the reasons I maintained it.

6 Q And are there any other documents like that that
7 you created because you thought it was important that they be
8 saved?

9 A Not that I can recall.

10 Q So specifically with respect to e-mail, there
11 weren't types of e-mail that you deliberately took efforts to
12 save for archiving purposes; is that correct?

13 A Not that I can recall.

14 Mr. Gordon. I'm going to ask that this be marked as an
15 exhibit. I'm not sure what number.

16 Mr. Leviss. We're up to 22.

17 [McLaughlin Exhibit No. 22
18 was marked for identification.]

19 BY MR. GORDON:

20 Q I'm handing you an exhibit. It's Bates-marked
21 RNC-GOC-004879. Please take a minute to just review it.
22 It's an e-mail dated March 21 of 2006. Let me know when
23 you've had a chance to review it.

24 Have you had a chance to review it?

25 A I have.

1 Q Do you recall receiving this e-mail or an e-mail
2 like it?

3 A I don't recall receiving this particular memo, but
4 I do in general remember hearing that there was going to be a
5 deletion policy on RNC e-mail.

6 Q In fact, earlier you were talking about sometime in
7 2006 learning about a 30-day deletion policy at the RNC. And
8 I thought this might refresh your recollection that's
9 consistent with that, because it's an e-mail discussing the
10 30-day deletion policy, and it's dated March of 2006. Do you
11 think this could be the notification that you were discussing
12 earlier?

13 A I can't be sure that I received this actual e-mail
14 since it doesn't say that it went to my account, but it would
15 not surprise me if I had.

16 Q And just for the record, it's an e-mail string, but
17 the initial e-mail is -- the "to" line says, RNC External
18 Users. It's from the RNC Network Operations, and it's about
19 the e-mail deletion policy. And we understand from the RNC
20 that RNC external users here means other than RNC employees
21 and folks such as White House employees who had RNC e-mail
22 accounts. So is it correct that at least as of sometime in
23 2006, you were aware that the RNC had a policy of deleting
24 its e-mails that were older than 30 days?

25 A I do recall hearing at some point that there was a

1 30-day retention policy on RNC e-mail.

2 Q And learning of that policy didn't change your
3 practices at all with respect to e-mail; is that right?

4 A Not to my recollection.

5 Q Did you ever learn of any changes to the RNC e-mail
6 deletion policy? I'm talking about prior to the spring of
7 2007 when there were more conversations about RNC e-mail.
8 But prior to that time, did you ever learn of any change, or
9 alteration in, or suspension of the RNC deletion policy?

10 A Not that I can recall. Not outside of a notice
11 about a 30-day retention policy at some point in '06, I don't
12 recall any other mention of.

13 Q Now I would like to move forward to the spring of
14 2007. My understanding from your earlier statements is that
15 several things happened in that time frame. One was you got
16 instructions from the White House about records and e-mail
17 practices; is that right?

18 A Yes, that's what I recall.

19 Q And another is that you got an external hard drive
20 from the RNC to which you saved some information; is that
21 right?

22 A Yes, I did receive one.

23 Q And the third is that you got a new BlackBerry from
24 the White House?

25 A Correct.

1 Q I would like to ask you about the information and
2 guidance you got from the White House about e-mail practices.
3 Can you tell me what they told you?

4 A To the best of my recollection, I remember learning
5 that if a document or an e-mail was purely political, it
6 needed to be done on your political computer and political
7 e-mail; if it was -- if something was purely official, that
8 it needed to be conducted on your official computer and your
9 official e-mail; and that it was sort of a gray area if it
10 was a message that contained both political and official, and
11 that you sort of needed to err on the side of judgment, but
12 that in general if it was mixed political and official, it
13 should be on your political computer and political e-mail. I
14 also remember receiving guidance that if there was purely
15 political messages received on your -- I'm sorry, if there
16 was purely official messages received on a political e-mail,
17 that you should forward that message to your official e-mail
18 if it was purely official. That is, to the best of my
19 recollection, the items they discussed.

20 Q And what was the purpose of forwarding an official
21 message from your political to your official? Was it so that
22 it could be retained?

23 A I don't recall what their explanation was for why,
24 but that was likely the reason, but I don't remember.

25 Q But a mixed e-mail that had official and political

1 components that was on your political e-mail account, was it
2 your understanding that did not need to be forwarded to the
3 official account; is that right?

4 A Correct.

5 Q So did these -- now, these instructions came from
6 White House counsel?

7 A Yes.

8 Q Did your supervisors also give you any additional
9 instructions about this topic?

10 A Not that I can recall.

11 Q And did these instructions cause you to change any
12 of your e-mail practices?

13 A Yes. I recall dealing with my suggested event
14 memos for officials who only could do official events on my
15 official computer. Given that they had no political events
16 on them, I moved those things to my official computer. I
17 recall consciously thinking about event requests that were of
18 a completely official nature and dealing with them on my
19 official e-mail on official computer; mixed messages, mixed
20 political/official, and purely political on my political
21 computer. So those were the ways that I changed.

22 Q Right. So if it was a suggested events list
23 containing political and official events, you would continue
24 to use your RNC e-mail account; is that right?

25 A That's correct.

1 Q But ones that only had official events or any other
2 communications that were of an official nature were -- after
3 this briefing you used your official account, whereas before
4 that time you had used your political account?

5 A Yes, that's my recollection.

6 Q Others with whom you had been corresponding over
7 e-mail, such as White House liaisons, typically would
8 communicate with you on your RNC account prior to the spring
9 of '07; is that right?

10 A Yes, that's my recollection.

11 Q And that was true whether it was an official or a
12 political communication; is that right?

13 A That's my remembrance.

14 Q So did you continue to get official communications
15 after this briefing from folks outside the White House on
16 your RNC account?

17 A To my recollection, I may have received a few of
18 those types of messages, and to my recollection, I forwarded
19 those to my official account as it was per counsel's
20 direction.

21 Q Great. That's what I was going to ask next. You
22 anticipated it.

23 After you got this briefing, and it caused you to change
24 your e-mail practices, did you ever have any discussions with
25 any of your White House colleagues about e-mail and whether

1 it had been properly retained before these new instructions?

2 A It is possible that I had casual conversations
3 about it, but I don't recall specifics or details or anything
4 like that.

5 Q I mean, at the time this committee was making
6 inquiries, and some of those were publicly discussed, and it
7 caused, you know, changes in the White House, like the new
8 instructions you mentioned and having to revise your approach
9 to how you communicate using e-mail, I can imagine that was
10 an adjustment of -- maybe a bit disruptive, if not, you know,
11 maybe at least a change in your practice, and also that the
12 sort of backdrop for this was a concern, at least from some,
13 such as some on this committee, that records that should have
14 been saved might not have been. So in that context does that
15 jog your recollection of whether you would talk with others
16 in the White House about possibly lost records?

17 A I don't recall any instance of talking to people
18 about it, but that would be possible given that it was a
19 topic that was in the media and widely known. But I just
20 can't recall.

21 Q You never recall talking to anybody about that
22 topic?

23 A Specifically to people, no, I don't recall. But I
24 wouldn't be surprised if I had just in passing.

25 Q You had been at the White House for a couple of

1 years operating under an assumption that your e-mail didn't
2 need to be saved, you know, particular categories of e-mail
3 that you were required to store. Now you had a different
4 understanding; is that right?

5 A Yes. We did receive a new directive from Counsel's
6 Office on how to deal with these things.

7 Q And was it your understanding that the reason you
8 needed to save these was because of some legal requirement,
9 Presidential Records Act or some other requirement?

10 A I don't recall Counsel's Office filling us in on
11 the legal reasons for doing this in any in-depth way.

12 Q You didn't know if it was a legal requirement or
13 just sort of a good practice, the new instructions; is that
14 what you're saying?

15 A I don't recall how they would have couched it or
16 explained it.

17 Q Did it give you any -- did it cause you any concern
18 that documents that for all your time at the White House you
19 hadn't made an effort to save you now understood you needed
20 to save?

21 A My actions in terms of what was archived or how we
22 changed procedures in e-mailing came at the direction of the
23 White House Counsel's Office. I don't recall having an
24 opinion on it before they gave us instruction on what to do
25 in the spring of 2007.

1 Q No, I realize that. My question was sort of after
2 you got this instruction. Now you're told, well, the way you
3 were doing it wasn't quite right, you need to change it, so
4 that documents you wouldn't have necessarily saved before you
5 now were going to take pains to retain. Did that give you
6 any concern that your practice before wasn't what was
7 expected of you now?

8 A I don't recall having concerns about it.

9 Q And you don't recall raising this issue with your
10 supervisor, Sara Taylor, or anyone else?

11 A I don't recall having conversations about it with
12 my superiors no.

13 Q Did you ever search your files, either your paper
14 or your electronic files, at the request of White House
15 counsel or anyone else in the White House, in response to a
16 request for information that the White House had received
17 from a third party?

18 Mr. Brown. Let's take a break.

19 Mr. Leviss. Is this to consult White House counsel or
20 to advise your client?

21 Mr. Brown. We're taking a break.

22 [Recess.]

23

24

25

1 RPTS DEAN

2 DCMN HERZFELD

3 [5:45 p.m.]

4 Mr. Gordon. When we left there was a question pending,
5 but while we're in a break, I conferred with Mr. Brown, and
6 I'm going to retract the question with the understanding that
7 Mr. Brown needs to confer with you more in order to derive an
8 attorney proffer on that topic?

9 Mr. Brown. I appreciate that. This is a topic that we
10 were not prepared for today, and as a result, we'd like to
11 defer answers on the subject until after we've had a chance
12 to talk with our client, and we'll get back to you shortly on
13 that.

14 BY MR. GORDON:

15 Q Okay. A couple more questions about the spring of
16 2007 when you got instructions from the White House about
17 recordskeeping requirements and e-mail practices. Did you
18 learn of the Presidential Records Act during those -- during
19 that briefing?

20 A I don't recall what -- to what extent that
21 particular item was discussed.

22 Q Do you recall ever learning about the Presidential
23 Records Act during your time at the White House?

24 A I remember hearing it, hearing about it, but I
25 couldn't recall what the details were of what we were

1 instructed about, if anything.

2 Q Are you saying that you do recall getting
3 instructions about the Presidential Records Act, but you
4 can't remember what those instructions were?

5 A I recall hearing that there was a Presidential
6 Records Act, that there was a Hatch Act, a number of
7 different ethical rules during my time at the White House. I
8 had a vague understanding that that meant keeping some
9 records over your time at the White House, but I don't
10 remember the details of what instruction, if any, I was given
11 in particular on the Presidential Records Act.

12 Q And I think prior to this spring of 2007, in your
13 day-to-day creation of records and your day-to-day work, you
14 weren't retaining records according to any principles or
15 policy designed to comply with the Presidential Records Act;
16 is that right?

17 A It's my recollection that during my time at the
18 White House, I saved the documents that I thought I was
19 supposed to save. I might have given you a couple of
20 examples of what those documents I remember were. And I
21 think I saved what was required of me to the best of my
22 ability.

23 Q And as we discussed earlier, e-mail was not in a
24 category of documents that you considered necessary to save,
25 but you mentioned a spreadsheet of events and also a document

1 regarding fund-raising. Are those the two examples --

2 A Yes.

3 Q -- you're referring to?

4 Mr. Gordon. Okay, I don't have any more questions, do
5 you?

6 Mr. Castor. Yeah, I have a couple.

7 BY MR. CASTOR:

8 Q Getting back to this meeting that you had with Doug
9 Simon regarding ONDCP, and I believe he said that the
10 Director is willing to be helpful. Do you remember that?

11 A I remember --

12 Q You wrote an e-mail, and you spoke with him, right?

13 A I remember having a meeting with Doug Simon and
14 another individual from ONDCP named Scott Jennings, yes.

15 Q And then later Doug Simon wrote an e-mail to you
16 that was made an exhibit today. It's Number 16. At the
17 bottom here it says, keep embassy coming.

18 Take your time. Do you have it there?

19 A Yes.

20 Q Did you -- it was my sense -- and I forget whether
21 I learned this from you, or whether I learned it from the
22 documents, or whether I learned it somewhere else in the
23 investigation. ONDCP was going through the reauthorization
24 process in 2006. As I understand it, they were interested in
25 developing as many relationships as possible in Congress.

1 Did -- when I provide you with that information, does that
2 have any -- does that that refresh your recollection at all?

3 A I don't recall that.

4 Q This Doug Simon e-mail where he recounts Karl Rove
5 saying that a couple of agencies went above and beyond the
6 call of duty -- it's Exhibit Number 14.

7 A I have it.

8 Q Do you know, do you remember whether any of these
9 agencies were rewarded by the White House for going above and
10 beyond the call of duty other than apparently Karl Rove
11 making a statement?

12 A I don't have any recollection of that.

13 Q Are you aware of any reward process that was in
14 existence that White House officials like Karl Rove can dole
15 out to reward or thank agencies for being helpful?

16 A Not that I can recall.

17 Q This morning in -- I think it was the first round
18 we were looking at the political presentation, Exhibit 5, and
19 the specific Members of Congress that were identified,
20 specifically the at-risk Republicans page. It's Bates number
21 1188. Would you agree that if agency officials -- it would
22 be helpful for agency officials to be aware of Members of
23 Congress who were currently engaged in a difficult reelect.
24 Would you agree that that's information that could be helpful
25 in dealing with congressional offices? Like, for example, if

1 somebody in the Department of Agriculture is working with
2 Congressman Sodrel's office, Congressman Sodrel, as I
3 understand it, on the Ag Committee. Would you agree that
4 it's helpful for folks in the USDA to know that potentially
5 Sodrel is up for a tough reelect as part of the overall
6 political landscape and political environment?

7 A I thought it was important for the agencies to be
8 aware of the political landscape, and the areas of the
9 country that were hot spots electorally would have been part
10 of that.

11 Q And if you're dealing with -- Congresswoman Wilson
12 is frequently in tough races. She was in a tough race in '06
13 and has been in prior tough races. Don't you think that
14 background is relevant and helpful when, you know, agency
15 officials are working with the Congresswoman's office just to
16 have a general sense that this is an election district that's
17 frequently in play?

18 A I think we thought it was important for our
19 political appointees to be aware of the current political
20 landscape. And again, the areas of the country that were in
21 interesting elections with a lot of attention focused on them
22 would have been an aspect of that landscape.

23 Q And would you agree that if the Secretary of the
24 Department of Agriculture picks up the phone to call
25 Congressman Sodrel in October of '06, that it might make

1 sense to acknowledge that the Congressman's in a tough
2 race --

3 A I --

4 Q -- as part of the pleasantries in an overall
5 working relationship?

6 A I -- I think that we felt it was important for
7 political appointees to have a sense of what was going on
8 around the country, and what the political landscape was, and
9 where media was being focused, and so I think it was
10 important for them to know all those factors.

11 Q You said in the spring of '07, when you got the new
12 instructions from White House Counsel's Office, that some of
13 your suggested events list, if they were previously sent on
14 e-mail over the RNC e-mail account, if that particular agency
15 had -- only did official events, you switched it over to the
16 EOP account; is that correct?

17 A That is my recollection.

18 Q Do you remember which agency that was or which
19 agencies, plural?

20 A To my recollection that would have been Secretary
21 Rice's, Secretary Chertoff's, Attorney General Gonzales', and
22 there could have been others.

23 Mr. Castor. Okay. That's all my questions.

24 Mr. Leviss. I guess we had sort of an administrative
25 housekeeping matter with respect to the exhibits and how

1 you --

2 Mr. Brown. Yeah, sure. Before we get there, there's
3 one thing I wanted to say on the record. Mindy McLaughlin's
4 28 years old. She came to work for the White House at the
5 age of 25 in a low-level job in 2005. She left in 2007 as a
6 scheduling assistant for the Office of Political Affairs.
7 She is not a commissioned officer, she is not a lawyer, she
8 is not a senior administration official. She traveled 8,000
9 miles to be here today voluntarily, even taking the step to
10 buy a ticket for herself to help save the government money
11 because she could get a better rate than the government would
12 get on its own. She stayed at friends, not at a hotel,
13 covered her own meal expenses during the time she has been
14 here. She is not given a free White House lawyer to be with
15 her today, but she's come, and she hasn't complained, and
16 she's answered your questions. We hope that she can be
17 commended for that and not put in a position where she's held
18 up to be embarrassed or used by one side or the other side to
19 score political points.

20 With respect to --

21 Mr. Leviss. Are you done?

22 Mr. Brown. Yeah.

23 Mr. Leviss. It is my practice at the end of a
24 deposition or interview to thank a witness, and I intended to
25 thank you as well, and I'll do so. It's been a long day,

1 you've traveled a great distance, as your counsel observes,
2 and you did so voluntarily, and we appreciate that.

3 Mr. Brown asked that we not continue the session through
4 tomorrow, and as a result, we all stayed late to finish
5 today. But I recognize that it's hardest on the witness to
6 stay late, so we appreciate your making yourself available so
7 that we could get done what we needed to do.

8 The committee takes this investigation, like all of its
9 investigations, very seriously, and it's been helpful to us
10 that you've answered our questions today, and I thank you on
11 behalf of the committee.

12 Mr. Brown. And with respect to all of the exhibits, I
13 believe that this should be the entire set of materials that
14 we were given today.

15 Mr. Leviss. Okay.

16 Mr. Brown. I think there were a couple of documents we
17 may have transmitted already, but we will honor your request
18 that they not be transmitted any further. And we don't
19 intend to make those --

20 Mr. Leviss. Are the recipients entities that you can
21 control?

22 Mr. Brown. I can't -- I can't answer that.

23 Ms. Sachsman. I think what we would do is request that
24 you ask whoever you sent those documents to destroy them.

25 Mr. Brown. Okay.

1 Ms. Sachsman. Okay.

2 Mr. Leviss. If you can represent to us that you've done
3 that, then we'll look for that.

4 Ms. Sachsman. That's fine with us.

5 Mr. Brown. Sure.

6 Ms. Sachsman. Thank you very much.

7 The Witness. Thank you.

8 Mr. Leviss. The deposition is closed.

9 [Whereupon, at 6:04 p.m., the deposition concluded.]

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Certificate of Deponent/Interviewee

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I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

ERATA SHEET
FOR INTERVIEW OF MINDY McLAUGHLIN

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>
6	2-3	Capitalize "S" and "C." Change requested by witness.
6	18	Add period (.) after "that," change "will" to "We'll". Change requested by witness.
6	19-20	Change "of which" to "when." Add "the" after "with." Change requested by witness.
7	14	Add comma after "2005." Change requested by witness.
7	21	Add comma between "daily" and "bimonthly." Change requested by witness.
10	23	Add "New" before "Mexico." Change requested by witness.
11	6	Add "s" to "request." Change requested by witness.
11	23	Add "s" to "request." Change requested by witness.
17	8	Change "concerned" to "considered." Change requested by witness.
21	1	Remove quotation from "with the year." Change requested by witness.
34	1	Add "s" to "circumstance." Change requested by witness.
34	19-20	Add quotation to "you," "you Mindy," and "you the office." Change requested by witness.
37	25	Change "initiation" to "administration." Change requested by witness.
40	10	Change "hopeful" to "helpful." Change requested by witness.
49	7	Change "discussion" to "discusses." Change requested by witness.
59	25	Change "this" to "that." Change requested by witness.
60	15	Spelling of "Hullen" questioned, no change made. Requested by witness.
60	23	Change "your" to "the." Change requested by witness.

62	10	Spelling of "Hullen" questioned, no change made. Requested by witness.
68	6	Change "Act 1" to "had one." Change requested by witness.
72	15-16	Spelling of "Rollstone" questioned, no change made. Requested by witness.
117	1	Accuracy of name "Chris Cillizza" questioned, no change made. Requested by witness.
122	18	Change "past" to "pass." Change requested by witness.
125	7	Change "so" to "also." Change requested by witness.
136	1	Change "delegates" to "surrogates." Change requested by witness.
144	20	Replace period (.) after "category" with dash (--). Change requested by witness.
146	10	Add "about the" after "ask." Change requested by witness.
153	25	Change "meant" to "mean," remove "meaning." Change requested by witness.
154	1	Add quotation to "you." Change requested by witness.
174	20	Change "reapplied" to "replied." Change requested by witness.
188	18	Change "but" to "by." Change requested by witness.
188	24	Change "had" to "have." Change requested by witness.
193	2	Change "Rosa" to "Melissa." Change requested by witness.
205	8	Replace period (.) after "archiving" with dash (--). Change requested by witness.
206	16	Change "position" to "possession." Change requested by witness.
225	4	Add period (.) after "available," capitalize "Now." Change requested by witness.
237	17	Change "embassy" to "em." Change requested by witness.
241	12	Add "and" after "hotel." Change requested by witness.