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

INTERVIEW OF: SCOTT JENNINGS

Tuesday, October 9, 2007

Washington, D.C.

The interview in the above matter was held at Room 2157
Rayburn House Office Building commencing at 9 a.m.

1 Appearances:

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5 For SCOTT JENNINGS:

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12 For COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

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1 Ms. Sachsman. On behalf of the Committee on Oversight
2 and Government Reform, I want to thank you for coming in
3 today. My name is Susanne Sachsman. I am counsel for the
4 committee. I am accompanied here today by Mike Gordon,
5 senior investigative counsel, and Anna Laitin, committee
6 professional staff member. And if everyone else in the room
7 could just identify yourselves for the record.

8 Mr. Castor. Steve Castor, counsel for the Republican
9 staff.

10 Ms. Safavian. Jennifer Safavian, also Republican staff.

11 Ms. Gallen. Ashley Gallen, Republican staff.

12 Mr. Snowdon. Andrew Snowdon, with Dickstein Shapiro,
13 counsel for Mr. Jennings.

14 Mr. Jennings. Scott Jennings.

15 Ms. Sachsman. All right. This interview is part of the
16 committee's investigation on the use of nongovernmental
17 e-mail accounts for official business by White House
18 officials, political briefings given to agency officials, and
19 whether Federal agency officials conducted taxpayer-funded
20 travel to benefit Republican candidates for public office. I
21 am just going to go briefly over a couple of the ground
22 rules. The majority, that is us, will ask the questions
23 first, and we will alternate with the minority in
24 approximately 1 hour increments.

25 An official reporter is taking down everything that you

1 say and will make a written record of the interview. So you
2 need to give verbal, audible answers.

3 And you are required to answer questions from Congress
4 truthfully. Is there any reason you couldn't answer today's
5 questions truthfully.

6 Mr. Jennings. No.

7 EXAMINATION

8 BY MS. SACHSMAN:

9 Q Could you please state your full name for the
10 record?

11 A Jeffrey Scott Jennings.

12 Q And I understand that you are accompanied today by
13 your counsel, who has introduced himself for the record.
14 Where are you currently employed?

15 A I currently am employed at Peritus Public
16 Relations.

17 Q And you have been there for approximately two
18 hours?

19 A About 2 hours, yeah.

20 Q And how long were you at the White House for? And
21 if you could describe what your different positions were and
22 the time periods that you were there.

23 A Sure. I started at the White House in early
24 February 2005 as associate director of the Office of
25 Political Affairs. In October of 2005, I was promoted to

1 special assistant to the President and deputy White House
2 political director and held that position until Friday.

3 Q And to whom did you report in each of those
4 positions?

5 A I reported to Sara Taylor, the White House
6 political director.

7 Q In both of them?

8 A Yes.

9 Q Who was the deputy White House political director
10 when you were an associate director?

11 A When I first started, the deputy political director
12 was Angela Flood. Shortly after I started, the deputy
13 political director became Tim Griffin. And then I took over
14 whenever Tim was deployed to Iraq.

15 Q What were your official duties as associate
16 director and then deputy director?

17 A As associate director, I had responsibility for a
18 region of 11 States, generally in the southern United States.
19 As deputy political director, I had responsibility directly
20 underneath the political director for -- mostly for the
21 personnel portfolio within our Office of Political Affairs.

22 Q And when you were associate director dealing with
23 your sort of region of 11 States, what exactly did you do for
24 those States?

25 A You know, you essentially act as a liaison to

1 people in those States, Members of Congress, officials,
2 community and business leaders. And so it is a liaison
3 position. You also are the working contact on a great deal
4 of the President's domestic travel if he is coming to your
5 region. And so you work within the building with other
6 offices to help plan and execute the President's travel.

7 Q Were you involved in either of those positions in
8 suggesting or coordinating travel for surrogates of the
9 President?

10 A By and large, any surrogate requests were incoming,
11 and we would, you know, pass those along to the appropriate
12 officials in the office.

13 Q So you were involved in some form of surrogate
14 travel?

15 A Well, you know, if a call came in, I would
16 certainly pass it along to the appropriate people.

17 Q And what about political briefings? Did you do
18 political briefings when you were both associate director and
19 deputy director or just one or the other?

20 A I did not do any briefings as an associate
21 director. I did do political briefings as the deputy.

22 Q Did you also perform separate political duties in
23 your role as director of political affairs?

24 A What do you mean?

25 Q And actually, this is something I would like you to

1 define for us. It is my understanding that you had separate
2 computers for official and political business, that you had
3 separate e-mail addresses and, in addition to that, that you
4 spent some part of your time doing political activities. If
5 you could just start maybe by defining what would cause you
6 to consider something to be a political activity, I think
7 that would sort of clarify for us the whole procedure.

8 Mr. Snowdon. If you can. I mean, that is a fairly
9 legalistic term. So maybe it would be helpful for you to
10 explain what you consider political activity.

11 Ms. Sachsman. I think actually it would be really
12 important to us to understand what he was considering at that
13 time, because I don't need to know what is the actual legal
14 definition of a political activity.

15 Q What I am interested in is what you thought at the
16 time when you were making your decisions.

17 Mr. Snowdon. Do you understand the question? Because I
18 am not sure I do. I mean, is there a particular context that
19 you are asking this question in?

20 BY MS. SACHSMAN:

21 Q We could start by when you used different e-mail
22 accounts.

23 A Sure. I am not sure I made a distinction on the
24 e-mail accounts between political and official. Certainly if
25 someone -- let me give you an example. Certainly if someone

1 were e-mailing in and saying, you know, we would like to
2 request, you know, X person for a fundraiser, can you
3 facilitate that request? You know, that is outside of that
4 person's I think official capacity, so, you know, that would
5 probably normally be incoming onto the political account. So
6 that is an example of something I would think would be
7 considered to be political activity. Now, it is the
8 President. It is interesting. This is a question I don't
9 know if I have the full answer to in my mind. When the
10 President goes to do a fundraising activity or a political
11 rally or something, you know, is he doing that in his
12 political capacity? Yes. But are there people, you know, in
13 their official capacity, such as security and other people
14 who normally travel with the President there in their
15 official capacity? Yes. So I think there is -- I don't know
16 how I would define that exactly for that whole trip planning
17 and execution process.

18 Q But just to be clear, the trip planning, if you
19 were involved with a surrogate of the President, and it was
20 say a fundraiser, that you would consider to be political
21 activity on your part?

22 A Well, I don't know if it is political activity on
23 my part specifically to pass along a request. I don't know
24 the answer to that question. I mean, I would think, since
25 the request is for a political event, that you could probably

1 consider it political activity. But if it were coming in
2 from, you know, let's say an official, like a Member of
3 Congress or a Governor or something, then I don't know. I
4 don't know necessarily the answer to the question. But you
5 know if they were requesting a political fundraiser, I think
6 you could say maybe that is a political activity and you want
7 to make sure you keep that on a political account.

8 Q Well, when you were at the White House, not so long
9 ago, did you ever think about these issues? I mean, was this
10 something that you thought about? Did it come up in
11 conversations with people? And not specifically -- let me
12 clarify, not specifically, you know, which e-mail account to
13 use, but, say, what were your official duties versus other
14 political duties that you did at your job?

15 A I can't say that it was something that was
16 discussed regularly. I think we did receive briefings from
17 the White House Counsel's Office on political activity and
18 how it was defined for a 24-7 employee in the executive
19 office of the President.

20 Q And what was that? What did they tell you?

21 A My recollection of the briefings was that we were
22 treated a little differently under the Hatch Act than other
23 government employees, that we were permitted to conduct
24 political activity during the normal workday, that we were
25 permitted to have political meetings in our offices or in the

1 White House mess. But we had a little bit different status
2 because we were 24-7 employees of the EOP as opposed to
3 another type of government employee.

4 Q And what sort of things did you do that would have
5 constituted in your mind at the time political activity that
6 you were permitted to do during your day activities because
7 you were this 24-7 employee?

8 A You know, I would think an example would be if we
9 had a reason to have to act as liaison to one of the
10 Republican committees, the national committee or the
11 congressional committee, that would be -- you know, that is
12 an example of something that probably would be considered in
13 my political capacity. Although, again, as I said, I think
14 there is a gray area where, you know, let us say they say we
15 need the President for a fundraiser, you know, there are
16 people certainly in the White House who are always acting in
17 their official capacities to support the President's
18 movement. So I think it is gray. But I would guess that
19 would be sort of an example of a political, you know,
20 activity when you have to liaison with a political committee.

21 Q Do you have any other examples?

22 A I would think discussions with, you know, with
23 an -- if a candidate or a campaign or an official called to
24 have discussions about political situations, that might be
25 considered political activity. You know, so I guess

1 information sharing or conversations, you know, regarding,
2 you know, let us say like a campaign or some such thing.

3 Q Were there things that you were still not permitted
4 to do?

5 A Well, as I understand it from my briefings, you
6 cannot solicit or receive contributions, which, you know, we
7 took very great pains to make sure we were having invitations
8 for like events that featured the President, making sure that
9 counsel's office cleared all of those so that we were
10 following all of those guidelines, especially on
11 contributions. So that is the one that sticks out the most.
12 And then I think there was a note in something I received
13 once about -- no, I just said that. So, yeah, political
14 contributions was the main thing I remember, about no
15 government employee can be involved in political
16 contributions.

17 Q Is there anything else that you --

18 A Not off the top of my head, but maybe as we go
19 along if you have something specific you want to ask me,
20 maybe it will --

21 Q Sure. Were there any rules that you knew of or
22 policies even in your office that restricted how many hours
23 you could spend in a week on political activities?

24 A I don't recall any conversations with anyone about
25 hours other than the occasional griping by your standard

1 government employee about the number of hours you spend
2 working.

3 Q Approximately how many hours were you spending a
4 week working?

5 A You know, it fluctuated, but certainly there were
6 weeks where I was there well beyond 40, 50, 60 hours or more.
7 It really depended on what was happening that week. But I
8 think it would in most cases exceed a standard work week.

9 Q What percentage of your time would you say you
10 spent on political activity?

11 A You know, I am not sure I can give you -- I
12 wouldn't know how to assess that necessarily. I am not sure
13 I know how to sit here and assess a percentage just off the
14 top of my head. I mean, you know, some amount of time was
15 spent -- I guess partly because I am not sure how others
16 would define what is purely political activity versus what is
17 purely official activity. So not knowing the full and
18 complete -- necessarily knowing the definitions of this is
19 political, and this is official, I wouldn't know how to break
20 it out into a percentage. I mean, I spent some time on it I
21 think, but I hesitate to give a percentage because I wouldn't
22 want to just pull a number out of the air without a good
23 basis to do so.

24 Q Okay. But when you are thinking about what you are
25 doing yourself personally, would you say that you spent more

1 than half of your time on political activity or less than
2 half of your time?

3 A I would say less than half, certainly.

4 Q Okay. Could we go more specifically? Maybe more
5 than a quarter of your time or less than a quarter of your
6 time?

7 A Yeah, beyond that I really don't know. I would say
8 it would be probably less than half for sure, just given the
9 nature of the kind of work I was doing.

10 Q And when you gave the political briefings, would
11 you consider those to be part of your official duties or
12 political activity?

13 A Well, you know, I was invited by a White House
14 liaison at an agency to do the political briefings in some
15 cases, so, you know, I would think they would -- it would be
16 considered in my official capacity. You know, I have read in
17 some of those sheets that we got that if you are discussing
18 the President's agenda, if you are discussing legislative
19 policies, if you are discussing, you know, even I think one
20 sheet even says even if a political party has taken a
21 position on this matter, if it is dealing with the
22 President's agenda or policies it would be considered an
23 official thing. So I never really thought about defining it
24 at the time, but I suppose it would be an official thing.

25 Q It sounds to me --

1 A And let me back up and say one more thing. Because
2 there was no political purpose to it. In other words, there
3 was not an intended political purpose, you know. That was my
4 state of mind. There was no political purpose beyond being
5 informational. So that is I guess why I would consider them
6 to be sort of official, you know, discussions about the
7 President's policies and agendas.

8 Q It sounds to me, correct me if I am wrong, that
9 when you were at the White House and performing your
10 different duties, you didn't really think very much about
11 whether they were official duties or political duties. Is
12 that a correct characterization?

13 A Well, I think that there was some -- certainly I
14 think there was some thought about -- well, let me give you
15 an example of when we thought about it a lot. When the
16 President or an official were invited -- was invited to do an
17 event, you know, and if it was like a political fundraising
18 event, you know, we had a really what I would think a pretty
19 good process to make sure the invitations to those events
20 were cleared so that there was no infringement upon the Hatch
21 Act. So people's official titles weren't used, you know; all
22 the proper disclaimers and terminology were used. So I think
23 there was very much a thought here, since this is a political
24 event, this is a political activity, let us make sure it
25 conforms to the political activity standards for that

1 official. So I do think there was some thought about it,
2 especially as it related to people's participation in events.

3 Q I would like to focus now on the Office of
4 Political Affairs' practice of giving political briefings at
5 the Federal agencies. And the kind of political briefing
6 that I am talking about was the kind of political briefing
7 that we have seen from the GSA briefing. They involved
8 PowerPoint slide shows with sections titled the Political
9 Landscape, and they discussed future elections and specific
10 candidates for election. And I just say that so we are all
11 clear about what we are talking about when we use that term.
12 Before you became involved in preparing or delivering the
13 political PowerPoint presentations, were you aware that they
14 occurred?

15 A Could you repeat the question? I am sorry.

16 Q Sure. Before you started giving them, did you know
17 that they were going on?

18 A Okay. You know, I don't recall necessarily knowing
19 that. But as -- you know, I presume you mean when I was an
20 associate director.

21 Q Uh-huh.

22 A I don't remember -- I don't remember knowing it,
23 but then again, it wouldn't have been part of my
24 responsibilities necessarily to know it. So I don't remember
25 knowing it, no.

1 Q And --

2 A I think I have read that, you know, now in press
3 accounts that political briefings have occurred for a long
4 time. But I don't know that I remembered knowing it at the
5 time.

6 Q And when you first became involved in preparing or
7 delivering them, that was when you took over as the deputy
8 director?

9 A Yes.

10 Q And how did you learn that that was your new
11 responsibility?

12 A Well --

13 Mr. Snowdon. I think there are actually two parts to
14 that question. Do you want to break those two things out?
15 Because I am not sure that he had any involvement in
16 preparing them. So you might want to clarify that.

17 BY MS. SACHSMAN:

18 Q Okay. Were you involved at all in preparing them?

19 A The briefings were typically prepared by the
20 director, Sara, and an associate director in the Strategic
21 Initiatives Office.

22 Q Who was that?

23 A Michael Ellis. He was one strategic initiatives
24 associate director. I think somebody preceded him in the
25 position named Sara Simmons, but I don't want to speculate on

1 their division of duties. But I know Michael was involved in
2 it.

3 Q Did you ever help prepare them?

4 A You know, if I saw a typo on one or if I saw
5 something that, you know, just visually looked weird or, you
6 know, might want to fix this because it is not clear, I don't
7 know what you are trying to say here, I would make a
8 recommendation. But I would regard my recommendations as
9 superficial, sort of visual or, you know, of like a syntax
10 nature.

11 Q How did you learn that you were going to start
12 giving these presentations?

13 A To the best of my recollection, I think some weeks
14 after I became the deputy, Sara asked me to fill in for her
15 on one. She was the primary, you know, as the director, she
16 was the person who would give the political briefings. And
17 so I think there were occasions where I needed to fill in.
18 And so I don't remember how long after I became the deputy,
19 but I do remember, you know, being told I need to fill in for
20 Sara at a briefing. I don't remember which one it was. But
21 it was sort of in that context.

22 Q And what were you told about what your role was to
23 be?

24 A You know, my role, I sort of -- I think I attended
25 a couple of the briefings sometime after I became the deputy

1 with Sara, although I hesitate to put a time frame on that
2 because I don't directly remember. But I remember viewing
3 her and how she gave them, and sort of using that as my
4 context for how I should give them. But the discussions I
5 always had about the briefings were they were informational;
6 they were designed for, you know, to let appointees know that
7 the White House was appreciative of their efforts as
8 political appointees in the administration. So, you know,
9 like a morale-boosting tool. And I remember the briefings I
10 attended that Sara gave, she was very forthcoming and saying
11 to appointees we really appreciate your service; you know, we
12 want you to know the White House cares very much about the
13 good work you are doing and appreciates your time. That was
14 a key message of Sara, and so I adopted that as well as a key
15 message in the things that I would say.

16 Q And did you ever discuss with Sara Taylor
17 explicitly what you should or should not do at these
18 briefings?

19 A I have some recollection of conversations with Sara
20 where we made sure that we discussed the rules in case we got
21 a question from an appointee, you know, let us say someone
22 asked, you know, how do I get involved or what should I do?
23 Sara and I made sure that we were very briefed and were able
24 to give a good answer on the rules and what you can and can't
25 do. And so, let us say, for instance, we were at a briefing

1 and somebody said what if I -- you know, how do I go
2 volunteer? What should I do? You know, we knew the Hatch
3 Act very well. You know, don't do anything without checking
4 with your counsel. Don't do anything on government time.
5 Don't use official resources. Make sure everything you do is
6 fully within the bounds of the rules that you have been
7 given. And so we were very -- I remember the most
8 specifically the conversations Sara and I had were making
9 sure that we gave a good answer on the rule so that we were
10 giving out a good message that the people themselves should
11 follow the rules if the question were to come up.

12 Q Did that question come up?

13 A I remember it coming up, yeah. And I remember
14 myself and Sara both giving very forceful and straightforward
15 answers about, you know, don't do anything that would be
16 outside the rules that you have been given. If you have any
17 questions, check with your counsel. And you know, and the
18 other points I just gave you. I remember using that -- those
19 talking points repeatedly to make sure that people knew that
20 there were rules, and they needed to be followed.

21 Q Approximately how many times did people sort of
22 follow-up your presentation by asking how they could get
23 involved?

24 A I don't know. I don't think it was too many. And
25 I seem to remember sometimes even before a question, on the

1 front end, just sort of dealing with it up front and saying,
2 you know, before anyone asks, here are some rules to follow,
3 here are some guidelines, and please, please, please, make
4 sure that you check with your counsel and follow those rules
5 so that you are fully within the bounds of the law. I don't
6 know how many times it came up, but I know that occasionally
7 it was dealt with before a question, just to make sure that,
8 again, I can't stress enough how important it was to Sara and
9 to me to make sure people knew that there were rules and that
10 they should be followed.

11 Q You had said previously, I think before the Senate,
12 that you did approximately 10 of these briefings?

13 A Uh-huh.

14 Q Is that your memory today?

15 A Yes. And I think -- and Andrew may want to
16 comment -- I think we turned out a list in some
17 post-questioning that had 10 listed. And I think that is,
18 after being looked into by the White House, they came up with
19 10.

20 Q And at approximately how many of those did somebody
21 follow up with a question?

22 A Any kind of a question?

23 Q No, a question about how they could get involved.

24 A Oh, I don't know. Actually, you know, I don't
25 remember it being asked that many times. I just know that we

1 wanted to be prepared in case that it did, and that, again,
2 as I said, it was sometimes dealt with on the front end just
3 so that no one left thinking, you know, anything other than
4 there were rules, and they needed to be followed. I don't
5 know how many times they came up. You know, a handful, a
6 couple, but I also know that we dealt with it in advance just
7 to make sure that the people understood that the rules were
8 there to be followed.

9 Q Do you know if Karl Rove was aware that you were
10 giving these briefings?

11 A I don't remember having a conversation with Karl
12 about the briefings specifically in terms of whether they
13 were occurring. I know that -- no, I don't remember any
14 conversation where he and I discussed this specifically.

15 Q Did he ever say or do anything that indicated to
16 you that he was aware of them?

17 A Not that I can recall.

18 Q And when you gave the briefings, was Sara Taylor
19 always aware that you were going to give them?

20 A Yes.

21 Q And did she review the content of the briefing
22 before you gave it?

23 A Well, she created the briefings, so I would think
24 the answer to that question is, yes. Since she created them,
25 she would be aware of the content.

1 Q Before each briefing, did you have a specific
2 conversation with her about the fact that you were going to
3 give it and what you were going to talk about?

4 A Yeah, I would -- most of the time, it was she
5 couldn't do one, so it was actually incoming to me, you know,
6 you need to go fill in. There were a couple of occasions
7 where I got requested directly, and I would tell her, you
8 know, we are going to do this briefing. Yes, fine. It was
9 pretty standardized. You know, the briefings didn't change
10 that much per agency, or you know, the economic data might
11 change, but basically the briefings were the same. And so it
12 wasn't like it was a radically different sort of presentation
13 from time to time.

14 Q What did you consider to be the appropriate content
15 for the briefings?

16 A You know, I thought a discussion about the sort of
17 state of affairs in the Nation, you know, how it affected the
18 President's policies and political agenda -- I am sorry,
19 policy agenda; you know, the political affairs landscape, how
20 it affected the policy agenda was appropriate. And you know,
21 there was a number of different indicators for that. I
22 remember we talked a lot about economic indicators, for
23 instance, and how those might affect what was going on with
24 sort of the state of affairs from the policy perspective.
25 But you know, there were -- you know, I considered them to be

1 fairly comprehensive overviews of the state of, you know,
2 political affairs in the Nation and how it was affecting the
3 President's policies and agenda.

4 Q Why were you including in there the discussion of
5 future congressional elections?

6 A You know, it was -- I think these briefings were
7 comprehensive in nature. And so this sort of simple, and I
8 would say simplistic, forecasting was part of a comprehensive
9 overview of political affairs. And certainly I think -- I
10 remember saying on occasion during my briefings that given
11 the fact that there were -- as I think everyone knows --
12 there are very few Members of Congress who wind up in what
13 you all would consider to be close races, that those were the
14 folks who might be prone to the most pressure when it comes
15 to policy matters. And so I think there was some definite
16 belief that if, you know, you found yourself in a sort of a
17 close political situation, that you were going to end up
18 becoming a, you know, a possible target on a policy matter.
19 You know, maybe we're trying to extend the President's tax
20 cuts, and so we are looking for Democrats in conservative
21 districts who might want to get on record as supporting tax
22 cuts. That is an example. And I certainly remember having
23 points about that in my briefings. So that is an example.

24 Q What was the purpose for the presentations?

25 A Informational purpose, to show -- also to show

1 appointees that we cared about the job that they were doing,
2 that the White House appreciated them being on the team, and
3 their hard work. You know, you might call that morale
4 boosting, but it was sort of an outreach tool to show
5 appreciation, to inform and to help keep appointees in the
6 loop and keep their morale high.

7 Q And I think you previously described them as being
8 previously in front of the Senate as being informational?

9 A Uh-huh.

10 Q How were they informational?

11 A They informed people of, you know, the state of
12 affairs from a number of different, you know, perspectives.
13 You know, what was the policy state of affairs? What was the
14 economic state of affairs? What was the state of affairs as
15 it related to, you know, any number of things? And so, you
16 know, these appointees were hearing directly, you know, here
17 is some information on how we see the state of play for the
18 President's general agenda today, as a snapshot today.

19 Q How did you learn this was the purpose?

20 A You know, by watching Sara and talking to Sara. I
21 mean, I never understood there to be any other purpose beyond
22 that.

23 Q Did you have explicit conversations with Sara
24 Taylor about the purpose of these briefings?

25 A You know, I remember having, you know,

1 conversations about, you know, the importance of making sure
2 the appointees were, you know, if we got requested to do a
3 briefing that, you know, we made sure we would try to fulfill
4 that request so that, you know, we had a chance to do this
5 kind of outreach to appointees. And I know she considered it
6 to be important.

7 Q Did you ever give this conversation of a political
8 landscape briefing to an audience that did not include
9 government officials? So did you give it at the RNC or a
10 fundraiser or to donors or to volunteers?

11 A I -- well, I have given a similar kind of briefing
12 to outside groups, sure. So, yes, I guess the answer to your
13 question is yes.

14 Q When you gave those similar types of briefings, was
15 there anything that you would include in a briefing to an
16 outside group that you would not include to a briefing to an
17 agency official? Or group of agency officials?

18 A Let me say when I say "outside groups," I mean, you
19 know, it might have been like a chamber of commerce that came
20 in for a White House briefing, which is a pretty standard
21 thing at the White House. Outside organizations request a
22 policy briefing, and you know, we might end up giving a
23 briefing. That is what I mean by outside groups. And no,
24 you know, to be really candid, I gave pretty much the same
25 briefing every time, using what I remember to be, you know,

1 very similar looking slides all the time.

2 Q I want to show you the GSA briefing, which, as you
3 know, the committee obtained during its investigation. And
4 we will mark it as Exhibit 1. It is an investigation of
5 Lurita Doan. And for the record, it is Bates stamped
6 W-02-055 through W-02-582.

7 [Jennings Exhibit No. 1
8 was marked for identification.]

9 BY MS. SACHSMAN:

10 Q Do you recall giving this briefing?

11 A Yes.

12 Q And who authored it?

13 A Who authored this briefing?

14 Q Uh-huh.

15 A This briefing was authored by Sara Taylor.

16 Q Why did you end up doing this at GSA instead of
17 Sara Taylor?

18 A Oh, I was requested by the White House liaison to
19 go do it. He asked me, and I said, yeah. And I told Sara
20 about it, and she said, fine. So I guess the reason is he
21 asked me directly.

22 Q Did she suggest to you which specific briefing to
23 give, or was this a standard briefing you just pulled off of
24 her computer? How did you sort of logistically deal with
25 that?

1 A You know, the best of my recollection is the way
2 that we -- I obtained the briefings was, you know, when one
3 was coming up, shortly before it would happen, we would just
4 request from Michael Ellis the latest incarnation of the
5 briefing. He would send it down, and that is the one we
6 would use.

7 Q And is that what you did in this case?

8 A Yes.

9 Q Did you then have any discussions with Sara Taylor
10 about this specific briefing? Did she authorize you using
11 it, or was that just understood from previous occasions?

12 A I didn't have a specific conversation with Sara
13 about this briefing. I had seen it given I think by her on a
14 couple of occasions, and I think it was just based on
15 previous, you know, the way I previously gave the briefings
16 it was, you know, you are going to do a briefing, so you will
17 get the latest briefing, and that will be the one you use.

18 Q Was this similar to the other briefings you had
19 seen her do?

20 A Yes, it looks very much like other briefings I had
21 seen since I became the deputy.

22 Q Let's turn to Bates stamp number 02-578. It is
23 entitled 2008 House Targets Top 20.

24 A Uh-huh.

25 Q What made these Members of Congress targets?

1 A You know, I didn't author these briefings, but I
2 can tell you that it seems like a pretty simple formula if
3 you read any of the sort of political literature, like the
4 Cook Report, or Roll Call, or other sort of D.C.
5 publications. You know, what you find on here, it appears to
6 me, are a lot of people who are freshmen, a lot of people who
7 are living in districts that have voted more conservative in
8 the past. And it appears to me to be very consistent with
9 what you read in the paper every day about who is likely to
10 have a close race.

11 Q Is the term "target" one that you regularly used?

12 A You know, I don't know how regularly it is used. I
13 think it is an adjective that has other synonyms such as
14 close race, you know, potentially, you know, get attention
15 from national committees. I mean, you know, it is a
16 description of the fact that these folks are going to have
17 a -- probably, based upon current forecasts, a close race.

18 Q And why did you include this specific information
19 about these targets in a briefing to GSA?

20 A It is part of the standard briefing, and it wasn't
21 included for any particular reason. Although I will say that
22 I think I mentioned earlier, I think there is probably some
23 utility in knowing in the overall state of political affairs
24 there are going to be Members of Congress in both parties who
25 are going to be in a more hyper-political environment, and

1 therefore, they may well find themselves getting more
2 pressure from groups and others on particular policy matters.
3 And so, you know, that is how I couched it -- I remember
4 couching it in many of the briefings was, you know, don't
5 forget, there are going to be Members of the Congress who are
6 going to have close races. There are going to be a lot more
7 that don't. But there is going to be people who feel
8 pressure, and so therefore their policy positions and their
9 voting positions may be, you know, of some interest to you
10 because of the political situation they are in.

11 Q Is that what you recall saying during the GSA
12 briefing?

13 A I do recall saying that. I recall saying it as a
14 standard sort of matter, part of the briefing.

15 Q Let's turn to the next page. It lists the 2008
16 House GOP Defense.

17 A Uh-huh.

18 Q And it has priority defense and secondary defense.
19 What made some of these seats priority and some of them
20 secondary?

21 A I didn't write the list. I don't know if I would
22 be able to give you a speculation on why one was the other.
23 I mean, I think -- I really don't know. You know, maybe the
24 percentage differences here, or maybe some judgment by the
25 author. But, again, I am not the author of the briefing, so

1 I wouldn't want to make a judgment on why a slide was set up
2 a certain way.

3 Q Did you discuss the difference between priority and
4 secondary?

5 A During the briefing?

6 Q Uh-huh.

7 A No.

8 Q We have also seen references to tier one and tier
9 two regions, or tier one and tier two surrogates. Was that a
10 term that you used?

11 A In what context?

12 Q The discussions we have seen are in similar
13 briefings, discussions back and forth with White House
14 liaisons about how important a specific event is or how
15 important a specific surrogate is.

16 A You know, I am not sure I remember any discussions
17 about the tiering of regions. So I don't -- I can't say that
18 I recall that. I know some media markets were considered
19 important for the President's agenda. Certainly I do
20 remember you know, a discussion about that.

21 Q How did some media markets become tier one versus
22 tier two?

23 A You know, I remember having some discussion about
24 media markets, and sort of looking at it from a, you know,
25 these are really big media markets. They cover a lot of

1 ground. They are very efficient places to try to go make
2 policy announcements. So I remember thinking about it in
3 terms of you know, the size, the land covered, you know, is
4 this particular policy important to that particular region?
5 So, you know, those kind of conversations.

6 Q Did those conversations ever set up a media market
7 as a tier one based upon where there were going to be closely
8 contested races?

9 A I remember -- I don't remember direct -- I do
10 remember that there were some -- let's say that you had
11 multiple Members of Congress who made like a request for some
12 kind of a speaker event, and you had Members of Congress in
13 the same media market, that might be a good -- in other
14 words, if multiple Members of Congress in one media market
15 made a request, that might be a good place to do something,
16 because you were essentially killing, you know, many birds
17 with one stone, and it was an efficient place to do some kind
18 of an event.

19 Q And we have been told during our investigations
20 that following the PowerPoint, Administrator Doan made a
21 comment asking how we can help our candidates, or something
22 to that effect, and that, in response, you suggested taking
23 the conversation off line. Do you recall making that
24 comment?

25 A Let me back up and talk about the question you just

1 asked. I will tell you what I told the Office of Special
2 Counsel, which was I don't remember her making that comment.
3 I do remember making the "let's take it off line" comment.
4 It was not in response to that. It was in response to her
5 bringing up an invitation that she had issued to the
6 President regarding his attending the opening of a Federal
7 building. And she was asking a lot of questions and saying,
8 you know, I want to make sure this is fully considered. At
9 that point, the presentation had gone on for a very long time
10 it seemed like to me, and it really was off -- I wasn't there
11 to discuss events or any, you know, activity. I was just
12 there to give an informational briefing. And so, in an
13 effort to close out the meeting and to end it, I said, well,
14 let's take this off line.

15 Q And what did you mean by that?

16 A My intention was to end the meeting. I wanted to
17 go back to work at the White House. And that is what I did.

18 Q Did you ever have a follow-up conversation with her
19 about that subject?

20 A I did not talk to her about that subject. Some
21 days later, I did get a document from the White House
22 liaison, which, as I recall, was a copy of a letter that she
23 had sent to the White House saying:

24 Dear Mr. President,

25 This is a great building. It is green. It is energy

1 efficient. It fits in nicely with what you have been talking
2 about with our energy policy. I think you should consider
3 attending it.

4 I think he also sent me some information about the
5 building, about how energy efficient it was. I passed it on
6 to the normal scheduling process. We didn't go. It was
7 eventually rejected by the White House Scheduling Office. I
8 also learned that particular letter was sent around to other
9 offices at the White House. So I, you know, unbeknownst to
10 me, was running the traps on it concurrently to other people
11 running the traps on it. But it was several days after the
12 briefing that J.B. had sent me that correspondence that had
13 already been sent to the White House. And then I think I
14 later informed him that it was my understanding that the
15 event was not going to take place -- or that we weren't going
16 to attend. J.B. Horton, White House liaison.

17 Q But you don't recall specifically Lurita Doan
18 making any comments about how we could help or what we could
19 do to help or --

20 A I told the special counsel I didn't recall it. I
21 still don't. I know others -- I have read in the press that
22 others did recall it. But I simply don't. And there was
23 certainly, as you asked me earlier, there was no follow-up on
24 any kind of a statement like that by me.

25 Mr. Snowdon. Could I ask one clarifying question here?

1 Can you explain when you finished giving your presentation
2 sort of the sequence of events immediately after your
3 presentation?

4 Ms. Sachsman. No, I am not sure -- we just have such a
5 limited amount of time. I mean, a lot of that --

6 Mr. Snowdon. I think it might be relevant to the
7 question you asked, and it might clarify why he doesn't
8 recall her making that comment. And I think it might be
9 useful, if you want to hear it.

10 Ms. Sachsman. If you could just do it really briefly.

11 Mr. Castor. Very rapidly. Very, very rapidly.

12 Mr. Jennings. The briefing ended. I said does anyone
13 have any questions? There were a handful of questions. I
14 don't recall necessarily what they all were. I was wrapping
15 up one question. She had not said anything during the
16 briefing. She launched into talking. The only thing I
17 remember her specifically saying was about these events that
18 she wanted to make sure the President was invited to. I
19 said, let's take it off line. Ended the meeting. Shook a
20 few hands. Got a very brief tour of the art in a particular
21 office and went back to the White House.

22 BY MS. SACHSMAN:

23 Q All right. Thank you. Do you recall her saying
24 anything that you would have considered to be inappropriate
25 during that briefing?

1 A No. You know, not inappropriate. I mean, I didn't
2 necessarily think that that briefing was the right forum to,
3 you know, sort of discuss the machinations of how you get the
4 President invited to an official opening of a building. But,
5 you know, whether that is appropriate or inappropriate, I
6 don't know, but I don't recall her saying anything that was
7 inappropriate, I guess, in the way you are asking it.

8 Q When you were giving the briefing and you were
9 showing information about future elections of Congressmen,
10 showing the House targets, defense, some of those electoral
11 maps, was there any action that you wanted the recipients of
12 the briefings to take?

13 A No.

14 Q What about in terms of travel? We have been told
15 that -- from your colleagues -- that when they suggested
16 travel, that was sort of part of these political briefings,
17 was, these are sort of places that when you are doing travel
18 you should consider going to.

19 A You know, I did not have any travel in mind during
20 this briefing. To be honest, I can't think of anyone at the
21 GSA -- I don't even know who would travel. You know, travel
22 was no -- not in my mind, state of mind at all during this
23 briefing.

24 Q Was travel ever in your state of mind when you were
25 doing other briefings?

1 A It really wasn't. It wasn't something I thought
2 about during the briefings at all. I mean, I just didn't --
3 it just wasn't something that was part of my state of mind
4 when I was thinking about the briefings.

5 Q We have also been told that part of the purpose of
6 doing the briefings was to encourage people to have their
7 agency heads make announcements in these kinds of places.
8 Was that part of your briefings or part of any discussions
9 that you had with the agencies?

10 A I would like to -- no, it wasn't. I would like to
11 reiterate what I said earlier, the briefings were
12 informational. I didn't have any action items associated
13 with these briefings. So, no, I didn't have any
14 conversations with any agency people about, you know, in the
15 context of these briefings about, you know, making
16 announcements. You know, I can tell you, when a government
17 agency makes an announcement of something in a congressional
18 district and forgets to notify the Member of Congress, they
19 get very upset, as I am sure you have all experienced in your
20 offices. So, you know, that certainly occurs. And so one
21 thing I remember telling agencies, you know, whatever you do,
22 if you are going to make an announcement, wherever it is,
23 please make sure you notify the local Members and the
24 Senators so that they know about it before they read it in
25 the newspaper.

1 Q One of the things we have been told from another
2 official from the Office of Political Affairs was that one of
3 the goals of the briefings was actually to help find ways for
4 agency officials to help the President's political allies in
5 their elections.

6 A I never had any conversations with anyone
7 instructing on that. The briefings, as I said, I learned how
8 to give them by observing, and then -- but you know, that was
9 never something that anyone told me to do.

10 Q Was it something that you thought about when you
11 were doing them?

12 A No. It really wasn't. I was thinking about the
13 appointees, the morale boosting, the making them feel like
14 they were part of the team and appreciated. That really was
15 sort of the impetus of why I believed I was doing the
16 briefings.

17 Q What steps did you take to ensure that those
18 officials didn't come away from your briefing with that kind
19 of an impression?

20 A What kind of an impression?

21 Q The kind of an impression that you were showing
22 them this future election information, the future candidate
23 information so that they would take action to help out those
24 candidates in some way.

25 A I don't recall ever asking anyone to take any

1 action, so I don't know if that is your question, but I don't
2 remember ever asking anyone to necessarily take any action
3 based upon any information.

4 Q I understand that. Let me try and clarify.
5 Sometimes, even if that wasn't your intended purpose, someone
6 might misconstrue your purpose and interpret what you are
7 saying as something that they should take action on. Were
8 there -- and it is fine if there weren't -- but were there
9 any steps that you took to ensure that nobody misconstrued
10 what you were saying?

11 A I don't remember any specific steps that would be
12 taken in that regard. But, again, I would stress that I
13 don't remember any action items that were presented, you
14 know, in these briefings.

15 Q We have seen references in the Washington Post and
16 in some e-mails to asset deployment meetings or an asset
17 deployment team that involved White House officials and
18 agency officials, such as White House liaisons or chiefs of
19 staff. Were you aware of any asset deployment meetings when
20 you were at the Office of Political Affairs?

21 A No. I had not heard that term until I read it in
22 the newspaper.

23 Q And did you, Sara Taylor, Karl Rove, Barry Jackson
24 or anyone else that you were working with at the White House
25 have any kind of a strategy or a plan to help get Republicans

1 elected to the House or the Senate?

2 A I mean, I think we had a process in place to deal
3 with incoming requests, which were numerous. But, you know,
4 I don't know if you would consider that a plan. But there
5 was certainly a process in place to, if a Member of Congress
6 wanted to have some sort of an event of a political nature,
7 we had a process to handle the incoming.

8 Q I understand that. But was there some kind of a
9 sit down meeting that you all had where you discussed --

10 A A sit down meeting --

11 Q I am sorry, that you had with anyone else in OPA
12 where you discussed a strategy or a plan for helping get the
13 President's political allies elected?

14 A Again, I think the only planning that took place
15 was to deal with incoming events and requests from Members of
16 Congress. I mean, you know, I don't -- if you are asking me
17 if campaigns were being run out of the Office of Political
18 Affairs, I think the answer to that question is no.
19 Campaigns were being run by campaigns. But certainly it
20 wasn't a strange occurrence for Republican Members of
21 Congress to call up and ask for events. I mean, it happened
22 all the time. A lot of incoming. So we certainly were
23 planning to deal with all of that incoming and how to, you
24 know, how we processed it and made sure everything was being
25 processed correctly.

1 Q You are describing the sort of incoming requests
2 from congressional offices, as somewhat of a passive role
3 that you had. When getting these requests, did you ever take
4 an active role in either suggesting different places before
5 the requests came in or in prioritizing which request should
6 be prioritized?

7 A I don't -- repeat, please.

8 Q Well, I will take it step by step. Were you ever
9 involved or did you ever -- were you ever involved in
10 suggesting that a specific agency meet with a specific
11 congressional incumbent or candidate before the request came
12 in from that incumbent or candidate?

13 A I don't have a specific recollection of doing that.
14 I am trying to think in what context it would have been. You
15 know, by and large my memory is that the event process was
16 dealing with the incoming, which was voluminous. And I am
17 certain not all events were honored, because there just
18 wouldn't have been any way, because the people were just
19 asking for a lot of events. So that is -- you know, my best
20 recollection is by and large this was all incoming, and that
21 we were -- the Office of Political Affairs was routing, you
22 know, I think the memos you all have seen and produced, to
23 the agencies to make sure they knew what was being requested
24 of them and -- so that is my recollection of it.

25 Q When you were receiving incoming requests, did you

1 then prioritize them before you sent them out to the
2 agencies?

3 A Prioritize? You know, the memos I have seen were
4 in date order I think. You know, I think the ones I have
5 seen, I think the ones you all may have publicized, I think
6 they were in date order. I didn't author the memos that went
7 to the agencies, so I don't remember prioritizing anything.
8 I just remember seeing the lists in date order.

9 Q Were you ever involved in -- I mean you have
10 said -- let rephrase. You said there were voluminous
11 requests. And clearly there were more requests than could
12 have been dealt with. Was every single request sent on to
13 the agency?

14 A That I don't know. I think some judgments may have
15 been made on, you know, not sending on some and sending on
16 others. I don't know -- I don't remember being involved in
17 those judgments. But you know, some judgments could have
18 been made. I think probably some agencies got more requests
19 than others. Some people were probably, you know, bigger
20 draws than others or, you know, particularly from a policy
21 perspective if you live in a farm state, there is probably a
22 much greater likelihood you are going to request someone from
23 USDA than someone from an urban area. So I think there were
24 judgments made about the routing of them. But I don't know,
25 I don't think I know the answer to that question other than

1 to say I think it is possible judgments were made.

2 Q Who was involved in making these judgments?

3 A You know, the political director would have been
4 involved. You know, she could have sought recommendations
5 from the associate directors on the judgments. I mean, you
6 know, one potential --

7 Mr. Snowdon. Do you know, Scott? Do you know how these
8 judgments were made?

9 Mr. Jennings. I remember.

10 Mr. Snowdon. Don't speculate. If you know, tell them.
11 If you don't, don't guess.

12 Mr. Jennings. Sure. I remember, you know, hearing
13 conversations about, you know, well, we recommend this event.
14 Can they actually make a good event? You know, is it going
15 to be, you know, a three-person meeting, or is this going to
16 be an actual event, you know, that is like a good use of time
17 and resources? I remember -- so I remember conversations
18 like that taking place in the office. I don't remember
19 making those judgments myself, but I do remember these kind
20 of conversations taking place.

21 Q And do you ever recall any of those conversations
22 that included a discussion of the fact that certain people
23 who were in tight races should receive more events or should
24 receive repeated events or should be prioritized above other
25 people?

1 A You know, I remember conversations about, you know,
2 certain races or certain Members that were making a lot of
3 requests. I do believe that there were certainly -- you
4 know, Members in tight races tend to be working harder than
5 Members who aren't. And so I think that their requests were
6 probably more frequent than people who, you know, don't
7 typically have races. I believe that.

8 Q And so would you say that the Members who were in
9 tight races were getting more events?

10 A I think they were certainly requesting more, so I
11 think, by virtue of that, they probably were getting more.
12 But, again, I haven't seen any breakdown of numbers, so I
13 couldn't answer your question numerically. But I think the
14 people who were making the most requests were probably
15 getting, you know, getting more events.

16 Q We have interviewed a number of your colleagues at
17 OPA, and we have been told by at least one of them that when
18 suggesting that agency heads participate in official travel
19 with incumbent Members one of the factors they considered was
20 whether the travel would help the incumbent Republican get
21 reelected.

22 A Uh-huh.

23 Mr. Castor. Who said that?

24 Ms. Sachsman. We can discuss that afterwards if you
25 would like to.

1 Mr. Castor. I also have another objection I would have
2 is that we have only -- I don't know that we have spoken with
3 a number of his colleagues at OPA. Maybe like predecessors
4 and what not, but to my knowledge, we have only spoken with
5 one other individual that was in the office at the time that
6 he was.

7 Ms. Sachsman. All right. Well, let me continue with my
8 question. Thank you.

9 BY MS. SACHSMAN:

10 Q Do you agree with that statement?

11 A Could you repeat the question, please?

12 Q Sure. We have been told by at least one person
13 that when suggesting that agency heads participate in
14 official travel with incumbent Members, one of the factors
15 that was considered was whether that travel would help the
16 Republican incumbent get reelected. Do you agree that that
17 was a consideration?

18 A I think that the overall political situation of the
19 Member was a consideration. I don't know if I would
20 characterize it as narrowly as saying get reelected. But I
21 think the overall political situation of the Member was
22 probably one of many, many criteria that would have been
23 considered.

24 Q And in what way?

25 A What do you mean?

1 Q In what way would you consider the overall
2 political --

3 A Oh, you know, I think that the closeness of one's
4 race is I think but one factor. I think there are other
5 political considerations to be made. One is, you know, is
6 that Member really, really somehow deeply involved in a
7 particular policy matter that is part of the President's
8 agenda? You know, is this Member of Congress in a section of
9 the country that is really, really important to driving part
10 of the President's agenda? I think that is a political
11 consideration. So I think the kind of race that person was
12 in was but one of many criteria that you would probably
13 consider to be political criteria.

14 Q And when considering I guess the kind of race that
15 the person was in, would the fact that the person was in a
16 hotly contested race be a factor that increased their -- I
17 mean, how would that factor into what you were doing?

18 A I mean, I think it was taken into consideration.

19 Mr. Snowdon. Can we have a moment?

20 Mr. Jennings. Yeah, I am not sure I can answer that
21 question, because I wasn't routinely involved in the making
22 of these judgments. So I hesitate to answer the question
23 because I wasn't routinely involved in these kinds of
24 decision-making processes.

25 BY MS. SACHSMAN:

1 Q Were you ever involved in these kinds of
2 decision-making processes?

3 A You know, I don't have any specific recollection of
4 it. I was aware of it going on, obviously, but it wasn't my
5 portfolio necessarily.

6 Q And based on your awareness of it going on, your
7 understanding was that one of the factors that was being
8 considered was whether or not the person was in a hotly
9 contested race. Is that correct? Is that a correct
10 characterization of what you said?

11 A I think that the person's overall political
12 situation was, you know, I am aware that that was a
13 consideration. I think that's the best way to answer it.

14 Q And did you think that that was an appropriate
15 consideration?

16 A You know, I thought there were -- I mean, I don't
17 know if I ever thought about it as being appropriate or
18 inappropriate. I mean, I guess my first and foremost thought
19 on it is that the Member of Congress is asking for something,
20 that it should be given all due consideration. I mean, I
21 believe that. I think it is something we were striving to
22 do, is to make sure we had good relations with all Members of
23 Congress, especially ones that were making requests.

24 Q Do you remember any specific conversations about
25 this subject with Sara Taylor?

1 A About -- you mean about scheduling matters or --

2 Q About this, sort of, one factor being considered
3 was the political race that the incumbent was in. Do you
4 remember that coming up in a conversation with Sara Taylor?

5 A I don't have any specific memory of it. I don't
6 want to rule it in or out, but I can't pull a conversation
7 off the top of my head about it that I can regurgitate for
8 you. But, I mean, you know, I think it was part of the --
9 you know, conversations about who was having tough races is
10 something that, you know, is routinely discussed because it
11 is in the news every day. So I think it is reasonable to
12 assume those conversations were occurring in a generic sense.

13 Mr. Castor. We are coming up on the hour mark. Is this
14 a good time to take a break?

15 Ms. Sachsman. Let me take a couple more minutes on
16 this.

17 Mr. Castor. Well, we have been going an hour. Mr.
18 Jennings, would you like to take a break at this point? We
19 like to make sure our witnesses get a chance to stretch their
20 legs at least every hour.

21 Mr. Jennings. Whatever is best for your guys. This is
22 your all's venue, so whatever you want.

23 Ms. Sachsman. I would just like to finish on this
24 particular point so we can move to a good stopping point, and
25 then we will take a break for you then.

1 Mr. Castor. Just for the record, I mean, ordinarily, we
2 go 1 hour, and then we get an hour.

3 Ms. Safavian. How much longer do you think you have?

4 Ms. Sachsman. I was thinking a couple of minutes, but
5 if you want to keep discussing it on the record, we can make
6 it last longer.

7 Mr. Castor. We can go off the record. I am happy to.
8 I don't mean to disrespect you by discussing this on the
9 record.

10 Ms. Sachsman. No, my point is, you are wasting time by
11 having this conversation, or I could just finish.

12 Ms. Safavian. Just a second. I don't think we are
13 wasting time by asking how many more minutes you have past an
14 hour.

15 Ms. Sachsman. No, I said, though -- so thank you. I am
16 happy to share how much longer.

17 BY MS. SACHSMAN:

18 Q Do you recall any specific conversations? You
19 said, this was a routine conversation. Do you recall any
20 specific conversations you had with anybody else, either
21 co-workers, or are you thinking of any other conversations?

22 A No, but I don't think I said routine. I think, in
23 a generic sense, there were conversations taking place about
24 which Members were having close races and which ones weren't,
25 which way races were moving. So I think, you know,

1 generically speaking, it is reasonable to assume those
2 conversations were taking place among people who worked in
3 our office.

4 Ms. Sachsman. Okay. I am ready to take a break. If
5 you would like to take 5 minutes or 10 minutes off.

6 Mr. Snowdon. Counsel, can I ask just one point of
7 clarification?

8 Ms. Sachsman. Sure.

9 Mr. Snowdon. Do we have an opportunity to ask some
10 clarifying questions throughout this process, or how do you
11 typically handle that?

12 Ms. Sachsman. That is not usually part of the process,
13 but it is an informal interview, so there is no reason that
14 you wouldn't be able to. Let me just consult. Maybe it
15 would be appropriate to do all the way at the end, if that is
16 okay with you.

17 Mr. Snowdon. It is up to you. If you want to do it at
18 the end of a certain subject matter, sometimes that is
19 easier. If you want me to do it at the end, that is fine,
20 too.

21 Ms. Sachsman. Let us confer and get back to you. Also,
22 often, you know, minority staff is going to cover a lot of
23 the same subjects, so it might end up getting covered. So we
24 might be able to just sort of cover that in a shorter time
25 period. But certainly if there is something that you felt

1 would come out that you want to ask questions about I think
2 that we will discuss it and try to get to that. We will go
3 off the record.

4 [Recess.]

5 [10:55 a.m.]

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1 RPTS SCOTT

2 DCMN NORMAN

3 [11:10 a.m.]

4 BY MR. CASTOR:

5 Q Mr. Jennings, I wanted to thank you for coming in
6 today. Spending a day with us often does involve a lot of
7 time and effort in advance and preparation, and so we do want
8 to recognize that your level of cooperation is to be
9 commended.

10 At the outset of this morning, you were asked to define
11 the term "political" and what that means to you. And I think
12 it's fair to say the term "political" is ambiguous. It has a
13 lot of different meanings. Is that fair to say?

14 A I think so, yes.

15 Q On one hand, "political" could mean advocating for
16 the election or for the defeat of a specific candidate.

17 Is that fair to say?

18 A Yes.

19 Q On another, it could have a meaning associated with
20 building coalitions --

21 A Yes.

22 Q -- to support the President's policies.

23 A Yes.

24 Q It could have a meaning in association with
25 legislative initiatives.

1 A Yes.

2 Q Isn't it fair to say that almost everything that
3 happens in the Office of Political Affairs touches on a wide
4 variety of the meanings of the word "political"?

5 A I think that's fair to say, yes.

6 Q I was also sort of taken aback when you were asked
7 earlier on whether the President's political strategists had
8 a political strategy. And so I'd like to maybe go through
9 some of those different meanings of "political."

10 I mean, is it fair to say that the President and your
11 office had a strategy for building coalitions in the
12 Congress?

13 A Yes.

14 Q Is it fair to say that the Office of Political
15 Affairs had a strategy with building external constituencies
16 and coalitions on the outside, different groups?

17 A Yes. Sure. Yes.

18 Q Isn't it part of your job or the Office of
19 Political Affairs' job to liaison with a very large number of
20 constituent groups on the outside?

21 A Yes.

22 Q Is it fair to say that it's almost impossible to
23 break down what is official and what is political from that
24 standpoint?

25 A Yeah. It would be -- there's a gray area there,

1 depending on how you define "political" at that moment, sure.

2 Q Is it also fair to say that these questions became
3 a little bit more relevant after the start of this year and
4 the new Congress?

5 A It seems that way.

6 Q So you probably didn't have a lot of discussions
7 regarding whether something was within your official capacity
8 or your political capacity until the start of this year.

9 Is that fair to say?

10 A I think that's fair to say, yes.

11 Q As to especially the immigration debate, for
12 example, there are aspects to the immigration debate that
13 touch on the entire spectrum of the political process.

14 Is that fair to say?

15 A Yes.

16 Q I know that we spent some time last August -- the
17 Ranking Member who was then the Chairman -- in San Diego,
18 looking at some of the questions about immigration. And it's
19 a hot political topic in San Diego whether or not you clamp
20 down on the folks who are coming over the border, the
21 catch-and-release policy.

22 Would you tend to agree with that?

23 A It is, yes, a hot topic on the border. True.

24 Q So to the extent policies are made with regard to
25 furthering the President's legislative initiatives, it

1 touches on the coalition-building meaning of "political"?

2 A Absolutely.

3 Q It touches on the advocating for the election or
4 for the defeat of a specific candidate meaning of
5 "political"?

6 A Yes.

7 Q So it's important, I think, when looking at this
8 question, to provide a little bit more of a larger context to
9 the meaning of "political," and so I wanted to just sort of
10 walk you through that.

11 These political briefings, you said you did about ten or
12 eleven of them.

13 A They've identified ten that I did or participated
14 in that dealt with agencies.

15 Q And you said you didn't prepare them?

16 A No. The slides were typically prepared by Sara
17 Taylor on the relevant A.D. and strategic initiatives.

18 Q Do you know if Ms. Taylor had any dialogue with the
19 White House Counsel's Office about what can and cannot be in
20 the content of the presentations?

21 A My understanding from her is that she did, yes.

22 Q Do you know whether or not the White House counsel
23 reached out to the Office of Special Counsel to get their
24 view on whether the subject of a particular slide was
25 permissible or not?

1 A I don't know.

2 Q Did you ever have any reason to sit down with the
3 White House Counsel's Office people, before you went out to a
4 specific agency, to talk about the content of the slides?

5 A No. My understanding of the slides is, when I
6 received them, that they had been cleared.

7 Q Exhibit 1, I guess, is the very now famous
8 presentation over at the GSA headquarters on January 26th,
9 2007. We were looking at the slide that identified Members
10 of Congress, page 578.

11 When you were over at GSA and talking with political
12 appointees, did you ever have a recollection of asking them
13 to think about the types of official acts they could do that
14 would benefit some of these Members of Congress?

15 A No, I did not.

16 Q Did you ever ask the GSA folks to contribute money
17 to these Members?

18 A No.

19 Q On January 26th at GSA, or at any other time that
20 you did a presentation, did you get into the specifics of how
21 any of these candidates could win their elections or what
22 they could do to lose their elections?

23 A No, I did not get into the specifics of how to win
24 or how to lose. If someone had a specific question, you
25 know, you might handicap it or forecast it and say, "Based on

1 what we know today, this outcome is likely or this outcome is
2 not likely," but there was no "here's how to win" or "here's
3 how to lose" that I recall.

4 Q And you never suggested the types of official acts
5 that they could do at their agencies to benefit these folks?

6 A No.

7 Q Is it fair to say this information was presented as
8 part of the larger political landscape?

9 A Yes.

10 Q Isn't it also fair to say that this information is
11 fairly available in the mainstream, whether it be from
12 Charlie Cook or from the Washington Post, Chris Cillizza?

13 A Yeah. I think as to this information, if you
14 looked for about 10 minutes on the Internet, you would be
15 able to figure it out pretty easily. This is not the keys to
16 the kingdom in any way, shape, or form.

17 Q So it probably surprised you a little bit when all
18 of the excitement occurred following this presentation?

19 A I was surprised.

20 Q Page 558 of the presentation talks about GOP bosses
21 from scandal.

22 A Uh-huh.

23 Q Page 560 talks about corruption.

24 A Uh-huh.

25 Q 561, Iraq.

1 Are these some of the major issues that were occurring
2 in the political landscape in January 2007?

3 A Certainly, following the November elections, these
4 topics were widely discussed as potential reasons for the
5 change in the Congress.

6 Q What was your portfolio as the deputy director of
7 the Office of Political Affairs like? What were your roles
8 and responsibilities?

9 A My primary responsibility was to handle the
10 Political Affairs' personnel portfolio, where I worked very
11 closely with Presidential personnel on political
12 appointments. That's the primary portfolio.

13 Beyond that, as I said earlier, I filled in for Sara at
14 about ten of these briefings or was invited on a couple of
15 occasions myself. You know, I edited documents. For
16 instance, if the President were traveling domestically and we
17 were the project officer, which was almost always the case,
18 we would submit -- our office would submit the event briefing
19 that the President would see and the political briefing that
20 the President would see, which was sort of a political
21 rundown of what was going on in the news and in that State at
22 the time. And our associate directors would write them; I
23 would edit them; they would send them on through the staff
24 secretary process. So I spent a lot of time on document
25 editing for unofficial documents.

1 You know, beyond that, you know, I spoke at a lot of --
2 I was requested to speak at a lot of internal -- you know,
3 let's say the -- you know, some chamber of commerce was
4 coming in, and they wanted a White House political briefing
5 or a White House briefing. Someone from Public Liaison might
6 speak, I might speak, and someone from, you know, Economic
7 Counsel might speak. So I did a lot of those kinds of
8 things. I was the deputy director.

9 So when Sara wasn't around, I suppose I was the manager
10 of the office. So those are the kinds of duties.

11 Q Is it fair to say that your office is mostly
12 responsible for making the President aware of the political
13 landscape?

14 A Yes, I think making the President aware of the
15 political landscape and also helping to determine the best
16 use of the President's time.

17 Q Not differentiating whether you were using your RNC
18 account or your official EOP account, how much of your e-mail
19 communications do you think would fall into the category of
20 Presidential decision making -- related to Presidential
21 decision making?

22 A Directly to decisions the President was making?

23 Q Yes.

24 A I would say a low percentage.

25 Q Because the Presidential Records Act -- I'm not

1 sure how familiar you are with it, but it doesn't require
2 White House staff to retain every piece of paper they ever
3 touched in the White House. It essentially requires that
4 Presidential decision making is adequately documented.

5 A Right.

6 Q So I was just wondering whether, you know, in your
7 use of the RNC e-mail account that you had, whether you ever
8 realized that the everyday back-and-forth you may have been
9 having on that would one day be the heart of a congressional
10 investigation into, you know, perhaps, avoiding the
11 Presidential Records Act.

12 A I did not know that.

13 Q When you arrived at the White House, were you
14 assigned an RNC e-mail account?

15 A Yes.

16 Q And you were assigned an EOP account?

17 A Yes.

18 Q Did the White House give you an EOP BlackBerry?

19 A No.

20 Q Did the RNC give you an RNC BlackBerry?

21 A Yes.

22 Q Did that occur as soon as you got there in
23 February '05?

24 A It occurred shortly thereafter I arrived.

25 Q What other equipment did they give you at the RNC?

1 A I had a laptop.

2 Q Did you have a cell phone?

3 A The BlackBerry was a cell phone.

4 Q Any other RNC-provided equipment?

5 A No, just the BlackBerry and the laptop.

6 Q As I understand it, most officials in the Office of
7 Political Affairs had that setup. They had RNC-provided
8 equipment.

9 A Correct.

10 Q Was it your understanding that that was provided in
11 the furtherance of supporting the President's role as the
12 head of the Republican Party?

13 A I think that. Plus, I think that system, as I've
14 understood it since, was set up in an abundance of caution so
15 that people didn't accidentally violate the Hatch Act.

16 Q Do you recall who at the RNC gave you that
17 equipment?

18 A I do not. I don't know that anyone physically
19 handed it to me, but I don't recall who I would have dealt
20 with.

21 Q When you were at your EOP-provided work station, do
22 you know if you had access to private e-mail accounts like
23 Hot Mail and Yahoo!?

24 A From an EOP computer?

25 Q Yes.

1 A No. I actually think the White House system blocks
2 access to those.

3 Q How about with your RNC laptop, could you plug into
4 the White House system and access --

5 A No.

6 Q -- Hot Mail that way?

7 A Oh, yes. From an RNC laptop, you could access
8 Hot Mail or Yahoo!

9 Q Do you know if they had like two sets of wiring,
10 perhaps?

11 A I don't want to represent myself as an expert on
12 the wiring, but I do remember RNC tech guys being in the
13 office, making sure the -- however we were getting Internet
14 services to our political devices, it was clear to me that it
15 was separate, because you had RNC working on that and the
16 White House techs working on the other.

17 Q Did anyone walk you through, from the White House
18 side of things, as to when you should be using your RNC
19 equipment and when you should be using your White House EOP
20 equipment?

21 A Not when I started.

22 Q At any point in time, did anyone ever walk you
23 through some of the considerations that go into --

24 Mr. Snowdon. Can I ask a question, counsel?

25 Mr. Castor. Sure.

1 Mr. Snowdon. Are you talking back when he was first
2 given this equipment, or after this issue came to light
3 sometime in 2007?

4 Mr. Castor. Ever.

5 Mr. Jennings. Yes, I was given guidance on -- I was
6 given some guidance in approximately April of 2007.

7 BY MR. CASTOR:

8 Q Okay. So no one told you in February '05 or
9 March '05, at the outset of your job responsibilities, how to
10 figure these questions out as to whether they belong on the
11 political equipment or the RNC equipment or whether they
12 belong on the EOP equipment?

13 A Not that I recall, no.

14 Q Did you develop an understanding from your
15 discussions with your supervisors?

16 A I developed -- I don't know if "understanding" is
17 the right word. I certainly believed my use of the equipment
18 was consistent with other people's in the office and previous
19 people's who worked in the office. So I don't know if I
20 would call it an "understanding," but certainly my use of it
21 was based on, I think, the nature of how the job developed as
22 it was consistent with everyone else's.

23 Q In the Office of Political Affairs, starting in
24 February '05 when you got there, did anyone else have a
25 BlackBerry, an EOP-provided BlackBerry?

1 A Not that I'm aware of.

2 Q So if anyone in your office had a BlackBerry, it
3 was RNC-provided?

4 A To the best of my knowledge, that's true.

5 Q Do you have any idea why the White House didn't
6 give their staff BlackBerries?

7 A I don't know. I really don't know. I know some
8 people in the building had them and some people didn't, and
9 those judgments were made in offices outside of ours, the
10 best that I understand it.

11 Mr. Snowdon. Can I ask one question, Counsel?

12 Mr. Castor. Yes.

13 Mr. Snowdon. Was there a time early in '05 when you
14 specifically requested a White House official BlackBerry?

15 Mr. Jennings. Yes, from -- I noted the high volume of
16 e-mail I was receiving based on the fact that the President
17 was traveling in my region extensively, and other people in
18 the building were hitting me at my official account, and so
19 I -- needing to be able to respond all day and all night and
20 on the weekends, I asked for an official device, and was told
21 that it was not customary to give those BlackBerries to
22 Political Affairs' staffers.

23 BY MR. CASTOR:

24 Q How frequently did you travel?

25 A Do you mean just in general, or with the President,

1 or on my own or -- it was a fair amount of travel. You know,
2 if the President were going to my region -- as an associate
3 director, if the President were going to my region, we would
4 normally travel on the plane. If Karl were traveling, or
5 maybe even the chief of staff were traveling into our region,
6 we would go. And then there was some amount of travel on our
7 own. So there was, you know, a fair amount. I wouldn't say
8 it was overwhelming, but there was some travel, enough that
9 the laptop definitely was useful to have.

10 Q How would you describe the interaction between the
11 Office of Political Affairs and the agencies?

12 A Any specific --

13 Q How frequent?

14 A Oh, I don't know that it's altogether that
15 frequent. I probably -- and I say "I." I, along with my
16 associate director for personnel, communicate with
17 White House Liaisons, you know, semifrequently on personnel
18 matters. So there's some interaction there on a pretty
19 routine basis. Beyond that, I don't know. I wouldn't -- I
20 would not know how to characterize it. I mean, I think
21 there's some interaction, but I wouldn't say it's the main
22 thrust of the office's mission, you know, on a daily basis.
23 There's an Office of Cabinet Liaison that deals with most, I
24 think, Cabinet interaction.

25 Q So if you are having communications with agency

1 officials, is there anyone other than the White House Liaison
2 who you'd be talking to?

3 A For me, not normally. I think, on rare occasions,
4 I might have had a reason to interact with an agency chief of
5 staff or someone who was relevant to a policy matter, but
6 those would be, certainly, exceptions to the rule of normally
7 just communicating everything through the White House
8 Liaison.

9 Q Was that true when you were the associate director
10 as well as the deputy director of the office?

11 A Yeah. I think my interaction with an agency was
12 far less as an associate director than as the deputy
13 director.

14 Q So is it fair to say that OPA officials are not on
15 a regular basis communicating with agency officials?

16 A I think that's fair to say. I think there's some
17 communication, but I don't know that I would describe it as a
18 "regular basis."

19 Q Do you ever recall a situation where somebody in
20 the Office of Political Affairs recommended a grant or any
21 other type of official business that the agency might be
22 involved with?

23 A I don't remember any grant recommendations.

24 Q So the Office of Political Affairs didn't have a
25 seat at the decision making table for official business of

1 the agencies. Is that fair to say?

2 A Yes, I think that's fair to say. Yes.

3 Q On the flip side, after an official decision had
4 been made by an agency, is it fair to say that sometimes the
5 Office of Political Affairs might enter the loop, so to
6 speak, to do press on an event or to do a public event about
7 an official agency decision?

8 A Sure. I think after the official decisions were
9 made, if an agency needed advice on where might be the best
10 place to do something, I think that there's -- you know, I
11 can remember those kinds of -- you know, that advice being
12 given, but -- and I think, as I said earlier, one generic and
13 standard and oft-given piece of advice was, "whatever you do,
14 if you do it in a congressional district and in a State, do
15 not forget to notify the Members of Congress before you do it
16 because they will get very angry." And we frequently -- we
17 were frequently the receivers of those complaining calls, so
18 that was a piece of advice, you know, on the back end, after
19 the action had been made, just sort of on the announcement
20 side.

21 Q There has been a suggestion by the Chairman of this
22 committee that perhaps the Office of Political Affairs was
23 inappropriately involved with the official decision making of
24 some of the agency departments, and that that's sort of the
25 backdrop for these sorts of questions.

1 Are you aware of that general charge by the committee?

2 A I'm aware of it, yes.

3 Q Were you surprised at that allegation?

4 A I mean, I'm surprised that the allegation is being
5 made in the way that it's being made. I guess I'm not
6 surprised, in the environment in which we live, that it's
7 being made. But, yeah, it's surprising, given what I know as
8 the truth.

9 Q The case is being built that perhaps these
10 political briefings are a tool to notify agency officials of
11 the types of official acts they might be able to take to help
12 the President; that the travel of Cabinet Secretaries might
13 be arranged in such a manner that it promotes the partisan
14 political interests of the President, of the Republican
15 Party; and, furthermore, that this term "asset deployment" is
16 sort of a catch-all phrase for the marshalling of all of
17 these different types of tools to put in place to make, you
18 know, all the Cabinet departments -- I think it has been
19 called a "wholly-owned subsidiary of the Republican Party."

20 Is that something that you're surprised at hearing?

21 A Yeah. I mean, I'm surprised that it's taken on the
22 description you gave it.

23 Q Because to the best of your knowledge, these
24 political briefings were designed at providing a one-way flow
25 of information from the White House to the agencies regarding

1 the political landscape. Is that fair to say?

2 A Yes.

3 Q And that, yes, there may have been a question and
4 an answer session, but it wasn't an opportunity to brainstorm
5 with the White House and the agencies about the different
6 types of official acts that can occur?

7 A That's right.

8 Q Is it fair to say that the travel, for the most
9 part, that a Cabinet Secretary engaged in -- is it fair to
10 say that the decision of whether or not a Cabinet Secretary
11 traveled was the result of a multitude of inputs?

12 A Yes.

13 Q For example, the Cabinet department might have
14 their own independent strategy that they are trying to
15 publicize, and that might be a reason that a Cabinet
16 Secretary decides to travel. Is that fair to say?

17 A Yes.

18 Q A specific Congressman might have an interest in
19 the official business of the Cabinet Department, and the
20 Congressman might decide that it's in his or her benefit to
21 see if the Cabinet Secretary can come to a public event with
22 the Congressman. Is that fair to say?

23 A I think that's very fair to say, yes.

24 Q Finally, the White House, the President, in
25 furtherance of his political initiatives -- his legislative

1 initiatives, his policy initiatives -- might make the
2 determination that a public event, whether it be with a
3 Cabinet Secretary or with the Vice President, or with a
4 senior staffer such as Mr. Rove, might be in the best
5 interest of the White House, and that might be a reason that
6 a Cabinet Secretary shows up at one of these events?

7 A Yes.

8 Q Do you have any awareness of the extent to which
9 White House counsel was involved in dealing with some of the
10 intricacies of setting up these trips?

11 A Do you mean trips by Cabinet agencies?

12 Q Yes.

13 A No, I don't.

14 Q Do you have any familiarity with the -- there was
15 an OLC opinion put out by the Department of Justice in the
16 1980s that talks about anything done in furtherance of the
17 President's policy agenda has a political component and an
18 official component. Are you aware of that opinion?

19 A I am not.

20 Q So the folks in the Office of Political Affairs
21 didn't have a seat at the table in trying to figure out who
22 was paying for all of these trips?

23 A No.

24 Q The officials in the Office of Political Affairs,
25 were they in the loop in determining whether a Cabinet

1 Secretary would get involved with the fundraising initiative?

2 A Do you mean on behalf of a candidate?

3 Q Yes.

4 A You know, certainly, requests were made for
5 fundraisers. Those requests were passed on. Ultimately, the
6 Cabinet agency had to decide if and when they could do it.
7 But I'm aware that the Office of Political Affairs would,
8 perhaps, get an incoming request and then funnel it to the
9 agency for their -- you know, to act on or to not act on.

10 Q But the Office of Political Affairs wasn't
11 providing instructions to the Cabinet Secretaries that they
12 needed to be out doing fundraisers and whatnot?

13 A You know, I think that the information that the
14 Office of Political Affairs provided was, you know, here's a
15 list of things that people have said to us. We would love to
16 get "X" Cabinet Secretary. You've been requested at these.
17 Then, you know, the extent to which they decided to do it or
18 not to do it really was -- you know, I think the final
19 decision lay with them.

20 Q I'd like to show you two memos which I think you
21 maybe have seen on the Internet.

22 A Yes.

23 Mr. Castor. I guess these are exhibits 2 and 3.

24 [Jennings Exhibit Nos. 3 and 4
25 were marked for identification.]

1 Ms. Sachsman. Steve, I have two copies of the same
2 thing.

3 Mr. Castor. I have more copies if you guys need them.

4 Ms. Sachsman. We're great. Thank you.

5 BY MR. CASTOR:

6 Q Exhibit 2 is a memo. It says it's from Sara Taylor
7 and Mindy McLaughlin to Doug Simon. He is the White House
8 Liaison at ONDCP.

9 Exhibit 3 is a memo from Evan McLaughlin. I'm told
10 they're not related, Mindy and Evan, the McLaughlins?

11 A I don't know. I don't think so, but I don't know
12 Evan.

13 Q Evan, as we understand it, is in the Public Affairs
14 Office at ONDCP.

15 A Uh-huh.

16 Q Are you familiar with Exhibit 2, this setup of
17 suggested events for a Cabinet head or the like?

18 A I'm familiar with the memo, yes.

19 Q Were these types of memos done for most of the
20 agencies?

21 A To the best of my knowledge, they were, yes.

22 Q It says it's from Sara and Mindy McLaughlin. But
23 do you have any independent knowledge of whose Word document,
24 so to speak, this was?

25 A My belief and understanding is that Mindy as the

1 surrogate scheduler and, I think, as the surrogate schedulers
2 had done before her, was sort of the repository of these
3 requests. So requests incoming make it to Mindy. She puts
4 them on a memo. I think she and Sara had fairly routine
5 meetings about here is the memo; Sara would sign off on it,
6 and it would be sent to the agency.

7 Q So there was probably in excess -- there could be
8 in excess of 20-25 of these memos for some of the different
9 agencies?

10 A Yeah. I don't know how frequently they were sent,
11 but I know that they were outgoing.

12 Q Did you have any role in taking a look at these
13 memos before they went out the door?

14 A No, I was not involved in those meetings.

15 Q But from time to time, you saw the memos?

16 A I saw them after they went out.

17 Q So you did have a familiarity that these types of
18 memos were in existence --

19 A Yes.

20 Q -- at least before they were posted on the Internet
21 site here at the committee, right?

22 A Yes.

23 Q What other familiarity do you have about how these
24 memos were put together?

25 A I can sort of go over what I think I said earlier

1 and just tell you what I know about it.

2 By and large, the Office of Political Affairs was
3 getting incoming requests. Most of these requests come
4 through the associate directors. The requests were funneled
5 to the surrogate scheduler to keep organized. The surrogate
6 scheduler would, on some kind of a routine basis, take these
7 organized memos to Sara for her approval. The memos would
8 then be transmitted to the relevant White House Liaison.

9 Q Some of these events could come to be on a memo
10 like this from a variety of inputs. I mean, the Congressmen
11 might have called the Legislative Affairs Office at the
12 White House. Is that a way that it might get on this list?

13 A I'm not sure of that. My belief is that though the
14 Office of Political Affairs was one repository for incoming
15 event requests, Members of Congress were making requests,
16 probably, sometimes concurrently but maybe sometimes separate
17 requests to the Office of Legislative Affairs, maybe directly
18 to the agencies themselves, and so I think that, you know,
19 we're but one office getting the incoming. I think certainly
20 there's reason to believe that other offices were getting
21 incoming requests that we may not be aware of but that
22 certainly exist.

23 Q But at some point, the surrogate scheduling office
24 would marshal all of these requests and put them into a memo
25 like this?

1 A I'm not certain the surrogate scheduler marshaled
2 requests from offices that were not Political Affairs. I
3 don't want to speak for any surrogate scheduler, but I don't
4 believe that the surrogate scheduler marshaled requests from
5 other entities.

6 Mr. Castor. I'd like to mark Exhibit 4.

7 [Jennings Exhibit No. 4

8 was marked for identification.]

9 BY MR. CASTOR:

10 Q This is a letter from Congressman McHenry to the
11 Drug Czar on April 14th, extending an invitation to
12 Director Walters to come down to the district. If you'll
13 look at Exhibit 2, the Sara Taylor-Mindy McLaughlin memo, on
14 August 1, there is an event with Congressman McHenry.

15 A Uh-huh.

16 Q So what we have found is that sometimes Congressmen
17 would reach out directly to the agency. Sometimes they had
18 reached out to their White House Legislative Affairs contact.
19 Sometimes they might reach out to the Office of Political
20 Affairs. Sometimes they might make -- the Congressmen might
21 make a request directly to the President. What we have found
22 in collecting a lot of these documents is that the genesis
23 for a particular public event showing up on one of these
24 types of schedules can be the result of any number of things.

25 A I think that's accurate, yes.

1 Q So based on that, is it fair to say that these
2 Mindy McLaughlin-Sara Taylor memos were not necessarily
3 exclusively an Office of Political Affairs' suggested event
4 list?

5 A I think that's right. In the case of -- and let
6 me -- this is hypothetically speaking, but potentially in the
7 case of this McHenry letter, he may have sent this letter
8 directly to Walters and then at some point in the future, as
9 an FYI, sent it to someone, a relevant official, either in
10 Legislative Affairs or Political Affairs. If it were sent to
11 someone in Political Affairs after the fact, it might have
12 been tagged onto one of these memos, you know, after the
13 request had already been made. Yeah, I think that's fair to
14 say.

15 Q Do you have a recollection of whether
16 Congressman McHenry was in a tight race in 2006?

17 A To the best of my recollection, he would probably
18 not have been considered to be in as tight a race as some
19 others in North Carolina or in other places.

20 Q Are you aware of any political initiative that the
21 Office of Political Affairs had in assuring that the Drug
22 Czar attended a public event with Congressman McHenry?

23 A No, I'm not aware of any particular initiative with
24 this Congressman.

25 Q Switching over to Exhibit 3, the Evan McLaughlin

1 memo, I would just like to call your attention to a number of
2 events that involve Democrats or Independents.

3 On January 10th, there was a press conference with Miami
4 Mayor Manny Diaz. That event didn't appear on the Mindy
5 McLaughlin memo. On March 7th, there was a meth recognition
6 event with Iowa Governor Tom Vilsack, a Democrat. On
7 March 8th, there was a meth recognition event with
8 Governor Brad Henry, a Democrat. Those events don't appear
9 on the Mindy McLaughlin memo.

10 A Right.

11 Q Just flipping through, you can see the Evan
12 McLaughlin memo is longer. There are just more events.

13 What I'm hoping to call your attention to is that the
14 Mindy McLaughlin memos were not an exclusive list of all of
15 the events that a Cabinet head would be involved with.

16 A That's right.

17 Q How frequently did a Democrat call the Office of
18 Political Affairs during your tenure?

19 A I don't recall anyone, certainly myself, ever
20 receiving any event suggestions from Democrats in the Office
21 of Political Affairs. I did set up an East Wing tour of the
22 White House for a Democratic State representative from
23 Kentucky once, but in the context you're asking me, I'm not
24 aware of any.

25 Q Would it have been your pattern or practice, if you

1 did receive a call from Democrats, to consider the request
2 and process it in accordance with the policies of your
3 office?

4 A I think it would have been processed as normal. I
5 also think the Office of Legislative Affairs would have been
6 notified, you know, certainly.

7 Q There is the Blue Dog Coalition in the Congress and
8 there are Democratic Congressmen that were perhaps more apt
9 to be supporters of the President.

10 Do you ever remember any of those folks having any
11 interactions with the Office of Political Affairs?

12 A I don't remember for myself, specifically, having
13 any interaction with those offices, but certainly moderate or
14 conservative Democrats were often the subject of our
15 coalition-building exercises when we were trying to execute a
16 policy initiative of the President's and we needed to bring
17 others on board to pass something.

18 Q In furtherance of that coalition-building, it
19 didn't really matter whether they were Republicans or
20 Democrats. You were just trying to find supporters of the
21 President's policy initiatives?

22 A I think the example you laid out earlier on
23 immigration was a good one. You know, clearly, you know,
24 Democrats were necessary to try to pass a plan, but given the
25 current makeup of the Congress, Democrats are necessary to

1 pass all plans, so I think that that kind of
2 coalition-building is frequent.

3 Q Since the Congress flipped at the 2006 election, do
4 you have any sense of whether the Office of Political Affairs
5 has more outreach efforts to Democrats?

6 A That's not something that's in our -- that I've
7 been told is in our realm of responsibility. I do know that
8 the President has routinely met with Democrat Members of
9 Congress since last November.

10 Q You said that the Office of Political Affairs
11 sometimes has a role in facilitating Presidential travel.

12 A Uh-huh.

13 Q Does part of that role include reaching out to the
14 congressional delegation and making them aware if the
15 President is going to be in --

16 A Yes. We work together with Legislative Affairs to
17 make sure the congressional delegations in the areas we are
18 visiting are notified. And oftentimes Members of Congress
19 are invited to either go with the President, or to perhaps
20 greet him when he arrives at a location.

21 Q So if the President were going to fly up to
22 Philadelphia for a day, would it be common to have an invite,
23 maybe, to Senator Arlen Specter to join him on Air Force One?

24 A I was with the President last week when he went to
25 Pennsylvania, and Arlen Specter flew down and back with us.

1 Q Would maybe Senator Casey also be invited from time
2 to time?

3 A I think, yeah. Yes, Democrats and Republicans are
4 routinely invited to be with or to greet the President when
5 he travels.

6 Q How about when the President gets off the plane;
7 sometimes there is an opportunity to meet the President and
8 to shake his hand at the bottom of the Tarmac.

9 A Are sometimes Republicans and Democrats invited to
10 participate in that?

11 A Yes.

12 Q Are both Democrats and Republicans invited to
13 attend public events when the President is in their
14 congressional district?

15 A Yes.

16 Q Does the same practice exist for Cabinet heads?

17 A Our office isn't involved with the local outreach
18 that goes on around a Cabinet travel, but based on the memo I
19 see here, I can at least say that in these cases, Democrats
20 were invited to public events, it appears, based on the memo.

21 Q The committee has a number of requests out to
22 agencies.

23 One of the first requests was with regard to political
24 briefings. Did you get any?

25 Another request was did anyone at any time on an RNC

1 e-mail account e-mail you?

2 Then another request was whether you had any public
3 events with Republicans. From time to time, we ourselves ask
4 follow-up questions.

5 I'd like to mark the next exhibit, Exhibit 5.

6 [Jennings Exhibit No. 5
7 was marked for identification.]

8 BY MR. CASTOR:

9 Q The Commerce Department wrote to us on July 26th
10 with a list of events that the Secretary had done with
11 Republicans. I was curious if the Secretary also had some
12 events with Democrats.

13 So I asked that question, and they provided this list to
14 me. The Secretary of Commerce had an event with Senator Ken
15 Salazar, with Mayor Nagin, with Governor Blanco.

16 So I wanted to call this to your attention and see
17 whether you had any familiarity with any of these events that
18 the Secretary of Commerce was involved with, traveling
19 especially to the Hurricane Katrina-affected area.

20 A I'm aware that a vast number of our government
21 officials have gone to the Katrina-affected area repeatedly.
22 I'm certainly aware that the President on his travels
23 routinely sees the mayor, the Governor, the Senator. I
24 wasn't involved in the planning of any of the Secretary of
25 Commerce's travels. I haven't seen this document, but I'm

1 generally aware that government officials have been going to
2 especially the Katrina-affected area since it happened.

3 Q Isn't it fair to say -- we saw some events that the
4 Secretary of Commerce did with Democrats. We saw some events
5 that the Drug Czar did with Democrats. I have another
6 document that I'm not going to show you, showing that the
7 Secretary of Transportation --

8 A Yes.

9 Q -- did events with Democrats.

10 A Yeah.

11 Q Is it fair to say that if you look at all of the
12 Cabinet Secretaries, they are going to have some public
13 events with both Republicans and Democrats?

14 A It appears that way, yes.

15 Q Is it also fair to say that while with the
16 Republican administration there tend to be more Republican
17 Cabinet Secretaries doing events with Republicans, that just
18 because a Democrat wants to appear in public with a Cabinet
19 Secretary does not mean that that would get automatically
20 ruled out?

21 A Obviously not. Right.

22 Q Just getting back to your RNC BlackBerry just a
23 little bit before my hour is up, you said that nobody from
24 the RNC ever gave you rules of the road or instructions about
25 when you should be using the RNC BlackBerry versus your EOP

1 equipment.

2 Did you tend to default to using your RNC BlackBerry for
3 everything?

4 A Yes.

5 Q The reason for doing that -- was there any specific
6 reason other than just convenience?

7 A Well, it was an efficiency issue. I had access to
8 that e-mail account 24/7, 7 days a week, 365 days a year. I
9 did not have access to my official e-mail address unless I
10 was sitting at my desk. And so even in the context of the
11 workday, there were frequent times I was away from my desk,
12 and if I missed something it could have been problematic.

13 So, yes, over time everything defaulted to the account
14 to which I had the most regular access.

15 Q At what point in time did you realize there was
16 this Presidential Records Act question that perhaps your
17 e-mails were not being properly collected?

18 A I learned about it in the spring of this year.

19 Q Within the Office of Political Affairs, you're
20 aware of some of the bigger issues that affect the
21 President's ability to implement his policy agenda -- Iraq.
22 The corruption was a big thing in 2006. I imagine
23 immigration is a big question.

24 Do you know whether the Office of Political Affairs'
25 folks have ever looked at whether compliance with the

1 Presidential Records Act was one of those big issues that
2 affected the President's effectiveness?

3 A I don't know. I'm not aware of Political Affairs'
4 issues looking into that.

5 Q To whether compliance with the Presidential Records
6 Act was a big issue with America?

7 A I'm not aware of anybody's testing that or seeing
8 any data on that.

9 Q The committee put a report out. Did you get a
10 chance to see that -- I think it was in June -- about the
11 Presidential Records Act violations?

12 A I read about it.

13 Q I don't have enough copies here. I think it came
14 out June 18th. The executive summary, I'll stipulate, says
15 that the number of White House officials given RNC e-mail
16 accounts is higher than previously disclosed. White House
17 officials made extensive use of their RNC e-mail accounts.
18 There is evidence that the White House counsel may have known
19 that White House officials were using RNC e-mail accounts for
20 official business but took no action to preserve these
21 Presidential records. It was later postulated that we may be
22 witnessing the greatest violation of the Presidential Records
23 Act in history.

24 Did you have an awareness of any of those
25 considerations?

1 A Do you mean once the report was published?

2 Q Yes.

3 A I've read press accounts of the report, so I'm
4 aware of the allegations.

5 Q Do you agree that perhaps, if true, this is one of
6 the greatest violations in the Presidential Records Act
7 history?

8 A I can't say to you that I'm a great student of
9 historical violations of the Presidential Records Act.

10 Q Do you have any awareness of Harold Ickes'
11 strategies with regard to the Presidential Records Act?

12 A I've heard of him. I'm not aware of his PRA
13 strategies.

14 Q There was in The New York Times Magazine a story on
15 him in September '97, written by Michael Lewis.

16 A Uh-huh.

17 Q This isn't a right-wing outfit here, The New York
18 Times. This isn't a right-wing author, Michael Lewis. And
19 I'd like to call your attention to the second paragraph.
20 I'll read it.

21 "Once he" this is Ickes, " finished with the official
22 checkout, he trundled box after cardboard box down from his
23 office into the parking lot." I think these are Presidential
24 Records Acts.

25 "Janice Enright, his White House assistant, had parked

1 her car in the first slot beside the West Wing exit, and
2 Ickes filled it up to the brim several times over. In all,
3 he carried out about 50 boxes, groaning with papers, news
4 clippings, fundraising documents, private notes scribbled
5 during White House meetings, private memos to the President.
6 In one pile were detailed notes about the Asian
7 fundraiser-in-chief John Wong. In another pile was a
8 three-ring binder that contained a brief history of
9 fundraising for Presidential campaigns that Ickes had
10 compiled for the President in the summer of '95. This was
11 done in response to newspaper articles that accused Clinton
12 of selling access to the highest bidder. Sensing the
13 President was embarrassed by these accusations and might need
14 a fall guy, Ickes also sent Clinton his resignation."

15 Did you ever have any familiarity with that strategy for
16 preserving Presidential records?

17 A Actually, I don't recall hearing of this until just
18 now, so it's interesting.

19 Q Ickes later commented "Any document that was really
20 embarrassing to the President or to any living person, I
21 threw away."

22 Did you have any idea that he utilized that strategy
23 with regard to Presidential records?

24 A I did not know that.

25 Q I guess you told us that one of the reasons you

1 used an RNC BlackBerry was to avoid violating the Hatch Act.

2 A Correct.

3 Q Do you have any idea what happens if you violate
4 the Hatch Act?

5 A I've become aware that the Office of Special
6 Counsel can recommend that you be fired from your government
7 position. I think somehow the Merit System's Protection
8 Board enters into this. I can't say that I have a full
9 understanding of it, but that's my understanding.

10 Q And that's pretty serious. I mean you could lose
11 your job.

12 A Sure.

13 Q Now, do you have any idea what happens if you
14 violate the Presidential Records Act?

15 A I'm not a student of this. My understanding is
16 there's no punishment provisions of this, but I can't say
17 that I've opened up the book to independently verify that.
18 But that's what I've been told.

19 Q So is it fair to say if you are busy trying to
20 navigate "I don't want to violate the Hatch Act" or "I don't
21 want to violate the Presidential Records Act," you're
22 navigating that very difficult road?

23 Is it fair to say that it might make more sense to err
24 on the side of violating the Presidential Records Act rather
25 than violating the Hatch Act?

1 [Counsel and Witness confer.]

2 Mr. Jennings. Yeah, I think I wasn't thinking of erring
3 on the side of violating one or the other. I was only
4 thinking about getting my job done, and so I wasn't actively
5 thinking, well, in order to not break one law, I have to
6 break another. That never entered into my -- I wasn't
7 thinking about breaking any or going over the line on any law
8 at all.

9 BY MR. CASTOR:

10 Q So, when you were using your RNC BlackBerry, you
11 were not trying to hide from America the decision making
12 thinking of the President or one of the President's top
13 political advisors?

14 A No, I was not.

15 Q And you certainly were not trying to hide from
16 Congress the communications you were having on your RNC
17 BlackBerry. Is that fair to say?

18 A That's fair. I was not hiding anything.

19 Q If they had given you an EOP BlackBerry, then we
20 wouldn't have had any of these troubles. Is that fair to
21 say?

22 A I think it's fair to say that if I had the same
23 access to a different account, it would have become the
24 default account, and I would have used it in the same way.

25 Q Do you know if anyone had had an RNC BlackBerry and

1 an EOP BlackBerry?

2 A I don't know. I think I remember becoming aware
3 that at some point during her tenure, Sara Taylor may have
4 had both. The White House Office of Political Affairs'
5 staffers were issued official BlackBerries in April of 2007.

6 Q Because I'm just trying to figure out if you are
7 having, you know, a dialogue on your EOP BlackBerry and then
8 it turns political, how you would turn the BlackBerry off and
9 then go over to your political BlackBerry.

10 I mean, did anyone ever think about how some of these
11 practical aspects of this problem would be sorted out?

12 A I don't remember having any discussions about the
13 practicality of transferring information from one to another,
14 other than to say that in April of 2007 we were advised to
15 make sure that we -- if we were having any kind of official
16 issues on our political account, to make sure that we
17 forwarded it to our official account for further processing.

18 Q So, nowadays, do people in the Office of Political
19 Affairs have two BlackBerries?

20 A Yes.

21 Q Did you have two BlackBerries before like last
22 week?

23 A I did have two BlackBerries between April and when
24 I left.

25 Q How did you sort it out? If you are busy on your

1 EOP BlackBerry trying to figure something out important, and
2 then you had to -- you know, maybe it touched on something
3 political -- I mean, how did you sort of whack that up, that
4 whole --

5 A You know, the most common thing to happen would be
6 someone would e-mail something incoming to my political
7 BlackBerry or my laptop -- I would get it on my laptop -- and
8 I would make the judgment that this may be an official
9 record. So I would then forward it to my official account to
10 then reply back to, so I had to stop and make a judgment
11 about whether it needed to be transferred to another system.

12 Q And these judgments are independent judgments; is
13 that correct?

14 A There's no -- I mean, I think you could probably
15 call somebody if you wanted to consult on every single
16 e-mail, but --

17 Q But you didn't have a Presidential Records Act
18 consultant in the West Wing --

19 A No. No.

20 Q -- to bring in the loop of whether a communication
21 were PRA-compliant or not, did you?

22 A No.

23 Q I mean these questions are not easily answered. I
24 mean, Scott Jennings could have one view; Henry Waxman could
25 have another view; Steve Castor could have a third view.

1 Is that fair to say?

2 A Yes. We were told to err on the side of caution
3 and to really be careful not to make -- to put anything
4 political on the official accounts.

5 Mr. Castor. I think my hour is up. I want to
6 self-identify that. I'll conclude this round.

7 Mr. Gordon. Mr. Jennings, before we start the next
8 round, I will ask you your preference about lunch.

9 We can go off the record.

10 [Discussion held off the record.]

11 [Whereupon, at 12:10 p.m., the committee recessed, to
12 reconvene at 1:00 p.m., the same day.]

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1 RPTS JOHNSON

2 DCMN HOFSTAD

3 [1:02 p.m.]

4 BY MR. GORDON:

5 Q Mr. Jennings, I would like to ask you a few
6 questions on the subject you have spoken about briefly
7 already today, which is the use of various e-mail accounts
8 while you were at the White House; also, just a small matter
9 that I am not sure was clear on the record.

10 Was your last day as a White House employee last Friday?

11 A This past Friday, October the 5th.

12 Q And you started, you said, in February of '05?

13 A Correct.

14 Q And correct me if I am wrong, but I think you
15 testified or stated that you received an official White House
16 e-mail account soon after joining the Office of Political
17 Affairs; is that right?

18 A Correct.

19 Q How were you able to access this official e-mail
20 account from within the White House complex?

21 A The only way to access it would have been to be
22 sitting at my desktop.

23 Q And there was no way for you to access this
24 account, this official e-mail account, when you were not
25 sitting at your desk?

1 A Correct.

2 Q And you mentioned that your job required you to
3 travel on occasion. Can you estimate roughly how many days a
4 month you were on the road?

5 A You know, it differed. It wasn't an overwhelming
6 amount of travel, but the job also required me to not be at
7 my desk from time to time, frequently throughout -- going to
8 meetings and so on. So between the travel and being away
9 from my desk for various reasons, I was frequently not able
10 to access my official account.

11 Q The computer that the White House supplied you was
12 a desktop, not a laptop?

13 A Correct.

14 Q Do you know whether the e-mail that you sent or
15 received using your official White House account was
16 automatically archived?

17 A I don't remember getting a specific briefing on the
18 official archiving, but, you know, I didn't have any reason
19 to believe it wasn't being archived.

20 Q Did you have any decision you had to make with
21 respect to specific e-mails, whether they would get archived
22 or not, if they were sent on the official system? In other
23 words, were you prompted with a question, do you want this to
24 be saved or not?

25 A Oh, no, not that I recall, no.

1 Q And you also testified that, from the time you
2 started at the White House, you had an e-mail account
3 provided to you by the RNC. Is that right?

4 A Correct.

5 Q Was there just one account provided by the RNC?

6 A Yes.

7 Q And what was the address of this account?

8 A The address of it when I began was
9 SJennings@GWB43.com. After my e-mail address was launched
10 on the Internet and various blogs and other public forums,
11 they changed it so that it would be different. I was getting
12 a lot of hate mail and threats and spam and so on and so
13 forth. So now it is -- it was JSJ@GWB43.com. Same account,
14 they just changed the front part.

15 Q And those are the only two e-mail addresses you
16 ever had that were assigned by the RNC?

17 A Yes.

18 Q What is your understanding of why you were given an
19 RNC e-mail account when you started at the White House?

20 A My understanding is that the system was set up in
21 an abundance of caution so that Political Affairs staffers
22 would not accidentally violate the Hatch Act by using their
23 official accounts, you know, for what could be deemed
24 political purposes.

25 Q So, in other words, you understood that there were

1 official purposes and political purposes for sending
2 communication?

3 A Well, I understood that there was a separate system
4 put in place to prevent potential misuse of official e-mail.
5 And so, I mean, it is a very general and generic
6 understanding. It was just sort of a preventative measure.

7 Q But the RNC account, as you understood it, was for
8 you to communicate on political activities that otherwise you
9 were not permitted to use the official account for? Is that
10 right?

11 A Yeah, I think that is fair to say. The purpose of
12 it was to prevent political matters from getting into the
13 official e-mail system, you know, that could potentially be a
14 violation.

15 Q And by "violation," you are referring to the Hatch
16 Act?

17 A Yes.

18 Q Do you know who decided that you would be one of
19 the people to receive an RNC account?

20 A I don't know. I know that it was customary for
21 anyone who worked in Political Affairs to have one, but I
22 don't know who the final arbiter on that is.

23 Q And do you remember when you first got your RNC
24 e-mail account after joining the White House?

25 A It was shortly after I started. It was around the

1 same time as my first day. It was right all at the
2 beginning.

3 Q And did you start using that RNC e-mail account
4 immediately after receiving it?

5 A Yeah, I think so. I don't think there was any
6 delay.

7 Q And did you say that it was your understanding that
8 everyone in OPA had an RNC e-mail account?

9 A Yes.

10 Q Do you know whether others outside of OPA had RNC
11 e-mail accounts, that worked within the White House?

12 A I read that other people, certain other people, in
13 other offices had them, but it is what I have read in press
14 accounts.

15 Q Where did you get this idea that the provision of
16 the RNC e-mail account was related to the Hatch Act?

17 A I have heard people say it, you know, but -- you
18 know, I guess in terms of time frame, I have heard people say
19 it more recently, obviously, that the e-mail system was set
20 up in an abundance of caution. But I recall, sort of vaguely
21 recall, the briefings at the beginning. You know, "Here is
22 your e-mail stuff, and this was set up to prevent you from
23 accidentally violating the Hatch Act, so here you go."

24 Q So who conducted these briefings?

25 A We got general ethics briefings from the White

1 House Counsel's office.

2 Q So is it your recollection that it was in a
3 briefing with White House Counsel that you learned that the
4 provision of the RNC account was to prevent a Hatch Act
5 violation?

6 A You know, that is a -- I don't want to -- I don't
7 specifically recall that. I just sort of specifically recall
8 it being general knowledge that the RNC e-mail account was
9 set up for that purpose. I don't want to say that it came
10 from a briefing at a specific time, because I don't remember
11 that specifically. I just remember it being general
12 knowledge.

13 Q Was this something you remember coming from White
14 House Counsel?

15 A I don't directly remember where it came from. I
16 just remember it being sort of a generally -- sort of a
17 general knowledge thing that people seemed to know.

18 Q When you were in your White House office, did you
19 ever send e-mails using the RNC account rather than your
20 official account?

21 A Yes.

22 Q I think you earlier said you had computer hardware
23 that was provided by the RNC in your White House office; is
24 that correct?

25 A Yes.

1 Q What exactly did you have?

2 A I had a laptop in addition to the BlackBerry.

3 Q Using your RNC BlackBerry, which e-mail accounts
4 were you able to access?

5 A Only the RNC account.

6 Q You didn't -- did you have any other private
7 accounts, like a Yahoo or other accounts that you could
8 access using that BlackBerry?

9 A Well, within, like, the last week before I ended my
10 employment, I learned there is a -- you could use your
11 BlackBerry for, like, a Web browser and you could check your
12 Yahoo account, but I didn't routinely use it. You know, I
13 only checked it every few weeks. It is just kind of an
14 account I had had a long time for when I am transitioning
15 between jobs. It wasn't an account I used or routinely
16 checked.

17 Q Was that Yahoo account one you ever used for
18 work-related communications?

19 A Oh, no. No.

20 Q Did you ever communicate on your RNC BlackBerry
21 using a BlackBerry PIN code instead of a regular e-mail?
22 First off, do you know what I mean when I say a Blackberry
23 PIN --

24 A Yeah, I am aware of it. I don't understand it
25 fully, you know, what kind of a system. But I don't think

1 so, because I don't think I -- I think, in order to do that,
2 you would need to know someone else's PIN.

3 Q Uh-huh.

4 A So I don't know that I was ever given a list of
5 anyone's PINs, you know, so I don't think so. To the best of
6 my recollection, I don't think so.

7 Q Is that true for the official White House
8 BlackBerry you received in recent months? Did you use that
9 for PIN communications?

10 A No, I have never used -- to my knowledge, I have
11 never used a White House BlackBerry for PIN communications.

12 Q You worked on the Bush-Cheney re-election campaign
13 in 2004; is that right?

14 A Yes.

15 Q Did you get an e-mail account from the campaign?

16 A I did.

17 Q What was the address of that account?

18 A SJennings@GeorgeWBush.com, I think. I believe that
19 is correct.

20 Q And what, roughly, was the time frame during which
21 you were working for the campaign?

22 A I worked on the campaign -- it was either late
23 January or right at the transition, between January and
24 February '04. And then I think I went off payroll at the end
25 of November.

1 Q And did you have the campaign e-mail account for
2 that entire time?

3 A Yes.

4 Q During your time that you were working in the White
5 House, did you ever use your campaign e-mail account?

6 A No. To the best of my recollection, it was shut
7 down once I went off the payroll or when the campaign ended,
8 you know.

9 Q The Bush-Cheney campaign told the committee that
10 there were a total of 11 White House officials who were
11 issued e-mail accounts by the campaign. They told the
12 committee the names of six of these folks: Dan Bartlett,
13 B.J. Goergen, Israel Hernandez, Karl Rove, Susan Ralston and
14 Peter Wehner?

15 A Uh-huh.

16 Q Do you know who else within the White House had a
17 campaign e-mail account?

18 A I don't know.

19 Q Do you know who at the campaign was responsible for
20 setting up e-mail accounts for White House officials?

21 A Who at the Bush-Cheney '04 campaign?

22 Q Uh-huh.

23 A I don't know.

24 Q You mentioned a Yahoo account a moment ago, and I
25 believe you said you did not use that for work-related

1 communications. Is that right?

2 A Correct.

3 Q Did you use any other nongovernmental e-mail
4 accounts for work-related communications while you were at
5 the White House?

6 A No.

7 Q Did you ever use the text messaging or other
8 function available on a phone, a cell phone to conduct
9 official business while you were at the White House?

10 A No.

11 Q Have you ever heard of others in the White House
12 using text messaging for official communications? Are you
13 aware of whether that happens or not?

14 A I have not heard of that, no.

15 Q I think earlier you said that the RNC e-mail
16 account became a default e-mail account for you, for your
17 work-related communications. Is that right?

18 A Yes.

19 Q What do you mean by "default"?

20 A I mean it was the account that I had access to
21 regularly, meaning 24 hours a day, 7 days a week, weekends,
22 at night, and so, over the course of time, it became the
23 default account, in terms of usage. You know, I think people
24 learned that if you wanted to e-mail me at night or on the
25 weekend, e-mailing my work account was not helpful; I would

1 not be able to get it. And so, over the course of time, it
2 was an access issue. It was having access to it made it, you
3 know, the place where you could most rapidly get a response.

4 Q Did you use this e-mail account exclusively or just
5 predominantly?

6 A Predominantly. I did use the official e-mail
7 system at times when I was in the office. But I would say --
8 so it wasn't exclusive. It wasn't exclusive.

9 Q Any sense of the proportion or percentage of
10 e-mails you sent or received on one system versus the other?

11 A I haven't seen any numeric calculations of how many
12 e-mails reside in one account or the other. I know what you
13 all have published about the number of e-mail accounts that
14 were on a server. I don't know what that number is at the
15 White House. So I wouldn't know.

16 Q But just from your everyday usage, I guess you are
17 comfortable saying you used one a lot more than the other. I
18 guess, in this case, it was the RNC a lot more than the
19 official; is that right?

20 A Yes.

21 Q Was it 10 to one, five to one? Any sort of
22 estimate what the ratio was?

23 A You know, it was certainly over 50 percent on the
24 RNC account. I don't know. I guess I am not very good at
25 making numeric judgments. I don't know. I would have to

1 think about it. I really don't know. I think it is fair to
2 say it was predominant. It is fair to say it was more than
3 50 percent. Beyond that, I just don't know. I don't know.
4 Maybe I could think about it.

5 Q Based on what you have just sort of described about
6 your work habits and how you had to have access a lot of
7 times when you weren't in your office, I was assuming that
8 you used it a lot more than your official account. But is
9 that not a fair assumption?

10 A No, that is right. I think predominant, a lot, you
11 know, certainly more than the other. That is a fair
12 assessment.

13 Q It is fair to say that your White House position
14 required you to have access to e-mail communication 24 hours
15 day, 7 days a week; is that right?

16 A Yes.

17 Q When you were in your office and working on a Word
18 document, would that typically occur on your official
19 computer or your RNC computer?

20 A It occurred on both.

21 Q Again, same kind of questioning I was asking with
22 the e-mail. Do you have any sense of which one you used more
23 for documents other than e-mail?

24 A I really don't. I probably have less of a sense on
25 that than e-mail. It occurred on both.

1 Q Did you spend roughly the same amount of time
2 working on documents on your official computer as you did
3 your RNC computer?

4 A I would actually think the proportion is closer
5 when you are talking about actual Word documents than it is
6 on the e-mail. I would think the numbers are closer.

7 Q Closer to 50-50?

8 A Yes, or closer to balance, as opposed to being out
9 of balance like the other one was. But, again, it is hard
10 for me to assign a numeric value to it.

11 Q Now, you had an RNC laptop, as well; is that
12 correct?

13 A Yes.

14 Q So any time you worked on a document other than
15 e-mail, or actually e-mail or non-e-mail, when you were not
16 sitting in your office, that would be done on an RNC piece of
17 equipment; is that right?

18 A Yes.

19 Q How did you decide when to use your political
20 computer equipment when you were in your office versus your
21 official equipment?

22 A Again, I think the same can be said for the
23 equipment as it was said for the e-mail account. You know,
24 over the course of time, you know, what is the primary use
25 for a computer? It is to access your e-mail. So, by

1 default, you are sitting at that piece of equipment more, and
2 so I think the same sort of statement is true about the
3 equipment as it is for the actual e-mail accounts. That
4 equipment, you know, became more used because you had access
5 to it, you were sitting at it more often, you were looking at
6 it more often. And so, it became a regularly used device.

7 Q I can understand when you are away from your office
8 you don't have a choice, right? You have to use the RNC
9 equipment, right?

10 A Yes.

11 Q But when you are in your office, you have a choice.
12 And sometimes you chose the official, and sometimes you chose
13 the political. And I am trying to find out how you made that
14 decision.

15 A I think that -- well, I think part of the decision
16 would be made on what the subject matter was. If something
17 were purely a political project, clearly, you know, you would
18 want to keep that on your laptop.

19 I also think if something came in on your e-mail account
20 on either device, and it had some information that you needed
21 to help create a document that you were more likely to -- for
22 instance, if I was sitting at my official computer, and an
23 e-mail came in that said, "Here is some data you need to
24 create X document," you would be more likely to just open it
25 and create it right there.

1 The same could be said for the laptop. Some information
2 came in that you -- when you were creating a document, you
3 would just do it right there. You would just do it, you
4 know, right there where you had the information right in
5 front of you.

6 Q Are you saying that one way you would decide which
7 equipment to use would be the subject matter of the
8 communication or the document?

9 A Yeah. I mean, I think that when we were dealing
10 with -- you know, the subject area where this is the most, I
11 think -- you know, comes to mind the most is when you were
12 dealing with political requests, mostly for political travel.
13 And knowing that if you were dealing with a campaign asking
14 for a political event, it is clearly political in nature, and
15 therefore you would want to deal with it, you know, on your
16 political account.

17 Although I will say that, even for political events --
18 for instance, if the President -- I think I said this
19 earlier -- if the President were going to a fund-raiser --
20 and, you know, there was a pretty extensive clearance process
21 through which we got the invitations to these things cleared.
22 You know, they were in the White House; we moved them around
23 to the counsel's office, back to our office. So, you know, I
24 still think it is very gray on things, you know, how you
25 define purely political or purely official. But, you know, I

1 think purely political travel and fund-raising-type requests
2 you would want to keep on the laptop. That was kind of
3 something that pops to mind.

4 Q I mean, you said something similar to that with
5 respect to e-mail, that you had to make a judgment for each
6 time with the e-mail, whether you thought it was more
7 appropriate for the political or the official system. Is
8 that the sense of what you are saying for the other types of
9 documents, as well?

10 A Yes. Although I will say that the judgment I was
11 talking about has certainly been more -- that judgment is now
12 made sort of moment to moment. We are more briefed on it
13 post-April 2007, as opposed to pre-.

14 I guess on the document creation, really the -- for me,
15 the -- I can't say that I was creating too many. I don't
16 know how many purely political or purely official documents.
17 I don't necessarily create a lot of documents. But I don't
18 remember being on an official computer and thinking to
19 myself, "Ooh, I am going to make this political document on
20 this official computer." You know, they tended to stay
21 separate for -- as I said, something would come in on an
22 e-mail, a direction or, you know, "Here is some data; create
23 this document," you would just do it right there.

24 Q But earlier you talked about a concern about Hatch
25 Act compliance that would lead you to be aware of whether an

1 activity was political or not, so as not to avoid the Hatch
2 Act by using the wrong equipment. Is that right? Was that
3 in your mind as a consideration?

4 A I was aware of it. I wouldn't say that it was
5 something that, you know, we discussed minute to minute in
6 the office. I had a general awareness that that is why the
7 system was set up. And I had certainly an awareness that
8 purely, you know, political event-type discussions you would
9 want to keep on the political equipment and on the political
10 e-mail address.

11 Beyond that, you know, I can't say that there were --
12 you know, I don't have any recollection of any other sort of
13 things that stand out, you know, topics that would have been
14 discussed that were, you know, clearly political or clearly
15 like the event travel fund-raising-type things.

16 Q I'm hoping we might be able to get clarification on
17 something you said earlier, and that was a judgment you had
18 to apply as to whether something was political or official,
19 for purposes of deciding which e-mail account to use.

20 Are you saying that is just something that occurred
21 recently, since this issue got a lot of publicity in the
22 spring?

23 A Yes.

24 Q That, before that, you didn't apply that judgment
25 to each e-mail --

1 A Yes.

2 Q -- in that way?

3 A That's correct.

4 Q So one of your job functions that you mentioned
5 earlier was involving personnel decisions. Is that right?

6 A Uh-huh.

7 Q Can you give me a sense of what you did in the
8 personnel arena?

9 A I worked very closely with our friends in
10 Presidential Personnel, our colleagues in Presidential
11 Personnel, and in the White House Liaison Offices to, you
12 know, help process personnel actions. We passed along
13 resumes that we had received. We helped research people that
14 were in process for various types of positions. We helped
15 give advice on who we thought might be good for certain jobs.
16 But we did this in tandem with the Presidential Personnel
17 Office and -- mostly with them, but to some degree with the
18 White House Liaisons as well.

19 Q Did the personnel decisions that you worked on
20 include presidential appointments?

21 A Yes.

22 Q And would work on these personnel matters -- would
23 you consider that to be official activity that you are doing
24 or more on the political side?

25 A I did not have a -- I never considered this prior

1 to the spring. One of the -- arising out of the issues
2 raised in the spring was a question that I had, which was,
3 well, on personnel matters, you know, what is this? Is this
4 purely official? Is it purely political? And we were
5 advised at that time that those were considered to be purely
6 official.

7 And so, when that judgment was made, you know, we have
8 now made sure that all of those communications are going on
9 on official e-mails and official equipment. Until that time,
10 it wasn't a judgment that had been, or -- it didn't -- that
11 advice had not come down to me, so I didn't have an
12 independent judgment on it.

13 Q So are you saying, before this spring, you didn't
14 have a view as to whether working on a presidential
15 appointment decision was an official or a political activity?

16 A I hadn't considered it. It wasn't something that
17 had come up.

18 Q And so, if that is the case, is it the case that
19 you would have communicated on your political account, for
20 example, about presidential appointments and other personnel
21 decisions?

22 A Yes.

23 Q So your understanding of the official nature of
24 personnel decisions changed recently. You said you received
25 some guidance; is that right?

1 A Yes.

2 Q So how did you come to a new understanding of that
3 issue?

4 Mr. Snowdon. I want to be somewhat careful here,
5 Counsel, just because this gets into the area of
6 communications that he may have had with the White House
7 Counsel's office. So I think he can talk maybe in some
8 general terms, but I do want to avoid him getting into
9 specific conversations with people he had from the White
10 House Counsel's office.

11 If that is a problem, then we can talk about it off line
12 or maybe bring the White House Counsel's office into the
13 conversation. But I think he is comfortable, I am
14 comfortable having him talk in generalities, "I received a
15 briefing on X." But specific conversations, I think we need
16 to pay careful attention to that.

17 Mr. Gordon. Okay. Well, it is my intention to ask
18 questions along those lines as we have been asking of other
19 folks on these topics. And so, it is of course your
20 voluntary instruction, it is your prerogative to instruct him
21 not to answer. But these are questions we would like to
22 pursue.

23 Mr. Snowdon. Well, we will have to play it, you know,
24 on a question-by-question basis. I am not necessarily going
25 to instruct him not to answer in perpetuity, but it is

1 something that we may need to consult with the White House
2 Counsel's office on, depending upon the nature of the
3 question.

4 Mr. Gordon. Well, if that occasion arises, just
5 obviously --

6 Mr. Snowdon. Absolutely.

7 Mr. Gordon. -- speak up.

8 BY MR. GORDON:

9 Q So in the spring, did you say that is when you came
10 to a new understanding of the official nature of personnel
11 activities that you had at your job?

12 A We received a briefing on the use of e-mail
13 accounts in the spring. Arising from that briefing was a new
14 understanding of the nature of personnel activity.

15 Q Did that briefing address the other activities that
16 you did as part of your job responsibility at OPA and whether
17 those were official or political functions?

18 A The briefing addressed a number of different
19 potential scenarios.

20 Q You said one of the main things you personally
21 worked on was personnel. And I am assuming, but I want to
22 hear from you, that that briefing was broader than just the
23 topic of personnel activities. Did it relate more broadly to
24 the functions of OPA and which were political and which were
25 official?

1 A Yes. I mean, it related to -- I mean, it related
2 to the overall use of e-mail, and I think people asked
3 questions about, "This happens in my job; can you give me
4 guidance on how I should treat this in the future?" And so,
5 it addressed a number of different -- because not everybody
6 has the same job function, obviously. I am really one of the
7 few people who works on the personnel side, so that would
8 have been my specific question, but others certainly had
9 other questions.

10 Q Was the briefing for OPA only, or did it include
11 other White House personnel?

12 A The one that I sat through was just Political
13 Affairs staffers.

14 Q So the speakers were the Counsel's office; is that
15 right?

16 A Yes.

17 Q And the audience was OPA personnel?

18 A Yes.

19 Q Did it discuss whether political briefings that you
20 talked about earlier today fall on the political or official
21 line, outside of a line?

22 A That was not discussed.

23 Q What about assisting in arranging surrogate travel
24 by agency personnel? Was that discussed?

25 A I recall that being a question of one of the

1 participants.

2 Q What side of the line is surrogate travel on?

3 A To the best of my recollection -- and, again, I
4 didn't ask the question, and it wasn't directed at me -- to
5 the best of my recollection, the guidance given was, if
6 surrogate scheduling documents containing both official and
7 political requests, that a staff member should err on the
8 side of caution and treat it on the political equipment.

9 That is to the best of my recollection, but, again, I
10 want to stress I didn't ask that question. The answer was
11 not directed at me, and that is my recollection as we sit
12 here today several months later.

13 Q Is it fair to say, as a result of this briefing,
14 your practices for how to use the various e-mail accounts
15 changed?

16 A Absolutely.

17 Q And is it your understanding that that is true for
18 your colleagues at OPA as well?

19 A Yes.

20 Q So that, before this briefing, you weren't making
21 judgments about whether to use the political e-mail accounts,
22 for example, or the official e-mail account on an
23 e-mail-by-e-mail basis?

24 A That is correct.

25 Q But you were after the instructions were given?

1 A Yes.

2 Q And is it your understanding that that is generally
3 true for others within OPA, that their practice changed,
4 similar to yours?

5 A Yes. I think that everyone's practice has changed
6 based upon the information given.

7 Q Which members from the White House Counsel's office
8 attended this briefing?

9 A My recollection is that Ken Lee, associate counsel,
10 was there, primarily as the speaker. I don't remember if
11 there were others there. I remember Ken giving the
12 presentation.

13 Q Before this briefing, had you ever discussed with
14 the White House Counsel this issue of when it is appropriate
15 to use the official versus the political e-mail account?

16 A No.

17 Q Do you recall whether that had ever been a part of
18 a briefing you had received from White House Counsel?

19 A I don't recall it ever being part of a briefing.

20 Q The RNC provided information to the committee about
21 the total number of e-mail messages that they have retained
22 in your RNC e-mail account.

23 A Uh-huh.

24 Q I think you referred to this earlier.

25 A Uh-huh.

1 Q According to the RNC, it has retained approximately
2 35,000 e-mails that you sent or received on your RNC account
3 from October of 2006 through April of 2007, so about
4 7 months. This averages out to about 5,000 e-mails per
5 month. Does that sound about right, in terms of your volume
6 of e-mail usage on the RNC account?

7 A Yeah, although I would -- I can maybe characterize
8 it a little bit. I get a tremendous amount of bulk e-mail,
9 press clippings, press release lists that I am on, Yahoo
10 breaking news alerts, things of a bulk nature that routinely
11 flow in. And so my -- further -- yeah, that is what I mean.
12 So things of a bulk nature are in there. So I think a grand
13 portion of the e-mail number can be accounted for in things
14 of a bulk nature.

15 Q To be clear, what the RNC told us is this is the
16 volume of e-mail they have retained. They did not provide us
17 about information about e-mails that were on the system and
18 then had been deleted or lost for some reason. But the
19 numbers I quoted to you were what they currently have on
20 their server. And for you, for that time period, it is
21 approximately 16,000 sent and approximately 19,000 received,
22 so fairly equal on the sent and received.

23 Did you send a lot of these bulk type of e-mails that
24 you were talking about that were sort of mass e-mails?

25 A Well, on a daily basis, you know, the White House

1 Communications Office produces a document or an e-mail called
2 the "White House daily update," which has the President's
3 schedule, some clippings of the day, and I forwarded that
4 along every morning.

5 Q To a lot of people?

6 A Yeah. I don't know how many were on my list. I
7 just sort of added people to it as we came in contact with
8 them. But I routinely forwarded it every day. And
9 invariably, over the course of time, you know, e-mail
10 addresses go bad, so then when you send it out, what you get
11 back -- you get a lot of undeliverables back. I think all
12 those count in the number, so -- but I did that on a daily
13 basis.

14 Q Was the frequency with which you used this RNC
15 account pretty much the same during your time at the White
16 House, or did it increase or decrease over time for some
17 reason?

18 A I think it was relatively the same for my tenure.
19 Although, let me say that -- yeah, I will say that, after
20 April, things certainly changed, in terms of volume and
21 usage. I mean, you know, specific -- like an example might
22 be if someone sent me an e-mail on my RNC account that I, at
23 that moment, deemed to be, "Well, this is official," I would
24 just forward it over to my official account and deal with it
25 there. So that certainly would have been a change of habit

1 in how you process and then use the devices.

2 Q So, since your instructions in the spring, has the
3 volume of e-mail on your RNC account increased or decreased,
4 do you think?

5 A I think it has decreased. I don't know that it is
6 purely related to the briefing or the practices, but my
7 judgment is I get far less e-mail now than I used to on my
8 RNC account.

9 Q And in the example you just gave, some of that
10 decrease in use is due to official communications that are
11 now happening on your official system rather than your RNC
12 system?

13 A I think that is part of it. I do think that is
14 part of it.

15 Q Whereas, in the past, those communications would
16 have happened on your RNC account and you might not have
17 forwarded them to your official account. Now, if you receive
18 an official, you would forward it to the official account; is
19 that right?

20 A Yes.

21 Q And, in the past, you would not have done that?

22 A Not necessarily, no.

23 Q I think you sort of answered this before in
24 discussing the practice of your colleagues within OPA, but --
25 correct me if I am wrong -- is it correct that your

1 impression is that your colleagues at OPA used the e-mail
2 accounts in much the same way you did and that the RNC became
3 their default e-mail?

4 A My belief is that my usage of the e-mail account
5 was consistent with current and former Political Affairs
6 staffers.

7 Q So, to your knowledge, it was the practice within
8 OPA to use the RNC e-mail account as a default e-mail
9 account, whether the particular communication in question was
10 an official one or a political one?

11 A I think from -- my understanding is that, for most
12 people, it did become the default account because of access
13 issues. I do think that post-April '07 that everyone is
14 working very hard to comply with the directives, new
15 directives.

16 Q To your knowledge, did Karl Rove use his political
17 e-mail account as his default account?

18 A I can't speculate or speak to -- because I wasn't
19 over his shoulder while he was doing all of his e-mail. I
20 know that I received e-mail from Karl Rove on a political
21 account.

22 Q And you sent e-mails daily to his political
23 account, as well?

24 A Yes.

25 Q What was your understanding, when you joined the

1 White House and received the RNC equipment, about whether RNC
2 e-mail was being retained by the RNC?

3 A I don't have a recollection of being given any
4 information on that. I had no reason to believe it wasn't
5 being retained, but I don't recall it being part of any
6 briefing.

7 Q Did you have any understanding as to whether the
8 e-mail on your RNC account was being retained by anyone, for
9 example, the White House?

10 A No. I don't have any recollection of being briefed
11 on that matter.

12 Q Did you ever ask?

13 A Not to my recollection.

14 Q Did anyone ever tell you, while you worked at the
15 White House, before the spring of this year, that your RNC
16 e-mail was being periodically purged by the RNC?

17 A I was aware that e-mail could be taken out of what
18 you could see on your Outlook, so, in other words, what you
19 might have been able to have access to just on your computer.
20 But I didn't have any reason to know or believe that e-mail
21 was being permanently removed.

22 I was aware that -- and I think maybe some of this was
23 for performance issues -- you know, if you had a folder that
24 was getting out of hand, it could be removed from your
25 Outlook and improve the efficiency of your operation of your

1 folder or of your system. But I didn't have any reason to
2 know or believe that e-mail was being permanently purged.

3 Q But, from your perspective as a user, you were
4 aware that e-mail was disappearing from your computer and you
5 couldn't access it anymore?

6 A Yes. I knew that it was disappearing from my
7 computer. But, again, I want to stress I didn't know that it
8 was disappearing, you know, off of forever or however you
9 would characterize it.

10 Q Did you ever have an occasion where you needed an
11 older e-mail that had disappeared and you no longer had
12 access to?

13 A I can't think of one. You know, it wasn't -- I
14 don't think the purge was immediate. In other words, it
15 wasn't a daily purge. So, you know, if you needed something
16 from yesterday or a week before or 2 weeks, I don't remember
17 ever having a problem finding that. So, no, I don't have
18 any -- I don't have any recollection of needing something and
19 being unable to access it.

20 Q You noticed that e-mails were becoming inaccessible
21 to you. Did you ever ask about whether they were being
22 preserved somewhere else?

23 A I did not ask.

24 Q The RNC informed us that they typically had a
25 30-day purge policy, so that e-mail older than 30 days would

1 then disappear. Is that consistent with what you recall from
2 your practice?

3 A I had heard that, yeah.

4 Q So you said you had heard there was a 30-day
5 deletion policy. When did you first learn that the RNC had a
6 policy of deleting e-mail more than 30 days old?

7 A I don't remember when I learned it.

8 Q Was it just this past spring when this issue became
9 publicized?

10 A No, it was earlier. I don't remember exactly when
11 I learned it.

12 You know, I also remember, you know, asking at one point
13 about, you know, how do I improve the performance of my -- if
14 I click on this folder, it locks up my computer; what do I
15 do?

16 But I don't remember when I learned that, but I remember
17 hearing that there was some sort of a purge policy of
18 30 days.

19 Mr. Snowdon. If I could?

20 But, again, your understanding of the purge policy was
21 that it applied to your Outlook, not necessarily --

22 Mr. Jennings. Yes.

23 Mr. Snowdon. -- RNC servers or backup tapes or anything
24 of a more permanent nature. Is that right?

25 Mr. Jennings. Yes.

1 BY MR. GORDON:

2 Q You didn't know one way or the other whether stuff
3 was being saved. You never asked. Is it fair to say you
4 didn't know whether it was being saved or not?

5 A Yeah, I was never briefed on it. I had no reason
6 to believe that it was not, but I had not been briefed on the
7 system and how it was set up.

8 Q You didn't know one way or the other?

9 A Correct.

10 Q Did you ever discuss with any of your White House
11 colleagues the preservation or deletion of e-mails on your
12 political account prior to the spring of this year?

13 A The preservation of e-mail on the political
14 account?

15 Q Yeah, the preservation or deletion, what was
16 happening to them?

17 A I don't remember having any conversations. I
18 remember there being some talk in the office, everyone was
19 having a similar problem with, you know, heavy volume in a
20 folder. You know, "It is locking up my computer whenever I
21 click on this folder." I remember there being some talk
22 about that. I don't remember any specific talk about the
23 permanent preservation or deletion of e-mail.

24 Q Did you ever hear of anyone else having the problem
25 where they wanted access to an e-mail that was no longer

1 accessible on their computer and they had to go get it
2 somehow?

3 A I do not remember hearing anything about that.

4 Q Did you ever discuss with anyone in the White House
5 whether the e-mails sent over your political accounts would
6 be accessible to others who might be making requests of the
7 White House for information?

8 A No. I never had any conversations about that, no.

9 Q Did you ever discuss with any of your White House
10 colleagues, prior to the spring of this year, whether e-mails
11 sent over the political account could be subject to the
12 Presidential Records Act?

13 A I don't recall any conversation about the
14 Presidential Records Act prior to the spring of this year.

15 Q My question was whether you discussed it with
16 anyone else in the White House. And are you saying you
17 didn't discuss, prior to the spring of this year, with anyone
18 in the White House whether the e-mail on RNC accounts could
19 be subject to the Presidential Records Act? Is that right?

20 A Correct. I didn't have knowledge of the
21 Presidential Records Act until the spring of this year, so,
22 no, I wouldn't have discussed it with anyone before I had
23 knowledge of it.

24 Q According to press reports, Karl Rove's attorney
25 said that Mr. Rove understood that his e-mails on his RNC

1 account were being archived. Were you aware that Mr. Rove
2 thought his RNC e-mails were being saved?

3 A I read it. Probably the same press accounts. I
4 didn't have an independent knowledge of it. I read it,
5 though.

6 Q That was the first you heard of that, when you read
7 a press account?

8 A Yes.

9 Q You never talked about that with Mr. Rove?

10 A Not that I recall, no.

11 Q Have you talked about it with him since spring of
12 this year, when this issue was publicized?

13 A I think the only real conversations I had with him
14 about anything that happened in the spring were just, you
15 know, whatever White House Counsel tells you to do, make sure
16 you follow their rules and instructions.

17 Q But no discussion about whether his e-mail was
18 saved or not?

19 A I didn't have any discussions with Karl about his
20 e-mail, no.

21 Q As I mentioned before, the RNC had this general
22 policy of deleting things after 30 days, deleting e-mail.
23 Did you ever become aware that this 30-day deletion policy
24 was altered for any reason or for any individual?

25 A Not that I recall, no.

1 Q Did you ever learn that a hold had been placed on
2 someone's RNC e-mail for one purpose or another?

3 A Not that I recall. I think, you know, I may have
4 read -- I think I seem to recall reading perhaps press
5 accounts about Karl's RNC e-mail account vis-a-vis other
6 investigations, but I think that was learned from the press.

7 Q Did you ever discuss that issue of Mr. Rove's
8 e-mail being retained for investigative purposes with anyone
9 in the White House?

10 A No.

11 Q You learned about that only through press reports?

12 A That's my recollection, yeah.

13 Q Do you know who at the RNC is responsible for such
14 things as the deletion policy of the e-mail?

15 A I don't know who ultimately is responsible for it.
16 I know that if you have a computer question, you can call the
17 IT department. But the final policy on such thing, I
18 actually don't know who was the final arbiter on that.

19 Q Who at the RNC would help you with technical
20 problems like the loss of a BlackBerry or an access problem?

21 A You would contact someone in the IT department for
22 a question like that.

23 Q And they would send someone over to the White House
24 or to help you?

25 A Yeah. I remember seeing RNC tech guys, like, you

1 know, if let's say all the Internet service to, you know, the
2 laptops in the office had gone down, someone might come over
3 and check the wires on the system that they had put in place.

4 Q Who at the White House was responsible for
5 determining whether a White House employee would get an
6 official White House BlackBerry?

7 A My understanding is that the BlackBerrys and other
8 equipment, the other devices, is controlled by the Management
9 and Administration Office. I have never gotten a briefing on
10 that specifically, but that is my understanding, is that they
11 are the -- they control all those devices.

12 Q You mentioned earlier that, at some point, you had
13 asked for an official BlackBerry on the White House system;
14 is that right?

15 A Correct.

16 Q Do you recall when that was?

17 A Early. Early in my employment. It was, you know,
18 February, March '05.

19 Q Who did you ask?

20 A Sara Taylor.

21 Q Did you ask anyone else?

22 A No. She was my supervisor.

23 Q And why did you ask for an official BlackBerry?

24 A Well, I think, as I may have said earlier, when I
25 initially started as an associate director, the President was

1 doing a high level of travel in my region, in my States. And
2 I was getting a lot of e-mail from Advance and White House
3 Scheduling and other offices inside the White House on my
4 official account. A lot of it was coming in when I wasn't at
5 my desk or after hours. And, at the time, I thought to
6 myself I really would benefit from having access to this so I
7 could respond to it. But I was told, as I said earlier, that
8 it wasn't the custom to give official BlackBerrys to
9 Political Affairs staffers.

10 Q You had an RNC BlackBerry at this point, when you
11 made the request. Is that right?

12 A Yes.

13 Q So you were able to use e-mail when you were away
14 from the office on travel through the RNC BlackBerry. Is
15 that right?

16 A Yes.

17 Q So why did you need an official BlackBerry in
18 addition to the RNC BlackBerry?

19 A Well, right after I started, I think other people
20 in the White House who only had official White House e-mail
21 accounts, especially on their -- well, either on their
22 computer or on their BlackBerry, in order to send someone an
23 e-mail, just type in the name, the directory recognizes it,
24 and it would go. And so, on an official device, if you typed
25 in "Scott Jennings," it is going to pull up my official

1 address and send it to Scott Jennings at his official
2 account.

3 And so, you know, given that I was getting a lot of that
4 kind of e-mail from Advance and Scheduling and other offices,
5 it just seemed to me it would be efficient to have access to
6 it so that I, you know, I wouldn't have to tell every single
7 person, "Please don't e-mail me here after hours; I can't get
8 it. E-mail me here." It seemed to me it would be more
9 efficient to do it the other way.

10 Q Is that ultimately what you had to do, since you
11 didn't get the official, is just to tell people to e-mail me
12 on the RNC account?

13 A Yes, especially if it were after hours or on the
14 weekends. And I had to tell people that, but also I think
15 people just learned that, you know, and I think also people
16 knew from dealing with Political Affairs Offices previously
17 that that was the custom. In order to get somebody after
18 hours, that would be the way you would get them. Or I
19 shouldn't say just after hours, but regularly, that is how
20 you would get them.

21 Q Was record-keeping one of the reasons why you asked
22 for a BlackBerry? In other words, thinking that having an
23 official BlackBerry would make it easier or more likely that
24 the e-mail would be retained? Or was it simply the reason
25 that you gave before, which was I want to be able to respond

1 to e-mail I am getting on that account?

2 A I can't say that record-keeping was a motive. The
3 motive was access, efficiency, being able to do my job.

4 Q You said in response to your request you were told
5 it was not customary for personnel within OPA to get official
6 White House BlackBerrys. Who did you talk to about that?

7 A It was in the exchange where I asked Sara about it.

8 Q So Sara Taylor informed you that it was not
9 customary for OPA personnel to get official BlackBerrys?

10 A I have a recollection of her telling me that when
11 she served as an associate director during the first term she
12 didn't have one either. And as an associate director at the
13 time, you know, there was a parallel there. So I remember
14 her telling me she didn't have one when she was an AD, she
15 didn't think it was the custom for Political Affairs staffers
16 to get them, so just use your other devices.

17 Q Up until the spring of this year, did any OPA
18 personnel, even the director, for example, have an official
19 White House BlackBerry, to your knowledge?

20 A I have a recollection that, at some point during
21 our tenure, Sara may have obtained an official BlackBerry. I
22 don't know when and I don't know how or why, but I believe
23 she may have. For the rest of us, I am fairly certain that
24 no one else -- I know I didn't -- but no one else had one.

25 Q Did you ever renew your request?

1 A I don't have a recollection of renewing my request
2 beyond the initial time. Well, let me back up. I did renew
3 my request in April of 2007. It was part of the briefing. I
4 renewed a request at that time for all of Political Affairs
5 to be issued BlackBerrys.

6 Q Other than the response that it was not customary,
7 were any other reasons provided to you by Sara Taylor or
8 anyone else as to why you would not receive an official
9 BlackBerry?

10 A No. That was the only exchange -- that is the only
11 exchange I recall having about it.

12 Q Did you ever discuss this issue with anyone other
13 than Sara Taylor?

14 A You know, I have some recollection of some banter
15 about it, but I don't have any -- I can't specifically
16 pinpoint any one thing.

17 Q Who were you talking about this with?

18 A It would have just been other officials or other
19 staffers within Political Affairs.

20 Q And what do you recall about those conversations?

21 A The only thing I recall is, you know -- I have a --
22 I don't remember which staffer it would have been. I
23 remember when a new person started, similar questions arose,
24 "Hey, do you get an official BlackBerry?" And, "No,
25 Political Affairs doesn't get them." You know, just

1 regurgitation of what we knew. But that is really about it.

2 Q Do you ever remember record-keeping coming up in
3 discussions about whether OPA personnel would get official
4 BlackBerrys?

5 A I don't remember any record-keeping discussion
6 until April 2007 regarding the use of BlackBerrys and other
7 official political devices.

8 Q Do you remember any record-keeping discussions you
9 had with others at the White House on any other topic other
10 than BlackBerrys prior to April of 2007?

11 A I do not have any recollection.

12 Q So how did the practice change in April 2007, with
13 regard to the provision of official BlackBerrys to OPA
14 personnel?

15 A In the context of the briefing that was being given
16 to all of us, it was suggested that we should be very
17 diligent in making sure political matters were kept on
18 political BlackBerrys and official matters on official
19 equipment. That was the moment where I then renewed my
20 request for Political Affairs staffers to get these devices.
21 And then, shortly thereafter, it happened. We started -- we
22 all started to receive the new devices.

23 Q Were they supplied to everyone, or did you have to
24 request one?

25 A They were supplied -- I asked -- in the context of

1 that briefing, I asked that everyone be supplied with one.
2 And to the best of my knowledge, everyone was supplied with
3 one.

4 Q And was the motivation for this change in practice
5 what you just mentioned? Was it -- well, let me ask you to
6 characterize it. What do you think caused this change in
7 practice?

8 A I think it was about this time that these issues
9 were being raised in the press, and the White House Counsel's
10 office was taking action to ensure that everything was being
11 done properly. I think that was the motivation for the
12 briefing and for the change in practice. And certainly when
13 it was suggested that we needed to be more diligent about
14 keeping our official e-mails on the official account, it
15 spurred me to think it really would be easier to do that if
16 we had access to it. And so, that is when and why I made the
17 request, and it was granted.

18 Mr. Gordon. It has almost been an hour. I am actually
19 at a good breaking point. So I will turn it over to Mr.
20 Castor.

21 [Recess.]

22 BY MR. CASTOR:

23 Q Mr. Jennings, do you recall any rule that the
24 political briefings should occur after 5:00 p.m.?

25 A I remember there being a suggestion, but my

1 recollection is it was for just appearance purposes. I don't
2 remember that it was a rule. I remember it being for, you
3 know, for appearances purposes, it might be better to do them
4 after 5:00 p.m., but I have never seen it sort of written
5 down on a rule page anywhere that this must be the way it is.

6 Q Were there any considerations about where the
7 political briefings occurred, along the same lines? Like,
8 was it easier to do them in the Eisenhower Building as
9 compared to on site at an agency?

10 A You know, they clearly took place in both. You
11 know, I think, for logistical purposes, if you were going to
12 give a briefing to one of the larger, you know, the Schedule
13 C's at a larger agency, it is a pretty cumbersome process to
14 clear in 200 political appointees into the EEOB, so it is
15 probably easier to go there, certainly. It is cumbersome to
16 clear in 40 people into the EEOB. You know, it is a process
17 to go through the metal detectors and all that. I think,
18 logistically speaking, my perspective, it was easier for us
19 to go there than for people to come to us. But certainly, it
20 worked both ways.

21 Q When that January 26th, 2007, briefing at GSA that
22 you had given was posted on the Internet, there was some
23 observation in the press that this is perhaps some secret
24 view of Karl Rove and the White House, and there was some
25 interest along those lines. Do you have a recollection of

1 that?

2 A I recall the press, yes.

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1 RPTS SCOTT

2 DCMN NORMAN

3 [2:10 p.m.]

4 BY MR. CASTOR:

5 Q Was there a concern on the White House's end that
6 the content of the slides should remain not public?

7 A When you say the "White House," do you mean anyone
8 in particular or -- I don't understand --

9 Q Was it White House policy to keep the slides
10 confidential?

11 A Oh, you know, Sara did not want us to e-mail the
12 slides around, but I don't remember any specific policy on
13 it. You know, she didn't want us to e-mail the slides
14 because she had a viewpoint that other people were taking her
15 proprietary material, using it in their own presentations and
16 taking credit for it. And so that was the reason I remember
17 her giving for, you know, don't e-mail the slides around.

18 Q Is it fair to say there is a component of -- even
19 if it's obvious information, if it's something that Karl Rove
20 or the White House has adopted, isn't there some sort of
21 benefit to keeping that confidential or in-house?

22 A I suppose. I mean, I'm not certain that any
23 information in the political briefings would be considered,
24 you know, highly secretive type of information. I mean, it's
25 pretty standard stuff for most political observers, I would

1 think.

2 Mr. Castor. I'm going to mark this Exhibit 6.

3 [Jennings Exhibit No. 6

4 was marked for identification.]

5 BY MR. CASTOR:

6 Q This is just what you were discussing, and I was
7 just trying to get a little bit more context that "we can't
8 e-mail this out" --

9 A Right.

10 Q -- is what Jane Cherry writes.

11 A Uh-huh.

12 Q To me that could mean a lot of things. That could
13 mean don't e-mail it out because this is, you know, secret
14 Republican strategy, A; B, don't e-mail this out because it's
15 a large PowerPoint file that might clog up people's e-mails,
16 or it could mean any number of things.

17 Do you have anything else you want to add, other than
18 what you already did, about why the policy was "don't e-mail
19 this out"?

20 A No, I don't have anything further to add. I can't
21 speak to why Jane said this at this particular time and, in
22 fact, if I look at the date stamp correctly, I wasn't yet the
23 deputy director; but just to reiterate my understanding of
24 Sara's directive not to e-mail it out, it had to do with her
25 belief that it was proprietary information that she had

1 created and that she didn't want others stealing and using
2 and taking credit for her work.

3 Q Was there any Hatch Act concern about e-mailing it
4 out that you were aware of?

5 A No.

6 Q Was there any Presidential Records Act
7 considerations?

8 A Not that I recall, no.

9 Q You indicated that the 5:00 p.m. time slot for
10 these political briefings may have been the result of
11 counsel's office or someone in the Office of Political
12 Affairs utilizing an abundance of caution.

13 Do you remember any other techniques that were sort of
14 in that category of abundance of caution surrounding
15 political presentations?

16 A Sure, I remember -- I think I may have mentioned
17 this earlier in the context of the presentations -- the
18 presenter, either Sara or myself, being very clear about
19 people not engaging in any political activity unless it was
20 within the rules and, if there were any questions whatsoever,
21 that people should definitely check with their counsel so
22 they don't violate the rules.

23 So, you know, I don't think those things were being said
24 because we thought rules were being broken. They were being
25 said out of an abundance of caution to remind people don't

1 break rules; don't get anywhere near the line; just check
2 with your counsel; make good decisions based on the rules;
3 don't violate the rules of the Hatch Act as they've been laid
4 out and as they apply to you.

5 Q In the course of the question-and-answer session at
6 the agencies, did you ever get any questions about, "Hey, how
7 can I help get involved with a campaign?" from any of the
8 politicals?

9 A I don't have any -- I can't pinpoint one
10 specifically; but yes, I remember that, you know, from time
11 to time, people would say, you know, "What if I want to
12 volunteer?" Maybe that's a good example. Again, that was
13 another good example of saying, "Whatever you do, don't do
14 anything without checking with your counsel; don't use
15 government resources; don't have it interfere with, you know,
16 your government service; and follow all the rules as they've
17 been laid out for you at your agency."

18 Q Did you ever tell people "talk to the RNC about
19 that type of thing"?

20 A Yes, I remember saying that, you know, those kinds
21 of questions were more appropriately handled and that the RNC
22 would probably be better equipped to handle a question like
23 that because we're not the facilitators of, you know, the
24 campaign work. We obviously work in the White House. So I
25 do remember saying -- I don't remember if it was broadly or

1 just to a person, but I remember suggesting that, yes, this
2 question is probably more appropriately directed to the RNC.

3 Q How about with respect to the 72-hour program or
4 any other specific campaign, like technique? Do you have any
5 recollection of people asking you about "How can I get
6 involved with a 72-hour program?"

7 A Yeah. My recollection is that the questions on
8 that were all pretty much regarding, you know, volunteer
9 activity. "How do I volunteer?" or "What can I do?" or, you
10 know, "What are the rules?" So our answers were pretty
11 standard. "Follow the rules. Check with your counsel and
12 make sure you, you know, route -- these questions are more
13 appropriately routed to the RNC. I'm sure there's someone
14 there who could handle your question or your desire."

15 Q Did you ever have to make a sales pitch about why
16 it's great to get involved with campaign activities in the
17 72-hour program?

18 A I don't recall making any sales pitches.

19 Q So, as to you or anyone that you're aware of in the
20 Office of Political Affairs, was it ever your plan to sort of
21 try to recruit people for campaign activity or was that
22 something that was out of your area of operations?

23 A I think that there was general knowledge that
24 people from all over Washington were being recruited to
25 volunteer. You know, as I said earlier, I want to reiterate

1 that there was a real concern that at all times, if that
2 topic ever came up, that people were reminded of the rules
3 and to follow the rules and to check with their counsel's
4 office. So, yeah, I had knowledge that people from all walks
5 of life, be they in government, out of government, in and
6 around Washington, were potentially, you know, being
7 recruited to -- or could sign up, if they wanted to, to
8 volunteer.

9 Q Getting back to the White House liaisons, did
10 anyone in the Office of Political Affairs have a dotted line
11 responsibility for overseeing the White House liaisons?

12 A No. Do you mean sort of in the context of all of
13 the White House liaisons report to X person? No. No.

14 Q As I understand the White House liaisons, they had
15 a contact, perhaps, within the Office of Presidential
16 Personnel --

17 A Yes.

18 Q -- but they didn't report to anybody within the
19 Office of Presidential Personnel. They were all agency-based
20 employees.

21 A Correct.

22 Q So it's fair to say that they didn't report to
23 anyone within the Office of Political Affairs?

24 A No. I think it's fair to say that we had a working
25 relationship and communicated, as they did, with Presidential

1 Personnel and probably, certainly, the Cabinet liaison, but
2 no, I wouldn't describe -- they were not White House
3 employees. They didn't report to anyone necessarily.

4 Q So nobody within the Office of Political Affairs
5 was in charge of instructing the White House liaisons on the
6 types of job responsibilities that they should carry out at
7 the agencies?

8 A No. I mean, you know, there were recommendations.
9 Like resumes would be sent over, "Hey, would you mind
10 interviewing this person," that sort of thing. But I
11 wouldn't -- I don't remember a time when -- I don't remember
12 ever being involved with anything where people were "Here's
13 your instructions because we're your boss, and you report to
14 us." I don't remember that or I don't know anything about
15 that.

16 Q You said, as the deputy director, you had some
17 responsibility for the personnel recruitment and the hiring
18 process for Presidential appointees.

19 A Uh-huh.

20 Q What are the types of things that the Office of
21 Political Affairs looked for in a Presidential appointee?

22 A You know, I think some of it was job-based. If it
23 were a Legislative Affairs job, for instance, we were looking
24 for people who might have a legislative background, who'd
25 maybe worked on the Hill. So there were some job-based

1 criteria. I think we were certainly looking for people who
2 were loyal to the President's agenda.

3 You know, oftentimes these folks are not hard to find
4 because they were coming to us. People -- a lot of people
5 expressed a desire to serve in the administration in some
6 capacity. So I think the criteria are, you know, people who
7 support and, you know, want to work on behalf of this
8 President's agenda, combined with, you know, do they have
9 some skill that fits in with a particular need. I mean, I
10 think those are two sorts of general buckets of criteria.

11 Q At least at the Cabinet level, the President
12 appointed Secretary Mineta, who is a Democrat, to his
13 Cabinet. Director Tenet was involved with the Clinton
14 administration. So just because you were a Democrat or a
15 supporter of President Clinton didn't automatically rule
16 somebody out for being a political appointee, right?

17 A Not necessarily. No, no.

18 Q If there were a political appointee who was
19 publicly hostile to the President, and this appointee were an
20 appointee of the previous administration serving in a term
21 position, is it fair to say that when that person's term was
22 up, that particular person who was aligned with the Clinton
23 administration, potentially hostile to the President,
24 wouldn't be reappointed?

25 A I think that's a fair assessment. I can't, right

1 offhand, think of a specific example, but my belief is that
2 if you are in a position that had a term and you were openly
3 opposed and you were a political appointee, of course -- all
4 of this is talking about political appointees -- if you
5 openly opposed the administration's policies, they would
6 probably want to find someone who would support the
7 administration's policies to fill that position.

8 Mr. Castor. I'm going to mark two more exhibits, 7 and
9 8. [Jennings Exhibit Nos. 7 and 8
10 was marked for identification.]

11 BY MR. CASTOR:

12 Q Both of these were before your time, and I'm
13 calling them to your attention.

14 Mr. Snowdon. Can we have a minute, Counsel, just to
15 look at this?

16 Mr. Castor. Sure, take as much time as you need.

17 [Pause.]

18 BY MR. CASTOR:

19 Q These two documents are from February '02 from Ken
20 Mehlman, and they touch on the fact that in advance of the
21 2002 midterms, Mr. Mehlman, then director of Office of
22 Political Affairs, was interested in bringing the White House
23 Counsel's Office in the loop as to what can and can't be done
24 in a political year.

25 I wanted to call these to your attention to see if you

1 had any recollection of whether these types of activities
2 were ongoing during your tenure.

3 A Uh-huh. I remember Sara's telling me -- regarding
4 political briefings, I remember her telling me that she got
5 the briefing materials cleared by the White House Counsel,
6 that she had engaged in conversation with them. She'd gotten
7 advice from them about doing it. You know, they were aware
8 that they were ongoing and had approved of the concept of
9 doing it. So I'm aware that that occurred.

10 Q During Mehlman's tenure, Brett Kavanaugh, as I
11 understand it, was the White House Counsel official who
12 helped Mr. Mehlman sort through these issues.

13 Do you know if there is anyone within the White House
14 Counsel's Office who was sort of in charge of the Political
15 Affairs' portfolio? You don't have to give the name, but was
16 there --

17 A Oh, yes. Yeah, I remember. Yes.

18 Q So it's fair to say that Political Affairs
19 officials, whether it be Ms. Taylor or yourself -- if you had
20 any questions, you had access to the White House Counsel's
21 Office to ask them?

22 A Yes.

23 Q You testified that it was your understanding that
24 Ms. Taylor, in fact, exercised that option, and she conferred
25 with counsel to make sure that everything was being done

1 appropriately?

2 A Yes.

3 Mr. Castor. Those are all of my questions for now.

4 Thanks.

5 Mr. Jennings. Okay.

6 BY MS. SACHSMAN:

7 Q I know we've discussed briefly some of the guidance
8 that you got from White House Counsel, but I just want to go
9 back and cover a couple of things that I don't think have
10 quite been hit.

11 It is my understanding from your previous statements
12 that you, personally, never consulted with White House
13 Counsel about the appropriate content for the political
14 briefings; is that correct?

15 A Correct.

16 Q But you have some belief that Sara Taylor did?

17 A Correct.

18 Q Do you know who she was communicating with in the
19 White House Counsel's Office?

20 A My belief is that she was communicating with the
21 counsel who was assigned to Political Affairs.

22 Q And who would that be?

23 A My belief at the time would have been Richard
24 Painter, but I wasn't involved in those discussions, so I
25 hesitate to say that I know for sure, but my belief is he was

1 the person who had our portfolio.

2 Q Did you ever consult with Richard Painter or with
3 someone else from White House Counsel on a different issue?

4 A I've consulted with Richard on issues, yeah.

5 Q Did you ever consult with the White House Counsel's
6 Office on any issues related to surrogate travel?

7 A I don't recall having any conversations with him
8 about surrogate travel.

9 Q Do you know whether Sara Taylor did?

10 A I do not know.

11 Q Did you ever consult with the White House Counsel's
12 Office about whether or not it was appropriate to suggest to
13 agencies, when agency heads are going to make a specific
14 announcement, that they make it in a particular place or with
15 a particular person?

16 A I did not have any conversations with counsel about
17 that.

18 Q You had said that it was your understanding that
19 White House Counsel had suggested that these political
20 briefings occur after 5:00 p.m.; is that correct?

21 A I remember its being a suggestion, and I remember
22 the suggestion being for appearance purposes.

23 Q How did you learn about that suggestion?

24 A I don't recall specifically. I may have learned it
25 from Sara. I don't recall specifically.

1 Q But you never spoke personally with anyone from the
2 White House Counsel's Office; is that correct?

3 A Correct. Not that I recall, no.

4 Q Do you remember the context of any kind of a
5 conversation regarding that -- anymore detail, I guess --
6 regarding that conversation?

7 A I really don't. I just have sort of a recollection
8 that it was a suggestion that had been made. I don't have
9 any context to add.

10 Q Do you recall whether that was at the beginning of
11 your tenure in doing the political briefings?

12 A I really don't recall when. I only did ten. So,
13 you know, it was over a short period of time.

14 Q Did you change your practice after you learned of
15 that suggestion?

16 A Well, I wasn't in charge of scheduling the
17 briefings, so how they were scheduled, when they were
18 scheduled, where they were scheduled was not something that I
19 orchestrated.

20 Q So do you know whether the scheduling of them was
21 changed based on that, or are you just saying you were not at
22 all involved in the scheduling?

23 A Honestly, I was not involved in the process of
24 scheduling the briefings, so I hesitate to offer an answer on
25 it. I really don't know. I wasn't in the loop on the

1 setting up of these briefings either. You know, in the one
2 instance -- I'm sorry -- in two instances, I recall I was
3 asked specifically if I could do it, but the rule here
4 was that most of the time, these things were being set up by
5 people who were not me, and so I don't know. I really don't
6 know how the practice may have changed or not changed.

7 Q Do you recall how many of these briefings you did
8 before 5:00 p.m.?

9 A I don't. I know the GSA briefing took place over a
10 lunch hour. My understanding of it at the time was that it
11 was over a lunch hour and that it was voluntary. I may
12 have -- I seem to recall doing one or two more, perhaps,
13 before 5:00, but I don't -- I hesitate to say that because,
14 you know, I don't have the list in front of me so I don't
15 know that I can say that for sure, but it may have occurred
16 one or two times.

17 Q When you saw that the briefing was scheduled before
18 5:00 p.m., did you suggest to anyone -- did you question
19 that? Did you suggest to anyone that perhaps that would be a
20 concern, or you should check with White House Counsel, or you
21 should check with Sara Taylor?

22 A I didn't, no. I mean the briefing, in and of
23 itself, doesn't -- didn't -- you know, it didn't appear to
24 me, or doesn't appear to me now to be problematic in its
25 content or occurrence, so it didn't jump out at me that the

1 timing of it was an issue.

2 Q But White House Counsel had told you, or had told
3 Sara Taylor, or had told somebody that these should probably
4 be done after 5:00. So when you were scheduling them or you
5 were learning that they were scheduled for you before 5:00,
6 did that not raise any concerns?

7 A You know, it was not told directly to me on the
8 timing, and it's something I recall hearing, but it just
9 wasn't something that I recall personally thinking about that
10 much.

11 Q Did Sara Taylor ever instruct you that you should
12 consult with White House Counsel before you gave a briefing?

13 A No. My belief and understanding was that she had
14 consulted with White House Counsel on, you know, the concept
15 of doing the briefings and then the content of the slides
16 that she was handling for that liaison.

17 Q From that, was there ever any understanding that
18 you had as to whether she had consulted with White House
19 Counsel about the time and place of these briefings?

20 A I don't remember discussing that with her. I don't
21 have any recollection of discussing it.

22 Q You said that the instructions from White House
23 Counsel were in order to avoid some inappropriate appearance;
24 is that correct?

25 A That's my recollection of it, yes.

1 Q What would have been --

2 A I didn't say "inappropriate." I just said for
3 appearance purposes.

4 Q Sorry. I stand corrected.

5 What would be the concern about appearances purposes?

6 Mr. Snowdon. Are you asking his personal feeling about
7 it, or are you asking him to guess as to what someone else's
8 concern was about it?

9 BY MS. SACHSMAN:

10 Q If anyone explained to you at the time what
11 White House Counsel's concern was, that would be a good place
12 to start.

13 Do you have any understanding of what White House
14 Counsel's concern was?

15 A I really don't. I mean, again, as I said earlier,
16 I just have a recollection that it was part of the
17 conversation that had gone on between Sara and counsel, but I
18 wasn't part of that conversation. I just sort of have a
19 brief recollection of it.

20 Q Did you have any independent understanding of what
21 might be a concern related to the appearance of these being
22 done before 5:00 p.m.?

23 A No, I really don't. I mean I don't have any
24 independent judgment on it; I mean, other than, you know, I
25 don't know that, you know, having them after 5:00 or having

1 them during a lunch hour, you know, might give the appearance
2 that you weren't -- that other people weren't, you know,
3 leaving their actual work, you know, during the workday --
4 work stations -- to just sit in an auditorium. I mean that's
5 one potential appearance, I think, issue; but I don't have
6 any independent, you know, judgment about it.

7 Ms. Sachsman. I'm going to show you an e-mail we'll
8 mark as Exhibit 9. For the record, it's H0GR002-0974.

9 [Jennings Exhibit No. 9

10 was marked for identification.]

11 Mr. Snowdon. Do you have an extra copy, Counsel?

12 Ms. Sachsman. Yes.

13 Mr. Snowdon. Thanks.

14 Ms. Sachsman. Sorry.

15 BY MS. SACHSMAN:

16 Q What I'm showing you appears to be an e-mail
17 exchange between Matt Smith -- who was, I believe, the
18 White House liaison at the VA -- and yourself from
19 October 11th, 2006.

20 In the first e-mail, he asks you for a quick political
21 brief and remarks on what the White House expects from
22 appointees, and you responded that you would do it. And you
23 said, "To be clear, we will lay out the ground rules for
24 appointees as we have been directed by counsel. The rules
25 are pretty simple, and we will gladly make sure everyone has

1 the information."

2 Do you remember this communication?

3 A Yes. I mean I don't remember it, you know, for any
4 reason other than you put it in front of me. But, yeah, I
5 remember getting the request.

6 Q What were those simple ground rules?

7 A As I said earlier, Sara and I were very cognizant
8 of making sure that people knew that there were rules
9 regarding, you know, any potential political activity that
10 people might engage in. You know, first and foremost, if you
11 have any questions, check with your counsel; make sure you
12 don't engage in political activity on government time or use
13 government resources; you know, make sure you're not
14 violating anything that your counsel may have laid out for
15 you in any kind of briefing you got when you became an
16 appointee.

17 So it was pretty simple, and at the head of it was,
18 always, don't do anything you think is questionable; make
19 sure you check with your counsel so that you're following all
20 of the rules.

21 Q These were instructions that White House Counsel
22 had provided you with?

23 A I don't know that I remember getting them directly
24 from White House Counsel, but certainly I remember getting
25 them from Sara as, you know, this is something we always need

1 to stress regarding the rules in case these topics come up.

2 Q Part of what you were supposed to give as your
3 remarks was what the White House expects from appointees.

4 What would you have said during those remarks?

5 A I don't know what Matt Smith meant by his e-mail.

6 What I was conferring back in my e-mail was that, you
7 know, we're prepared to, you know, obviously do the briefing
8 and to make sure we lay out rules that everyone should
9 follow. I don't recall actually giving this briefing, so I
10 don't have the list in front of me of the ones that we've
11 identified, but I don't think I actually gave this briefing.

12 Q Was there something standard that the White House
13 expected from appointees?

14 A Not that I recall. I mean there was not any part
15 of the briefing that I would give that had any sort of, you
16 know, "and here are your expectations." That wasn't a part
17 of any briefing that I gave.

18 Q Well, you don't recall actually doing this
19 briefing?

20 A I don't believe that I did, actually. We could
21 look at the list, but I don't believe that I did.

22 Mr. Snowdon. Just for the record, Counsel, in
23 responding to follow-up questions from the Senate Judiciary
24 Committee, one of the attachments to that letter in response
25 to their questions contained a list of the political

1 briefings that Mr. Jennings did, to the best of his
2 recollection, and that also were consistent with what the
3 White House Counsel's Office was able to find, and there was
4 not a briefing to the VA that he did that was contained on
5 that list. So to the best of our knowledge, he actually did
6 not give a briefing to the VA.

7 BY MS. SACHSMAN:

8 Q How come you would have been going to the VA to
9 give this kind of Hatch Act information? Why not White House
10 Counsel or someone else?

11 A Well, the Hatch Act information was, you know, only
12 one piece of the overall briefing, so it was -- you know, we
13 were there to give a comprehensive lay of the land. But in
14 the context of that, I think Sara -- and I agree with this --
15 felt it important to make sure that while we had the
16 opportunity, we should make clear any rules that existed and
17 that people should follow them.

18 Q Who else would provide that kind of instruction to
19 agency officials on the Hatch Act?

20 A Well, I don't know. I've never worked in an
21 agency, but --

22 Q I'm sorry. Let me rephrase.

23 Who else from the White House would have done that? So
24 it would have been you and possibly Sara Taylor in a
25 political brief. Would there have been anyone else?

1 A I actually don't know. I don't know what contact
2 other White House officials have with agency officials on the
3 Hatch Act. All I can tell you is what I remember saying in
4 the context of these briefings.

5 Q And you have referenced that you had received
6 Hatch Act training. Do you remember when you received it?

7 A I remember it was part of the initial briefing that
8 we got as new employees, and then, you know, there were -- I
9 don't remember how formalized this was, but I remember some
10 subsequent sort of -- maybe it was Counsel's Office coming to
11 a staff meeting or something just to refresh everyone on
12 Hatch Act issues.

13 Q When the White House Counsel's Office came in, do
14 you recall who from the White House Counsel's Office came in?

15 A My recollection is that it was usually Richard
16 Painter or the guy who was assigned to us.

17 Q Was the Hatch Act information that you were
18 receiving being given specifically to OPA officials or to
19 White House employees generally?

20 A I remember seeing information that made clear
21 about -- not just Political Affairs officials, but what I
22 think it referred to was 24/7 employees of the Executive
23 Office of the President, and that there were, you know,
24 slightly different rules for those folks than for your normal
25 government agency person.

1 Q But for the people in the room with you receiving
2 the briefing, was it a special briefing for OPA people or was
3 it a briefing for general --

4 A My initial briefing as a new employee, I think, was
5 just for all new employees who came to work at that time, so
6 I don't think -- it wasn't specific to me or to the office.
7 Future conversations about that that might have occurred at a
8 Political Affairs staff meeting would have just been in the
9 context of the office staff meeting.

10 Q Did any of those briefings or trainings touch
11 specifically upon what you were permitted to do in a
12 political briefing?

13 A No.

14 Q Okay. What about --

15 A Not that I recall, no.

16 Q What about in terms of travel?

17 A No, not that I recall.

18 Q Okay. Did any of those trainings or briefings
19 include any information on what you should say to agency
20 officials when educating them about the Hatch Act?

21 A I don't specifically recall that other than what I
22 said earlier, which is I recall Sara's being pretty clear
23 about what she had been told, you know, about the Hatch Act
24 and that she wanted us to be very, very clear and that people
25 knew that we expected them -- meaning the White House -- to

1 follow the rules and to stay within the lines and to check
2 with counsel if there were other questions.

3 Q If you had questions, you would have gone to
4 Richard Painter. Is that the person you would have gone to?

5 A Yes.

6 Q About the Hatch Act, I mean.

7 A Yes. He's gone now, but you know, in '06, it would
8 have been Richard Painter. Now it's a fellow named Scott
9 Coffina.

10 Q Do you recall ever going to Richard Painter for
11 advice about the Hatch Act?

12 A Let's see, I don't have any -- no specific memory
13 springs to mind. You know, one thing that springs to mind in
14 the post-Painter era and the Scott era is we got a question
15 from an appointee of ours at the Department of Agriculture
16 who was considering running for office. And there was a
17 question about, you know, what does the Hatch Act say about
18 political appointees running for office? Scott got me a
19 document that pretty much outlined what, you know, you can
20 and can't do. I sent that back over from the person who had
21 asked for it. So that's an example of when we got guidance
22 on a Hatch Act issue.

23 There was also, actually around the same time, a similar
24 question but slightly different. There was a Presidential
25 appointee to a commission, so it was not a full-time

1 employee, and there was actually slightly different guidance
2 on the Hatch Act in regards to running for office if you
3 were, I think, what is referred to in the Hatch Act as a
4 "special government employee" as opposed to regular
5 appointee. So those are some examples of things that I've
6 asked about recently of Scott.

7 Q But you don't recall asking Richard Painter about
8 Hatch Act issues in '06?

9 A Nothing springs to mind off the top of my head. I
10 don't want to say that I didn't, because I may well have
11 gotten questions -- you know what? Actually one thing that
12 comes to mind is we had gotten questions about whether or not
13 White House interns could participate in volunteer
14 activities, and I remember talking to Richard Painter about,
15 you know, "What is the answer to that question?" and "How is
16 this being communicated to White House interns?" So that's
17 one example of when we went to Painter on a Hatch Act
18 question.

19 Q Were the interns able to participate and volunteer?

20 A Yeah. As I recall, the rules apply to them, you
21 know, as they apply to most people, which is not on
22 government time ;you know, purely voluntary, after hours,
23 that sort of thing. I think there was -- if I remember
24 correctly, there were these rumors that, you know,
25 White House interns were somehow protected and couldn't

1 participate in any way, shape, or form, and there was a lot
2 of confusion, and I remember Richard helped clear it up.

3 [Jennings Exhibit No. 10

4 Was marked for identification.]

5 BY MS. SACHSMAN:

6 Q I want to show you what I've marked as Exhibit 10,
7 and it's a similar e-mail to the one that Mr. Castor showed
8 you --

9 A Uh-huh.

10 Q -- except that in this case it appears to be an
11 e-mail from Jocelyn Webster, who I believe was your assistant
12 at the time.

13 A Correct.

14 Q It's from January 19th of 2007. For the record,
15 it's Bates stamped W-02-0310, to Tessa Truesdell. It's
16 redacted here, but she is at GSA.

17 She instructs Tessa, when she sends the PowerPoint
18 presentation, "Please do not e-mail this out or let people
19 see it. It is a close hold, and we're not supposed to be
20 e-mailing it around."

21 Did you have a conversation with Jocelyn Webster about
22 whether she should or could e-mail out this presentation?

23 A I did not talk to Jocelyn, to the best of my
24 recollection, specifically before she sent this e-mail. But
25 I would reiterate what I said earlier, which is the office

1 was under a general directive from Sara not to e-mail the
2 presentation for the reasons I stated earlier.

3 Q Well, how did you learn about that general
4 directive from Sara Taylor?

5 A She told us.

6 Q Would she have also told Jocelyn Webster?

7 A To the best of my recollection, she mentioned it in
8 our staff meetings on occasion.

9 Ms. Sachsman. I'm going to show you another document
10 that we'll mark as Exhibit 11, and it has a related document
11 which I'll mark as Exhibit 12. Exhibit 11 is HOGRO02-0136
12 and 137, and Exhibit 12 is HOGRO02-0135.

13 [Jennings Exhibit Nos. 11 and 12
14 were marked for identification.

15 BY MS. SACHSMAN:

16 Q In Exhibit 11, it's an e-mail from Craig Daniel at
17 Treasury with a proposed agenda for tomorrow evening's
18 Treasury appointee meeting, and it's e-mailed out to Jocelyn
19 Webster, and it has attached to it on the second page the
20 proposed agenda for a Wednesday, June 28th, 2006 meeting from
21 6:00 to 7:00 p.m. in the EEOB, which includes a Political
22 Affairs slideshow on the 2006 races, and it lists you and
23 Sara Taylor as the presenters.

24 Then number 4 suggests "How to Get Involved" as a
25 5-minute presentation by you?

1 [Counsel and Mr. Jennings confer.]

2 BY MS. SACHSMAN:

3 Q If you'll look at Exhibit 12, it appears that
4 Shelby Lauckhardt e-mailed back Craig Daniel and said that
5 Sara would do the slideshow by herself and that you could do
6 the "how to get involved department."

7 Do you recall this presentation?

8 A I don't specifically recall it. I don't have any
9 reason to doubt that it occurred, but I don't recall it
10 independently of any of the other ones.

11 Q What would you -- I'm sorry.

12 [Counsel and Mr. Jennings confer.]

13 Mr. Jennings. I think it's on our list, the ones that
14 we turned in to the Judiciary Committee.

15 BY MS. SACHSMAN:

16 Q What would you have discussed during your 5 minutes
17 on how to get involved?

18 A You know, that's -- number 1, I didn't write this
19 agenda. Number 2, I don't appear to have been copied on any
20 of the e-mails or documents, but I think -- and this probably
21 gets into speculation, but, you know, any conversations I
22 gave as part of this presentation that had any content
23 regarding being involved in the political process would have
24 been a regurgitation of what I told you earlier, which is:
25 There are rules. Here are the rules. Check with your

1 counsel. Make sure that you follow all of the rules before
2 you do any sort of political activity if you so desire.

3 Q Would your recollection that this sort of request
4 for you to do a "how to get involved" presentation was about
5 how to get involved in campaign activity or in some other
6 kind of activity?

7 A Again, I didn't write the agenda. I didn't write
8 the e-mails, and I wasn't copied on them. But I would repeat
9 what I said a moment ago, which probably would be more
10 accurately labeled as if you choose to get involved, here are
11 the rules you need to be aware of and follow.

12 So I didn't write it. It wasn't something that I saw
13 necessarily beforehand until now, but any conversations that
14 I would have had or any part of a presentation I would have
15 had where I was expected to talk about these topics would
16 have been as to if you choose to get involved, make sure you
17 know the rules and follow them and check with your counsel.

18 Q Are you saying that you never saw the agenda for
19 the meeting before you gave the speech at it?

20 A I do not recall seeing this agenda, no. And I
21 think the e-mails you've shown me -- I don't appear to be
22 copied on them, so --

23 Q Sure. Well, do you recall being at a meeting
24 where -- let's see, Barry Jackson spoke, and then Sara Taylor
25 gave a Political Affairs slideshow, and then you spoke?

1 A I don't remember this briefing independent of the
2 other ten briefings. I think it's on our list that we turned
3 in, but I don't have a recollection of this briefing, you
4 know, independent of some of the other briefings that were
5 given.

6 Like, you know, for instance, I remember clearly being
7 at the GSA briefing -- going there, doing it -- but I
8 don't -- for this one in particular, I simply don't remember
9 necessarily being at it or speaking at it. I'm not disputing
10 that I did. It's just not one that I remember off the top of
11 my head.

12 Q It doesn't ring a bell to sort of think about
13 whether you recall doing something where both Sara Taylor and
14 Barry Jackson attended?

15 A Actually, that does not ring a bell, no. But,
16 again, I want to stress I just don't remember it. I don't
17 want to say that this is made up. I just want to say that I
18 don't have an independent recollection of them being there
19 together or this particular briefing specifically.

20 Q Would that have been a unique presentation for you
21 to discuss how to get involved?

22 A Yeah. Well, I think this agenda looks unique to me
23 because I don't recall Barry and Sara ever speaking together
24 at briefings, and certainly I don't -- you know, it would
25 have been unusual for me to have been called upon to say, you

1 know, something about how to get involved. It might not have
2 been unusual for me to regurgitate the rules and the
3 guidelines that we had been given.

4 So that's why I'm acting a little quizzically here,
5 because it would have been weird for Barry and Sara to be at
6 the same briefing. I don't have a memory of that, and that
7 certainly wasn't the rule in my experience.

8 [Counsel and Mr. Jennings confer.]

9 BY MS. SACHSMAN:

10 Q Did you keep any records of the briefings, either
11 the contents of them or the fact that you gave them?

12 A I did not keep an independent record of the
13 briefings, no.

14 Q Where did you access them from? What computer were
15 they on?

16 A Oh, do you mean the actual documents?

17 Q Yes.

18 A Oh, no. The documents -- if a briefing were coming
19 up, we would notify -- either I, or, actually -- usually
20 Jocelyn would notify Michael Ellis, We have a briefing coming
21 up. Can we get the latest version, approved version? You
22 know, "Can we have it for the briefing?"

23 Q Then when you were done with the briefing, what
24 would you do with it?

25 A Just bring it back to the office or, you know,

1 discard it or give it back to Michael Ellis. Actually, I
2 usually didn't handle them. I should back up and say I
3 usually wasn't handling the thing. It was usually someone
4 else handling it. So I should back up and say that I can't
5 say that I independently recall exactly what was done with
6 them, other than they were just -- you know, we took them and
7 we brought them back.

8 Q Would they have been saved on your computer or
9 saved on someone else's computer?

10 A You know, I can't speak for Michael Ellis, and I
11 don't want to speculate, but he was the repository for the
12 briefings. So, you know, I suspect he would have had copies.
13 But, again, I can't speculate about his computer or what
14 might have been on it or what might not have been on it.

15 Q Did you or did anyone else from the White House
16 have contact with agency officials in which you suggested,
17 directed, coordinated, or discussed the announcements of
18 grants?

19 A I don't recall any specific grant announcement
20 activities where we discussed it with agencies. Again, I
21 think I may have said this earlier, that I do recall some
22 conversations where, you know, a complaint from a Member of
23 Congress would come in. "Hey, I didn't hear about this. I
24 read about it in the newspaper. Why can't you just give me a
25 heads-up?"

1 We would pass that on to an agency to make sure that
2 didn't occur in the future. So that has to do with grant
3 announcements, and I do remember passing on those complaints.
4 You know, I don't know if you're asking within the context of
5 these briefings or not, but I don't have any specific
6 recollection about having, really, any conversations about
7 grants with agencies personally.

8 Q What about other kinds of announcements, like
9 suggesting you should do an announcement at this particular
10 place or with this particular person?

11 A Oh, you know, I remember that as part of the
12 surrogate scheduling, you know, an incoming request --
13 sometimes, I think, Members of Congress might have requested
14 Hey, you know, we're going to unveil something here in my
15 district; can you attend?

16 That would have just been logged into the memo and
17 passed on. I wasn't involved in that process, though, in the
18 judgment-making on that process. I wasn't in those meetings,
19 but I think probably it well could have been a request that a
20 Member of Congress had made, Hey, let's make an announcement
21 together on something.

22 It might not have been a grant even. It could have been
23 something else. But I do believe those kinds of requests
24 could have come in.

25 Q Do you know why the Office of Political Affairs was

1 involved in suggesting travel for agency officials or in
2 suggesting where they make grant announcements? Why was that
3 getting put through the Office of Political Affairs?

4 A Well, I don't remember any suggestions of where to
5 make -- I don't remember any documents saying, "Make grant
6 announcements here or there." So, as to the first part of
7 your question, I don't know how to answer because I don't
8 remember any process like that. You know, our office,
9 though -- I will tell you, the associate directors in our
10 offices especially -- and Sara and others -- I mean, everyone
11 who worked there had relationships with the Members of
12 Congress in their region. And so it was not unusual for
13 those Members of Congress or others -- you know, Governors
14 and others -- who had those relationships in our office to
15 say, "Hey, I'm making a request. I'm going to put it through
16 to you guys. Can you process it?" That processing occurred.

17 Q So you believe that the reason that Members of
18 Congress reached out to OPA to get help in scheduling events
19 with agency officials was because they had relationships with
20 OPA?

21 A I think that's part of it, yes. I mean, I think
22 that's a big part of it, that we worked very hard to maintain
23 good relations with Members of Congress. And so I think a
24 byproduct of that is they would feel comfortable making
25 requests of us.

1 Q How come they didn't just go directly to the
2 agencies?

3 A I can't speak for why a Member of Congress would do
4 something. I think that in many cases, a Member of Congress
5 would probably make requests of -- you know, the same request
6 of everybody, and just blanket it out there to Political
7 Affairs, to Leg Affairs, to the agency, and hope that it got,
8 you know, honored.

9 Q Would the Office of Political Affairs be able to
10 help the Member of Congress in getting the event?

11 A Well, we would pass it on. I think the memos you
12 have show that we would -- they were categorized, you know,
13 by agency and passed on to the relevant agencies. And so I
14 don't know if you would consider that helping, but it was
15 certainly, you know, a recognition that the request was
16 received, processed, and was being passed on for
17 consideration.

18 Q Do you think that that had some influence on
19 whether or not the agencies accepted the events?

20 A I don't know. It could have. But I wasn't in the
21 room, and I was not part of the decision making process when
22 an agency chose to either do or to not do an event, so I
23 can't speak to an internal process of an agency.

24 Q Was there ever any discussion within the
25 White House Office of Political Affairs or with the surrogate

1 scheduler that maybe this was an inefficient process that you
2 all should just cut yourselves out of and not be involved in?

3 A I don't remember anybody suggesting that.

4 Q You received some briefings on the Hatch Act, and
5 perhaps this is too specific of a Hatch Act question, but do
6 you understand that some things -- well, for example, when
7 you were able to do some political activity during office
8 hours, did you have an understanding about what the rules
9 were in terms of additional expenses, paying for things?

10 A Like what kind of things?

11 Q So, if you were involved in a political activity
12 that involved incurring an expense, such as bringing in a
13 meal or something else, who would have paid for that?

14 A Oh, I see. Yes, there was some -- yes, there was
15 some recognition that -- I think this manifested itself
16 probably most of the time in terms of travel.

17 If you were -- let's say that Mr. Rove were doing a
18 political event in a State and you had to travel with him.
19 You know, those travel expenses would have been paid for by
20 the RNC as political expenditures, and there was a form you
21 filled out and a process they went through at the
22 White House. But, you know, at the end of the day, those
23 travel expenses were paid for by the RNC. So, yes, we did
24 talk about that.

25 Q It's our understanding, when agency officials would

1 attend a fundraiser, that that would get paid for by the
2 political campaign. Is there any other type of event, apart
3 from those kinds of fundraisers, that you think would have
4 been inappropriate to use agency funds for?

5 A You know, I wasn't involved in making the
6 determination on how expenses for trips for agency officials
7 would be divided. I know that their Counsel's Office -- you
8 know, that there were rules that they followed and formulas
9 that they used, but that was not something I was involved
10 with. But I know that, certainly, if they were participating
11 in a political fundraiser, it would not have been used -- you
12 know, it would have been paid for by the political entity.
13 If they were traveling for an official purpose, my
14 understanding is it would be paid for, you know, out of
15 official funds for official use, but I do believe they were
16 kept separate.

17 Q When you traveled, how did you decide whether to
18 submit your expenses to the RNC or to the White House? How
19 did your expenses work?

20 A My belief is that -- at the beginning of my tenure,
21 my recollection is that we were told to submit our expenses
22 to the -- through the RNC process. I don't recall having
23 official expenditures. I think they considered our
24 expenditures to be political in nature as default, and so
25 we -- I think our expenses were paid for by the RNC.

1 Q All of your travel?

2 A I think most -- I don't remember an instance where
3 I had travel that was not paid for by the RNC. But, again,
4 most of my travel came in one of two ways. It was on a
5 government aircraft, Air Force One. So, you know, there was
6 no need to book travel. Or if I were traveling with Mr. Rove
7 for an event that he had, or if I had an event, you know,
8 those would be political events, and so those would be paid
9 for by the RNC.

10 So I'm not -- I don't remember having any travel that I
11 had to actually submit an expense report for that ended up
12 being official in nature. I may -- again, this is just
13 recalling it as we sit here today. That may not be
14 100 percent, but to the best of my recollection, the norm was
15 for our travel expenses to be paid for by the RNC.

16 Q You received a lot of -- or you've stated that OPA
17 received a lot of requests for events by Members of Congress,
18 and those would be requests for events with agency heads; is
19 that accurate?

20 A Yeah. And I guess I should maybe just take it a
21 step further and say we received requests, or it was combined
22 with we were made aware of requests that had been made. So,
23 you know combined, it was, you know, we were aware of or had
24 received a lot of requests.

25 Q Would OPA or anyone from the White House have ever

1 discouraged an agency from sending its officials to an event
2 of a particular candidate?

3 A I can think of occasions where -- do you mean for a
4 political event? Yeah, I can remember occasions where we
5 discussed whether it would be good for a particular person to
6 participate in a political event.

7 Q What would have been the concern?

8 A You know, it could have been any number of
9 concerns. Was it a good use of time? Was it, you know, a
10 particular political campaign that, you know, we wanted to be
11 involved in or that we would want someone from the
12 administration to be involved in? It was those kinds of
13 criteria. Again, I want to be clear. We're speaking
14 strictly in the realm of political events like fundraising
15 and those kinds of things.

16 Q What about for official events?

17 A You know, I don't remember. I don't remember any
18 discussions of that nature about purely official events.
19 Most of the discussions about political events -- I remember
20 the nature that you're talking about. I remember them being
21 mostly about the political involvement in an event, not
22 official travel.

23 Q Do you think it would have been appropriate for OPA
24 to have discouraged agencies from having official events with
25 Members of Congress?

1 A I don't know. I think -- I don't know. I guess,
2 if there were some junction with the President's policy
3 agenda that we thought this was going to be detrimental to,
4 perhaps. But I've struggled to come up with an example of
5 that. But our duty, first and foremost, is to make sure that
6 the President's policy agenda is being promoted. So, I guess
7 if we thought that there were an event that were going to
8 take place that was going to be somehow detrimental to the
9 promotion of the President's agenda, then we might discourage
10 it. But I struggle to come up with an example of that.

11 Q Do you know who replaced Mindy McLaughlin?

12 A Yes. Recent replacement, and her name is Jenn
13 Harrington -- Jennifer, Jenn.

14 Ms. Sachsman. Do you want to take a break now? We're
15 kind of at a stopping point, and we need to just confer here
16 about whether we have anything else and what that would be.

17 Mr. Jennings. Okay. Great. What do you need, like
18 5 minutes?

19 Ms. Sachsman. Unless you want to just go right now.

20 Mr. Castor. No.

21 Ms. Sachsman. I thought we might have exhausted you of
22 your questions.

23 Mr. Jennings. Five minutes?

24 Mr. Gordon. Take ten. Come back at 20 after.

25 [Recess.]

1 BY MR. GORDON:

2 Q I wanted to return to something we discussed
3 earlier, which was your e-mail practices. I believe you said
4 that as a result of the briefing in April, your practice has
5 changed with respect to recordkeeping and with the use of
6 your RNC e-mail account; is that right?

7 A Correct.

8 Q And that unlike before April, it's now your
9 practice to forward official communications received on your
10 political e-mail account to your official e-mail account?

11 A Correct.

12 Q To your knowledge, were your electronic or paper
13 files ever searched in response to a subpoena or other
14 investigative request during your time at the White House?

15 A Yes.

16 Q Can you identify the instances in which that
17 happened?

18 A I have a recollection that our systems were
19 searched after -- or during a Katrina investigation. And I
20 have, obviously, a recollection of earlier this year in
21 response to Judiciary Committee requests.

22 Q Any others?

23 A Not that I can recall, but I don't know.

24 Q Were your --

25 A But let me back up.

1 I remember, you know, getting periodic e-mails, you
2 know, that were sort of systemwide e-mails from the
3 White House Counsel saying, "In response to a congressional
4 subpoena, dot, dot, dot." The vast majority of the time,
5 those were not topics that pertained to me or to my office.
6 So did they search my system? Maybe. I might not have known
7 it, but they might have.

8 Q To your knowledge, were any of your files,
9 electronic or otherwise, ever searched in response to
10 requests from this committee on the topics we've been
11 discussing today?

12 A I don't think I was asked to search them myself.
13 If they were searched, potentially, yeah; but I don't know
14 that I -- I don't know. I guess probably, but, again, I
15 don't know. I wasn't asked to do it myself.

16 Q As to the other examples you mentioned -- the
17 Katrina investigation, the Judiciary Committee
18 investigation -- did you yourself conduct a search of any of
19 your files, or did others?

20 A Earlier this year, on the Judiciary Committee
21 items, we did -- I remember being instructed to search my own
22 files on one late Friday night, and did so; turned over
23 materials. And then I believe that my files were probably
24 researched subsequently, but I -- so both, I guess, is the
25 answer to the question.

1 Q So that Judiciary Committee investigation that
2 you're referring to, that's the investigation this year into
3 U.S. attorney issues?

4 A Yes.

5 Q When was the Katrina investigation you mentioned?

6 A I don't remember. It was, obviously, sometime
7 after Labor Day 2005. I don't remember exactly when the
8 investigation took place. I think it was sometime shortly
9 after Katrina. I think it was before the end of 2005, if
10 memory serves.

11 Q In that case, were your electronic files searched?

12 A I remember searching my electronic files. I have
13 some recollection that we were given key words to search for,
14 and then printed out things and put them in boxes and gave
15 them to the White House Counsel.

16 Q In conducting your search of electronic files, did
17 you search your official White House computer and e-mail
18 account?

19 A Yes.

20 Q Did you conduct a search of your political computer
21 and e-mail account?

22 A On the U.S. attorney matter earlier this year, I
23 searched both computers. The Katrina one I remember less
24 about. I want to say that I did, but I don't specifically
25 remember doing it. But I wasn't really involved so much in

1 Katrina, so I don't think I had much, but I could have. I
2 don't specifically remember doing it in the way I remember
3 doing it earlier this year for the U.S. attorney matter.

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1 RPTS JOHNSON

2 DCMN SECKMAN

3 [3:26 p.m.]

4 Q So you don't remember one way or the other, or do
5 you remember that you did search the political --

6 A I remember that I probably did search the --

7 Q -- account for the Katrina investigation?

8 A I believe that I did. I believe we were told to,
9 yes.

10 Q And then do you recall whether you found anything
11 responsive in that search of your political e-mail account
12 and political computer that you then turned over for
13 production purposes?

14 A Yes. Earlier this year, on the U.S. Attorney
15 search terms, I remember printing out things and turning them
16 over.

17 Q What about with respect to the Katrina
18 investigation?

19 A I remember printing out mostly just bulk e-mails,
20 where I was on a distribution list of people receiving
21 updates and information. That's the only thing I remember
22 actually having.

23 Q Do you remember where those originated, which
24 e-mail account?

25 A Actually, I think they all originated on the

1 official account.

2 Q Do you remember whether -- you say that these bulk
3 e-mails were the majority or the bulk of what you found. Did
4 you find any other things other than those bulk -- other than
5 those mass e-mails that you turned over with respect to the
6 Katrina investigation?

7 A I don't remember. I didn't really prepare to
8 answer questions about Katrina today. But I remember
9 printing out those e-mails. I was associate director at the
10 time, and I had Louisiana in my region, so I would have been
11 involved in the preparation of documents regarding the
12 President's travel to the region, so the writing of event
13 briefings and so on and so forth. So to the extent that
14 those were part of the search terms, they would have popped
15 up I am sure.

16 Q From what you described about your e-mailing
17 practices, is it safe to assume a lot of the communications
18 about the President's travel to the region would have
19 occurred through your RNC e-mail account?

20 A Yes.

21 Q But sitting here today, I want to make sure I don't
22 mischaracterize it. Is it your statement that you don't
23 remember whether you searched your political account or you
24 think you did search your political account?

25 A In 2005?

1 Q Yes.

2 A I believe that I did. I believe that I did.

3 Q Do you remember finding stuff in that account that
4 you printed and handed over?

5 A No, I don't. The only thing I remember printing
6 and handing over came out of the e-mails that I was getting
7 on my official account. Now, could I have and I just don't
8 remember? Yes. But it has been 2 years ago. I remember --
9 but I remember printing a lot of stuff, actually, on my
10 official account -- from my official account.

11 Q Do you remember whether you were asked to search
12 your political account for the Katrina investigation?

13 A Again, I believe that I was, and I believe that I
14 did, but as I sit here at the moment that's the best memory I
15 have.

16 Q And do you have any recollection of the process by
17 which you searched it? Earlier you mentioned terms. Is that
18 how you would have searched either of your e-mail accounts,
19 using search terms?

20 A Yes. For instance, on the U.S. Attorney matter, we
21 were given a list of terms to plug in, you know, the search
22 function in Outlook or on your desktop or laptop. Type them
23 in; and any hits, print them out, turn them over.

24 Q Assuming for the moment that you did search that
25 political account for the Katrina investigation, that search

1 would have been limited to what you had on your computer,
2 your RNC computer? Is that right?

3 A If I searched it personally, yes, it would have
4 been limited to what I had on my computer, yes.

5 Q And on that computer, as you were saying earlier,
6 older e-mails get removed and you can't access them any
7 longer. Is that right?

8 A Yes.

9 Q Do you remember whether you ever discussed whether
10 RNC's archives or files of e-mail would be searched in
11 addition to your personal computer?

12 A I didn't have any discussions about it with anyone.
13 I think I was reacting to an e-mail that was sent out to all
14 White House staff.

15 Q But you knew that the e-mail that existed on your
16 computer at that time was not a complete record because older
17 stuff had been removed. Did that cause you any concern, or
18 do you remember talking to anyone about the fact that your
19 files may not be complete in any respect?

20 A I don't remember knowing that e-mail was being
21 purged at that time. This was not so long after I started.
22 You know, this is the fall of 2005. I started in February
23 of 2005. So I don't remember actually knowing that e-mails
24 were not there at that moment.

25 Q So you don't remember having any concern about

1 that?

2 A No.

3 Q And you don't remember discussing with anyone the
4 completeness of that search based on any RNC policy of
5 removing your access to e-mail?

6 A No, I do not.

7 Q Do you know whether others in OPA searched their
8 political accounts in connection with the Katrina
9 investigation?

10 A I don't. I don't know. I was only responsible for
11 mine.

12 Q We have learned that the Bush-Cheney campaign
13 preserved certain e-mail in connection with the Fitzgerald
14 investigation. I know you worked at the campaign. Did you
15 or do you have any knowledge about the campaign's efforts to
16 preserve or produce e-mail?

17 A I do not.

18 Q Do you have any knowledge about the RNC's efforts
19 to retain or produce e-mail in connection with the Fitzgerald
20 investigation?

21 A I do not.

22 Mr. Gordon. I have no more questions.

23 How about you, Mr. Castor?

24 Mr. Castor. No.

25 Mr. Gordon. Well, thank you very much.

1 Mr. Snowdon. Can he have an opportunity to clarify one
2 thing?

3 Mr. Gordon. Is there an answer you would like to
4 clarify?

5 Mr. Jennings. Yeah, I just wanted to say something for
6 the record, that this document that you gave me a few minutes
7 ago --

8 Mr. Snowdon. Specifically referring to Exhibit 11.

9 Mr. Jennings. Yeah, Exhibit 11. Again, I want to
10 reiterate: I wasn't on the document, and I don't appear to
11 have read it. I don't specifically remember doing this
12 briefing in fact. But I think if I were given 5 minutes at
13 the end of a briefing, you know, at the end of what would
14 have been an hour briefing, it would have been -- it really
15 would have been for me to simply say, as we always said, if
16 anybody is thinking about engaging in political activity on a
17 voluntary nature, please follow these rules and check with
18 your counsel. And so it wasn't -- I want to say I don't
19 remember actually participating in this briefing. I may
20 have. I don't remember it. But if I did, I think that it
21 would be consistent with what I said earlier, which would be
22 sort of the winding down of a briefing, and oh, by the way,
23 don't forget, here are the rules, and follow them, and make
24 sure you check with your counsel.

25 Mr. Gordon. Anything else that you would like to add?

1 Mr. Jennings. I don't think so.

2 Mr. Gordon. Well, thanks again for coming in today. I
3 appreciate your cooperation.

4 [Whereupon, at 3:34 p.m., the interview was 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



The White House Office of Political Affairs

January 26, 2007

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W-02-0555

Historical Look

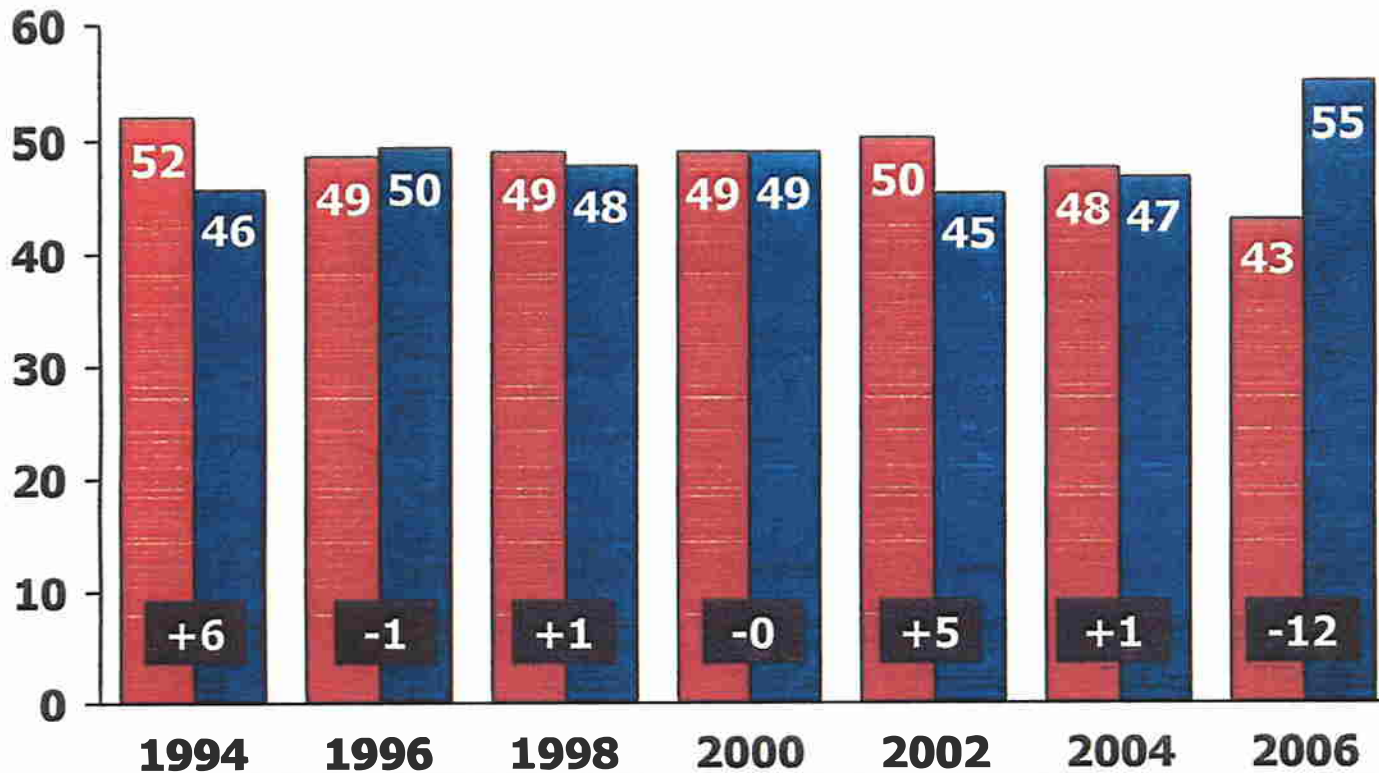
All 2nd Midterms

President	Year	President's Party House Change	President's Party Senate Change
Bush	2006	-30	-6
Average		-28	-5

All Wartime Midterms

President	Year	President's Party House Change	President's Party Senate Change
Bush	2006	-30	-6
Average		-32	-5

Generic Ballot Suggested Tsunami



House	+54	-3	-4	-2	+8	+3	-30
Senate	+9	+3	even	-5	+2	+4	-6

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W-02-0557

GOP Losses From Scandal, Complacency

10 losing GOP candidates tainted by scandal; 10 in Kerry districts; 6 were complacent

Scandal Seats



GOP Candidates in Kerry Districts



Complacent Incumbents



TOTAL:

22 SEATS*

* Taylor, Pombo, Weldon, and Leach are in 2 categories each

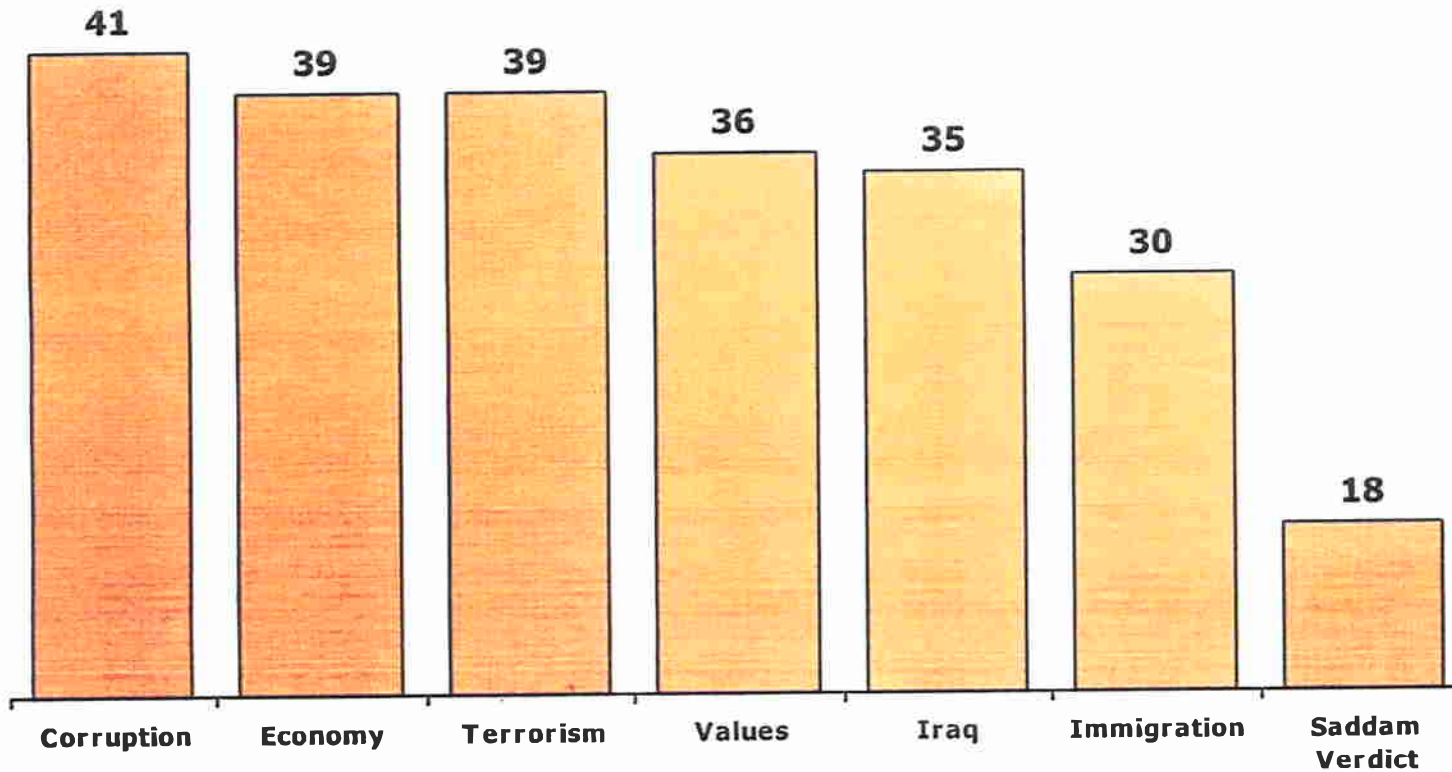
Net Loss in Seats for Incumbent Party

1.	John F. Kennedy	-4
2.	Harry Truman	-7
3.	George H. W. Bush	-8
4.	Lyndon Johnson	-12
5.	Jimmy Carter	-15
6.	Ronald Reagan	-15
7.	<u>George W. Bush</u>	<u>-19</u>
8.	Bill Clinton	-47
9.	Gerald Ford	-48
10.	Herbert Hoover	-52
11.	William H. Taft	-57
12.	Dwight Eisenhower	-68
13.	Franklin D. Roosevelt	-71
14.	Warren G. Harding	-77
15.	Woodrow Wilson	-99

** Does not include "Original Coattails"*

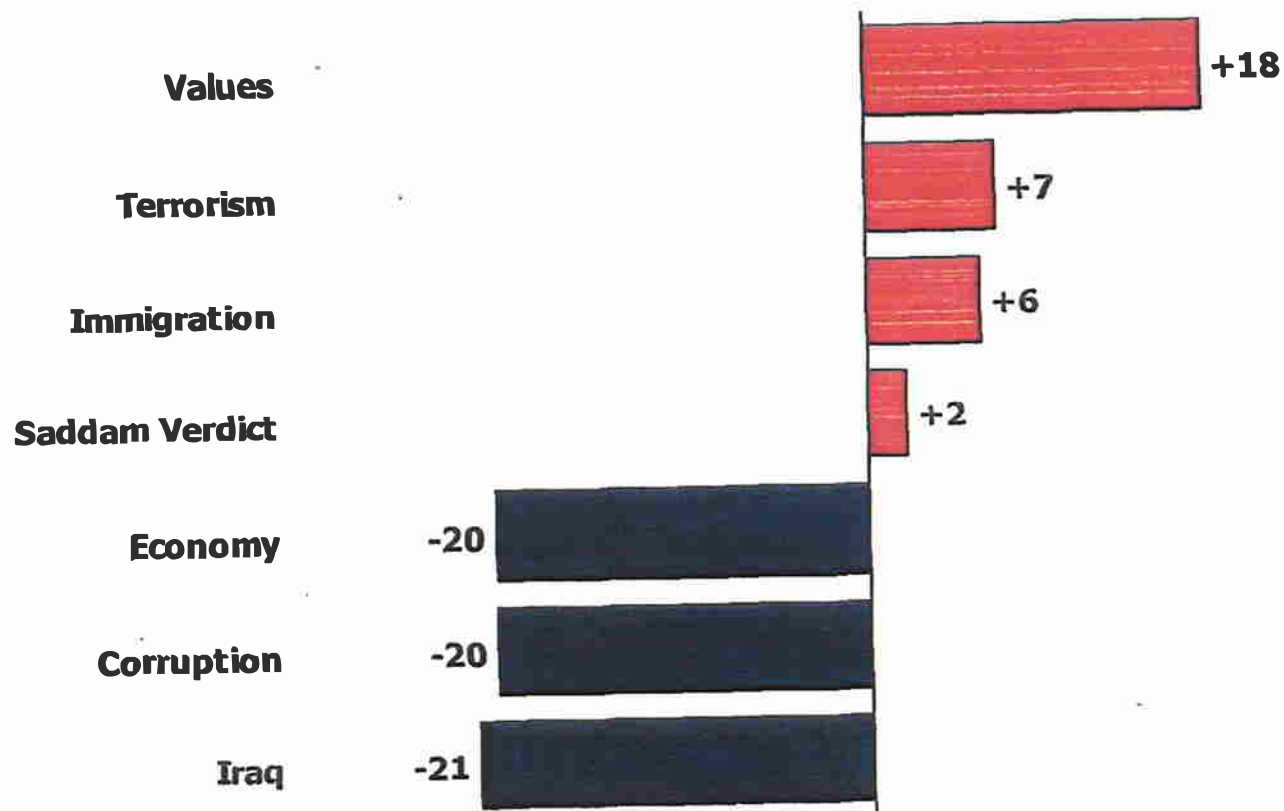
"Corruption" Voters' Top Issue

(% "Extremely Important," Exit Polling)

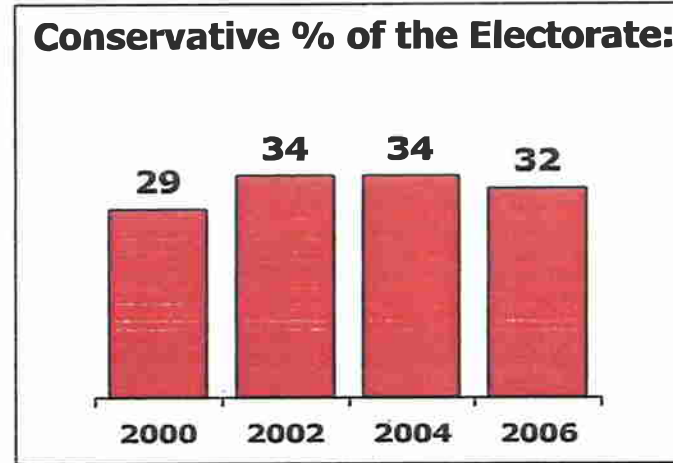
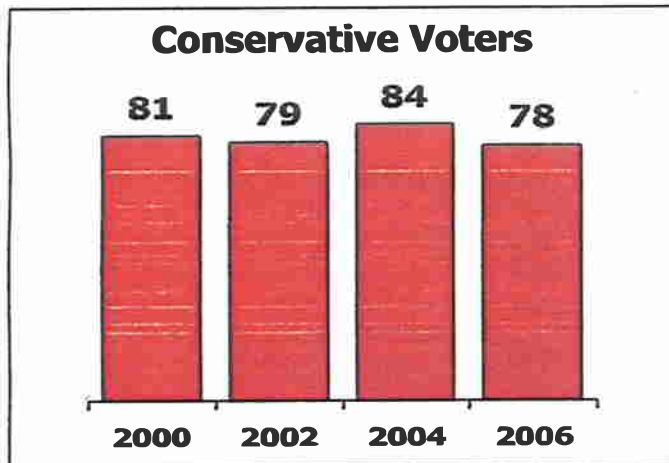
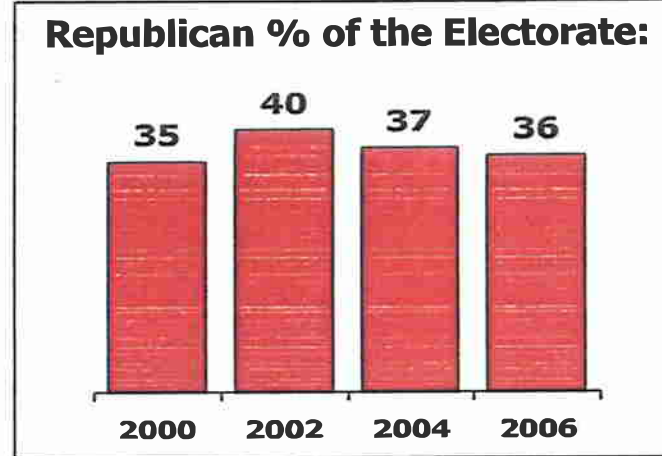
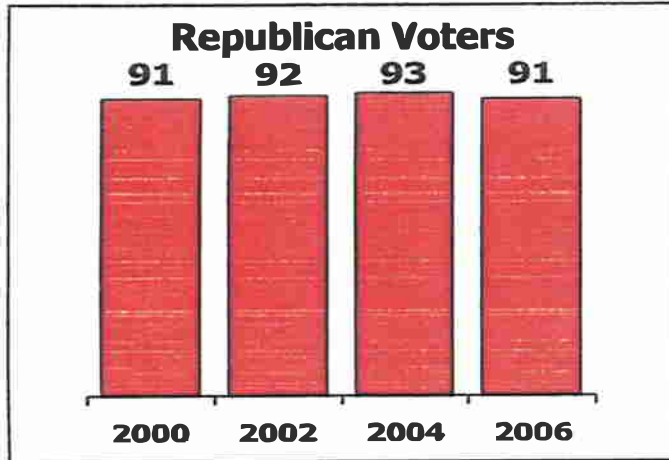


Dems Won Corruption, Econ., Iraq Voters

(% GOP - % Dem, Exit Polls)

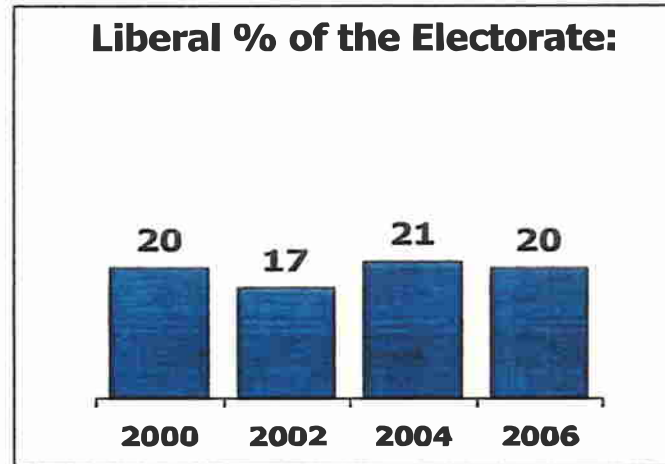
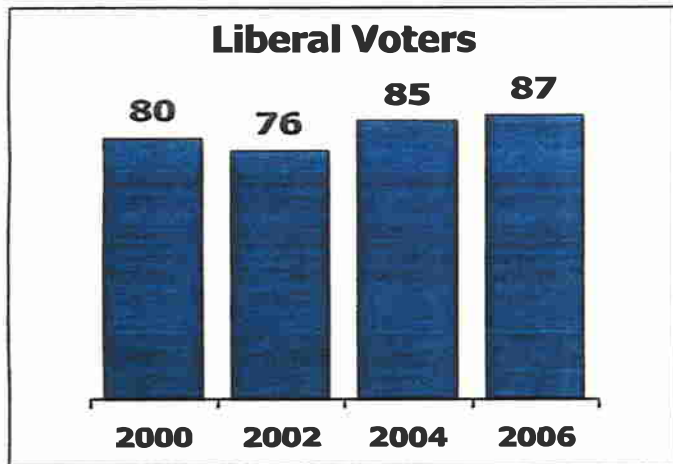
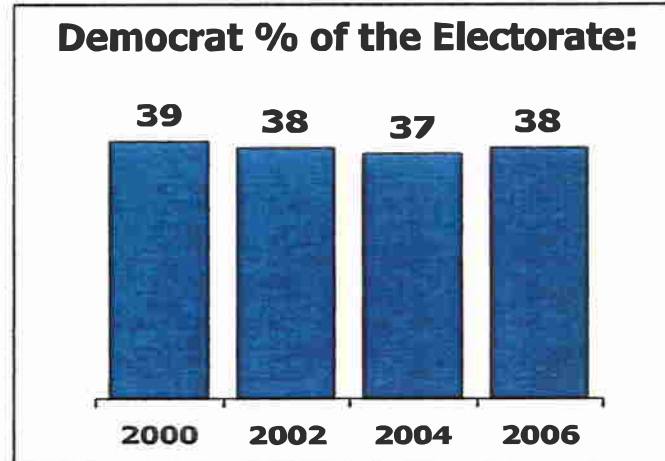
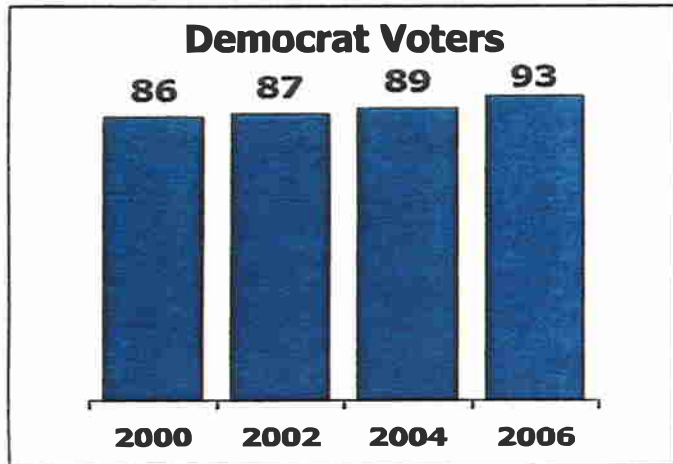


Republican Base About the Same



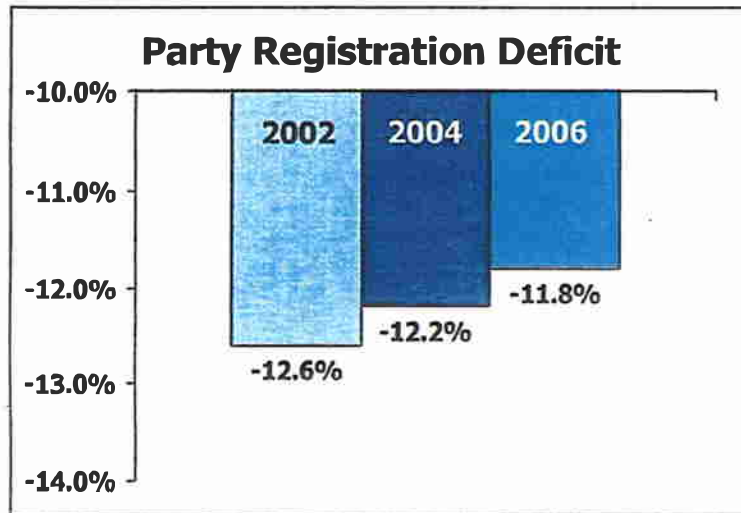
Source: Exit Polling

Democrat Base Did Not Grow



Source: Exit Polling

Not Yet an Ideological Shift



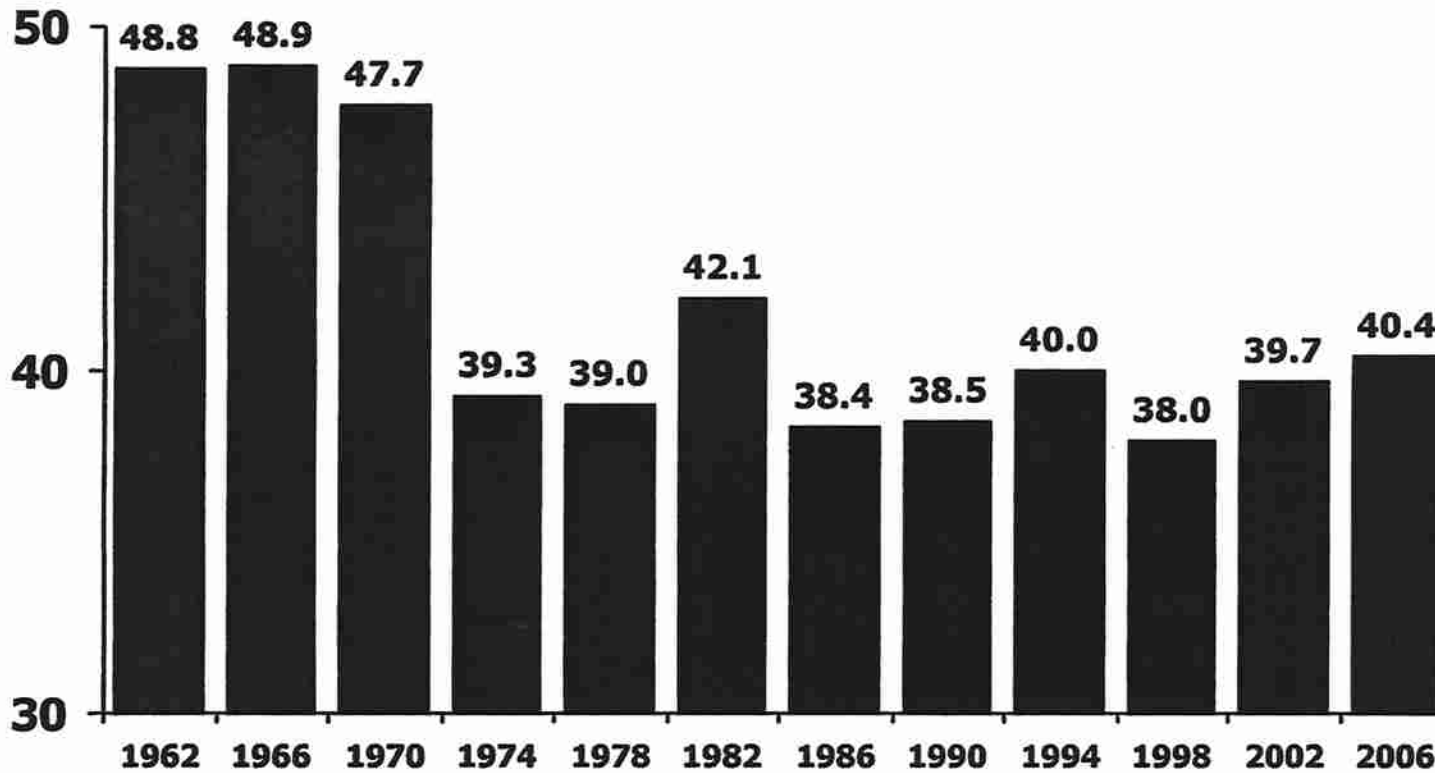
States where GOP Registration margin Increased (16 states) since last cycle:
AZ, CA, CT, FL, KY, LA, NC, NE, NJ, NM, NV, OK, OR, SD, WV, WY
Net increase: +554,402

States where GOP Registration margin Decreased (8 states) since last cycle:
CO, DE, IA, KS, MD, NH, NY, PA
Net decrease: -140,529

More about rejecting Republican conduct than about supporting Democrat ideology

Midterm Election Turnout, 1962-2006

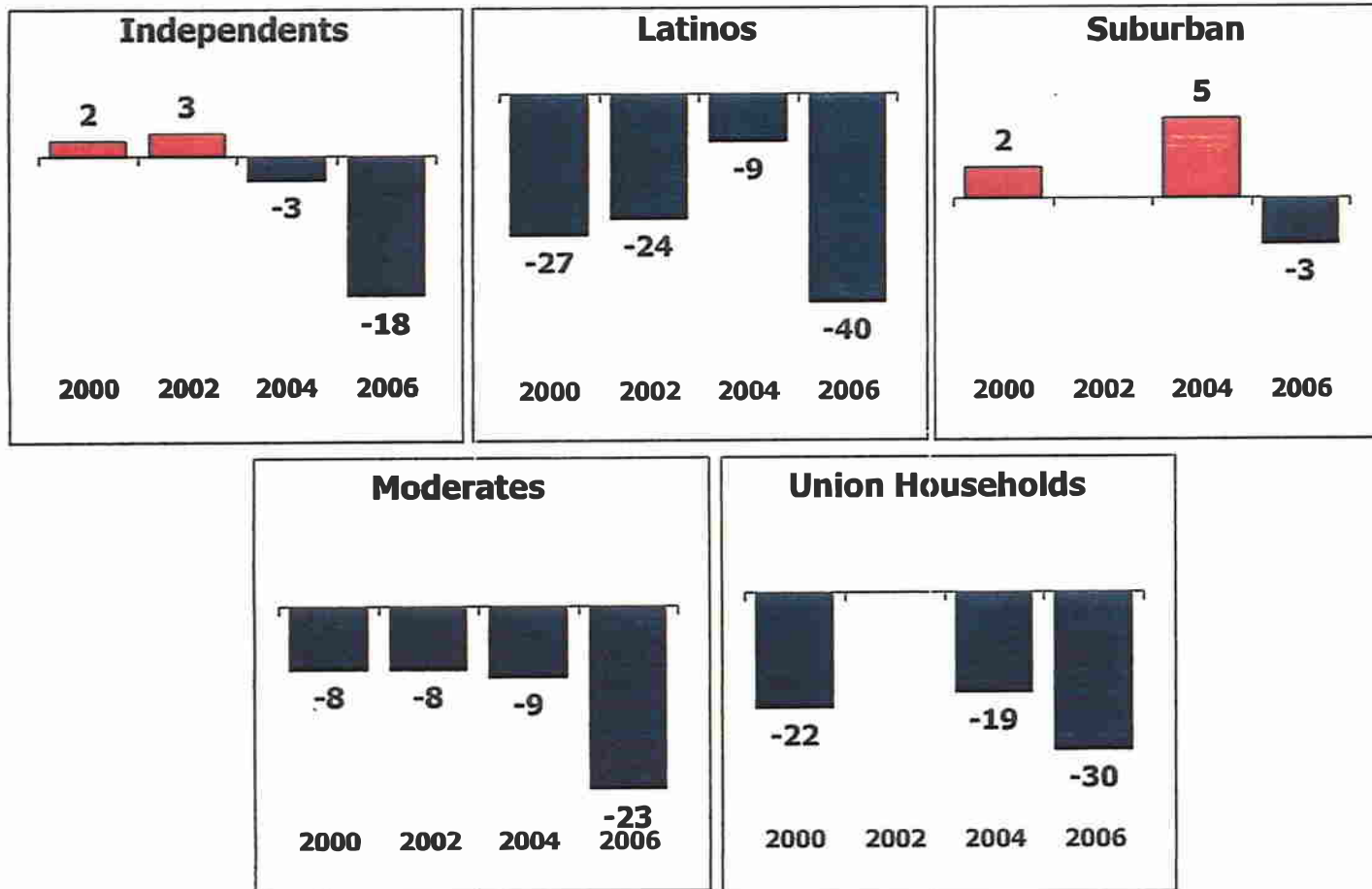
(As % of VAP, Center for the Study of the American Electorate)



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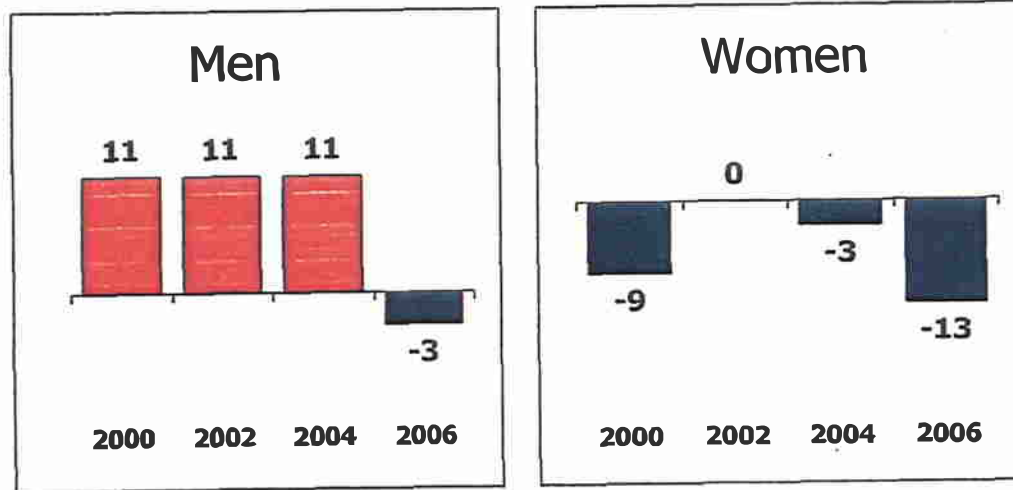
W-02-0565

Lost Ground With Swing Voters



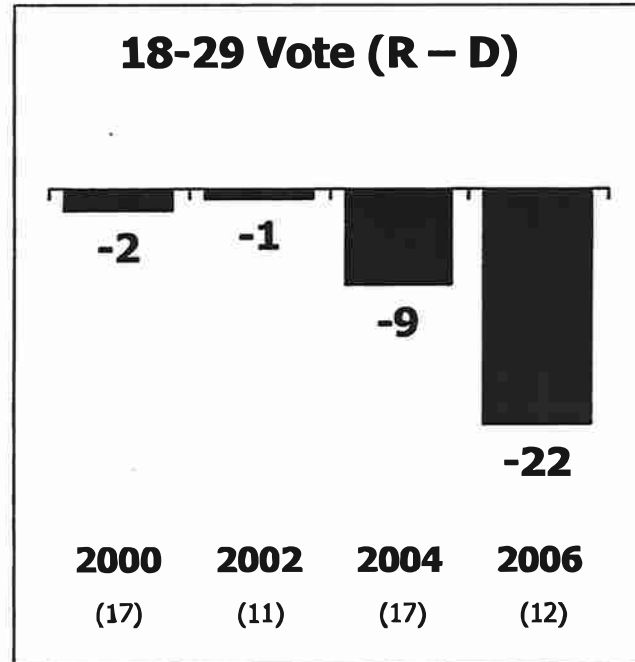
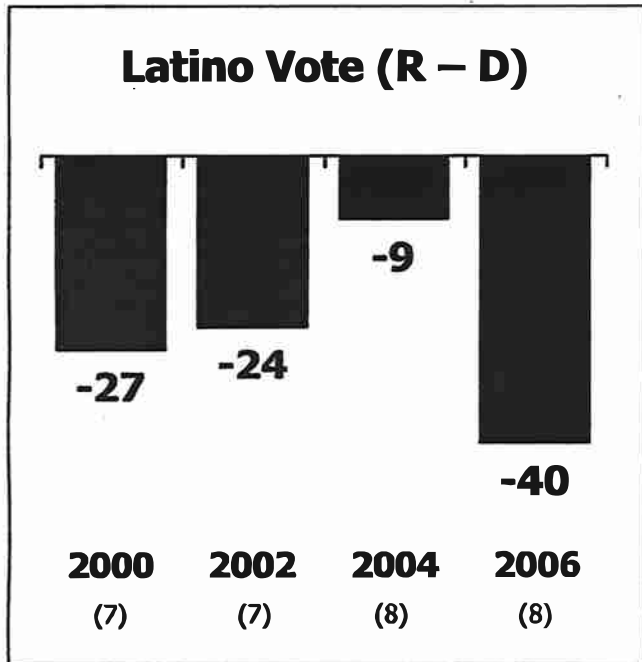
Source: Exit Polling

Bigger Losses Among Men



Source: Exit Polling

Long Term Problems: Among Latinos and Youth Vote



Source: Exit Polling

Races Extremely Close Because Of GOP Ground Game

- 22 races decided by two points or less—
Republicans won 13 and lost 9, including two GOP
challengers in GA.
- In 2002 *and* 2004, just seven races were decided
by two points or fewer.
- 18 races decided by fewer than 5,000 votes; R's
won 12; all 18 combined were decided by 49,445
votes
- 6 races decided by fewer than 1,000 votes;
combined margin 3694 votes.
- 35 races in which the winner received 51% or
less of the popular vote

More "Split" Districts Represented By Democrats

62 Democrats represent Bush '04 districts;
8 Republicans represent Kerry '04 districts



**Democratic Congressmen
In Bush Districts**



**GOP Congressmen In
Kerry Districts**

Democrats Have Precarious Hold On Power

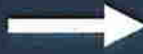
- Democrats represent 33 districts President Bush carried with 55% or more of the vote and 21 districts where he won 58% or more in 2004
- No Republican represents a district Kerry won with more than 53% of the vote in 2004
- Of 62 Dems in Bush districts, 23 won election this year with 55% or less of the vote
- Almost half the Democratic freshman class— 19 of 41—represents districts President Bush won in '04

72 Hours: Voter Registration Made a Difference in Individual Races

In 2006, 72-hour staff in 45 target districts registered 70,559 new Republicans and identified 1,788,060 new GOP voters



4,924 Republicans registered by 72 Hour



Porter Margin: 3,966 votes



7,862 Republicans registered by 72 Hour



Wilson Margin: 1,395 votes

72 Hours: Absentee/Early Vote Effort

Voting prior to Election Day carried GOP candidates in close races

California-50 (Bilbray)



- Prior to June special election, GOP held 14,912-vote advantage over Dems , 52%-32%.
- GOP Victory Margin
7,195 votes

Colorado-04 (Musgrave)



- Prior to Election Day, GOP held 20,991-vote advantage over Dems, 46%-30%.
- GOP Victory Margin:
5,984 votes

72 Hours: Voter Contact Made a Difference in Individual Races

35.0 million voter contacts made between 2/17 and 11/7; 12.9 million contacts in the last 96 hours.



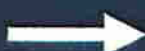
585,164 voter contacts
(41,666 on E-Day)



Reichert Margin: 7,341 votes



448,908 voter contacts
(19,268 on E-Day)



Porter Margin: 3,966 votes



335,071 voter contacts
(26,203 on E-Day)



Wilson Margin: 1,395 votes



282,674 voter contacts
(12,000 on E-Day)



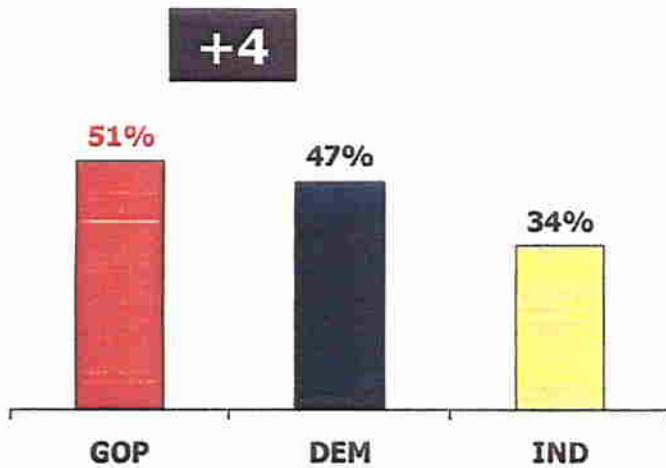
Pryce Margin: 3,536 votes



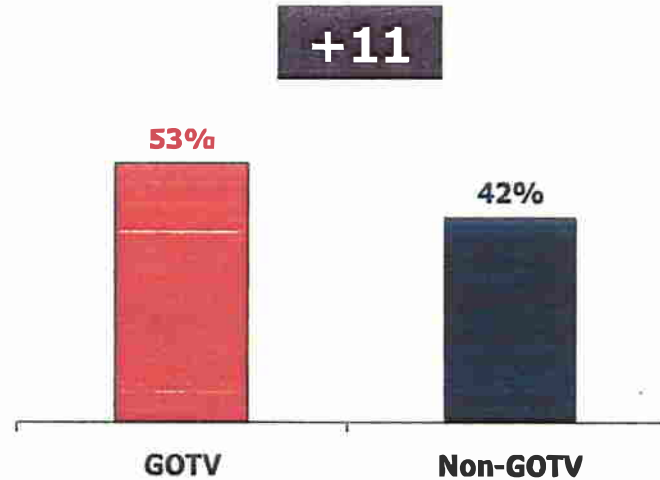
Case Study: Nevada-03

**GOP turnout exceeded Dem turnout by 4,212 voters in NV-03;
Porter won by 3,966 votes.**






Turnout By Party



Turnout By GOTV Universe








72-Hour Improved On Final Poll Standing

	Final Poll		Election Result	Δ
	44% 43%	Davis Lucas	51% 44%	+6
	43% 41%	Bachmann Wetterling	51% 44%	+5
	44% 46%	Roskam Duckworth	51% 49%	+2
	46% 46%	Pryce Kilroy	51% 49%	+2
	44% 44%	Gerlach Murphy	51% 49%	+2

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W-02-0576

Campaigns Without 72 Hour Lost Ground

	Final Poll		Election Result	Δ
	54% 38%	Hayes Kissell	50% 50%	-16
	50% 37%	Northup Yarmuth	49% 51%	-15
	49% 44%	Leach Loebsack	48% 51%	-8
	47% 46%	Hart Altmire	48% 52%	-5
	43% 49%	Taylor Shuler	46% 54%	-2

2008 House Targets: Top 20

			BC '04 %	'06 DEM %
TX	22	Lampson	54%	52%
FL	16	Mahoney	54%	49%
CA	11	McNerney	54%	53%
OH	18	Space	57%	62%
IN	9	Hill	59%	50%
PA	10	Carney	60%	53%
PA	08	Murphy	48%	50%
KS	2	Boyda	59%	51%
PA	7	Sestak	47%	56%
IN	8	Ellsworth	62%	61%
NC	11	Shuler	57%	54%
TX	23	Rodriguez	57%	54%
WI	8	Kagen	55%	51%
GA	8	Marshall	61%	51%
IN	2	Donnelly	56%	54%
GA	12	Barrow	50%	50%
PA	4	Altmire	55%	52%
NY	19	Hall	54%	51%
NY	20	Gillibrand	54%	53%
SD	AL	Herse	60%	69%

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W-02-0578

2008 House GOP Defense

PRIORITY DEFENSE

			BC '04 %	'06 GOP %
PA	06	Gerlach	48%	51%
FL	13	Buchanan	56%	50%
NC	08	Hayes	54%	50%
NM	01	Wilson	48%	50%
CO	04	Musgrave	58%	46%
IL	06	Roskam	53%	51%
CT	04	Shays	46%	51%
OH	02	Schmidt	64%	51%
VA	02	Drake	58%	51%
WY	AL	Cubin *	69%	48%
CA	04	Doolittle	61%	49%
NV	03	Porter	50%	48%
NY	25	Walsh	48%	51%
OH	15	Pryce	50%	51%
NY	29	Kuhl	57%	52%
NJ	07	Ferguson	53%	49%
MI	09	Knollenberg*	51%	52%

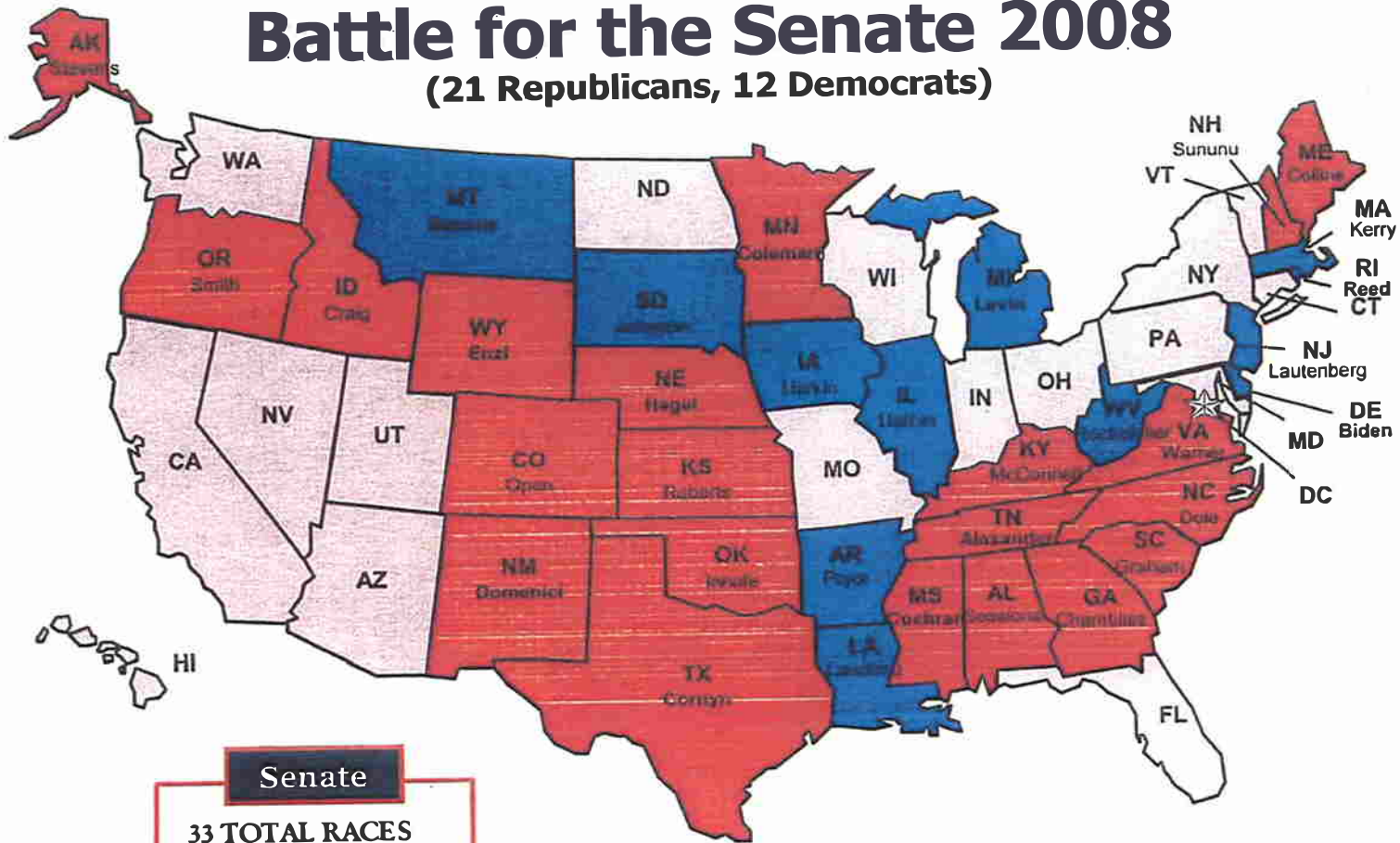
SECONDARY DEFENSE

			BC '04 %	'06 GOP %
AK	AL	Young *	61%	57%
CA	24	Gallegly *	56%	62%
CA	25	McKeon *	59%	60%
CA	41	Lewis *	62%	67%
CA	42	Miller	62%	N/A
CA	52	Hunter *	51%	65%
DE	AL	Castle *	46%	57%
FL	10	Young *	51%	66%
IL	10	Kirk	47%	53%
IL	14	Hastert *	56%	60%
KY	02	Lewis	65%	55%
LA	01	Jindal *	71%	88%
MD	06	Bartlett *	65%	59%
MI	03	Ehlers *	59%	63%
MI	07	Walberg	54%	51%
NC	09	Myrick *	63%	67%
OH	16	Regula *	54%	59%
PA	15	Dent	50%	53%
VA	11	Davis *	50%	55%

* Member may not seek re-election

Battle for the Senate 2008

(21 Republicans, 12 Democrats)



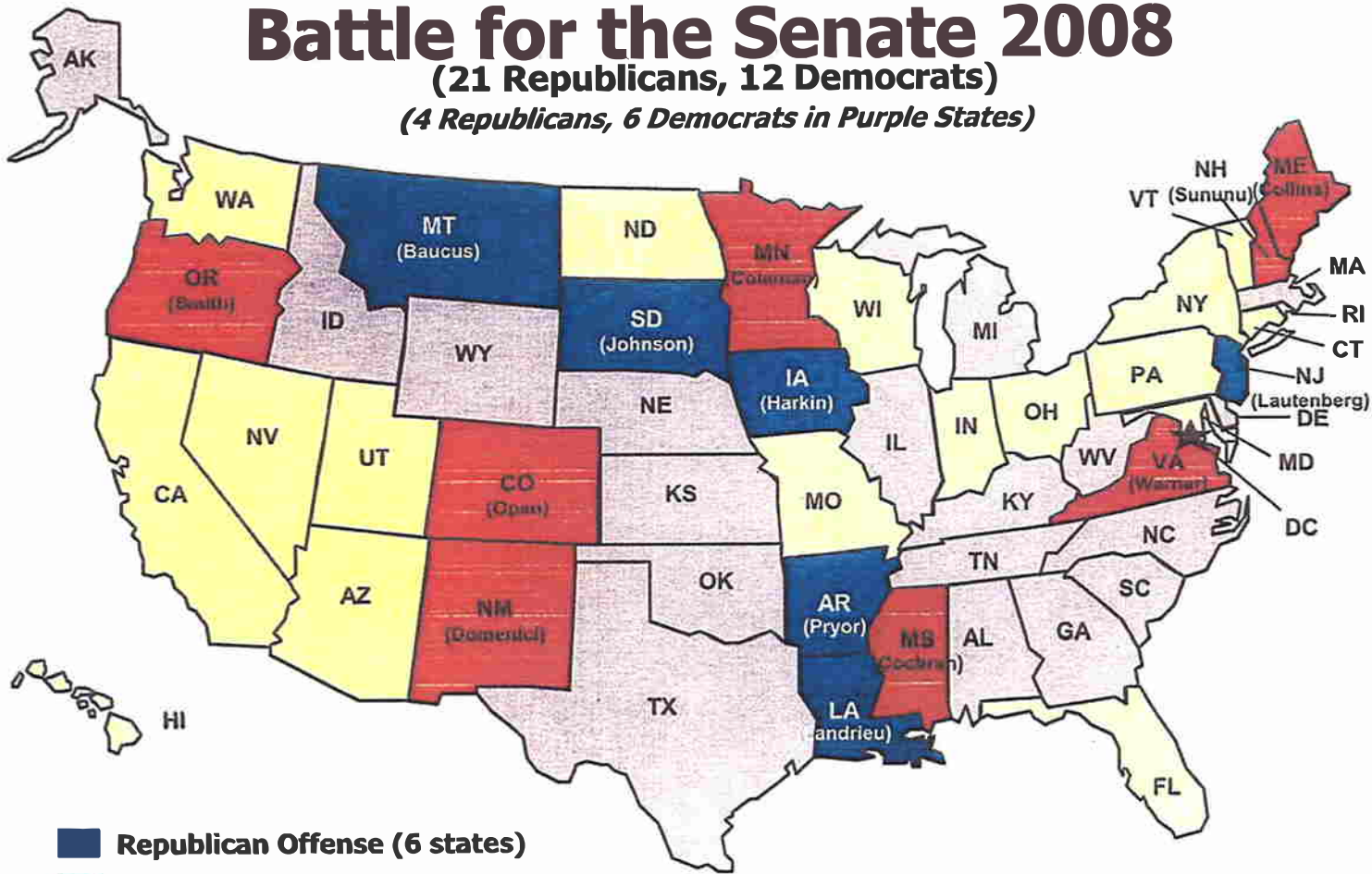
Senate

33 TOTAL RACES
 GOP
 21 Defense
 Dem
 12 Defense

Battle for the Senate 2008

(21 Republicans, 12 Democrats)

(4 Republicans, 6 Democrats in Purple States)



- Republican Offense (6 states)
- Republican Defense (8 states)
- Not Competitive (21 states)

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W-02-0581

MEMORANDUM

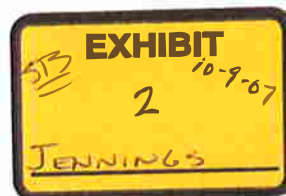
November 20, 2006

TO: DOUG SIMON

FROM: SARA TAYLOR
MINDY McLAUGHLIN

RE: DIRECTOR WALTERS SUGGESTED EVENT PARTICIPATION
(2006: 31 Events)

DATE:	EVENT:	STATUS:
February 15	Official ONDCP Major City Initiative (Tampa, FL)	Completed
February 21	Official PATRIOT Act and Meth Event w/ Sen Talent (Columbia, MO)	Completed
February 24	High School Drug Abuse Event w/ Cong. Sue Kelly (White Plains, NY)	Completed
March 21	Drug Event w/ Cong. Dave Reichert (Seattle, WA)	Completed
April 11	Roundtable w/ Community Leaders and Cong. John Doolittle (Nevada City, CA)	Completed
April 12	Roundtable w/ Community Leaders and Cong. John Doolittle (Oroville, CA)	Completed
April 12	Drug Event w/ Cong. Heather Wilson (Albuquerque, NM)	Completed
May 8	Meth Roundtable w/ Cong. Richard Pombo (Stockton, CA) (Deputy Director Burns will attend)	Completed
July 22	Drug Event w/ Cong. Scott Garrett (Augusta, NJ) (Deputy Director Burns will attend)	Completed
July 22	Drug Event w/ Cong. Scott Garrett (Paramus, NJ) (Deputy Director Burns will attend)	Completed
August 1	Meth Event w/ Cong. Patrick McHenry (Lenoir, NC)	Completed
August 1	Meth Event w/ Cong. Charles Taylor (TBD, NC)	Completed



Simon-22
2 of 3

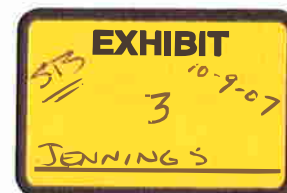
72

TO: Doug Simon

FROM: Evan McLaughlin

RE: Director Walters Completed Events with Elected Officials for 2006

DATE:	EVENT:	STATUS:
January 10	Press Conference with Miami Mayor Manny Diaz (I) Release of Miami Drug Control Strategy (Miami, FL)	Completed
February 8	Meeting with Colorado Governor, Bill Owens and CO AG John Suthers releasing the 2006 National Drug Control Strategy (Denver, CO)	Completed
February 15	ONDCP Major Cities Initiative meeting	Completed
February 21	Official PATRIOT Act and Meth Event w/ Sen Talent (Columbia, MO)	Completed
February 24	High School Drug Abuse Event w/ Cong. Sue Kelly (White Plains, NY)	Completed
March 7	Meth Recognition Event with Iowa Governor Tom Vilsack (D), Rep. Kevin McCarthy (D), Sen. Keith Kreiman (D), Sen. Clel Baudler (R), And Sen. Bob Brunkhorst (R) (Des Moines, IA)	Completed
March 8	Meth Recognition Event with Oklahoma Governor Brad Henry (D), Rep. Paul Roan (D), Sen. Dick Wilkerson (D), and Rep. John Nance (R) (Oklahoma City, OK)	Completed
March 21	Drug Event w/ Cong. Dave Reichert and AG Rob McKenna (Seattle, WA)	Completed
April 11	Roundtable with Community Leaders and Cong. John Doolittle (Nevada City, CA) (Deputy Director Mary Ann Solberg)	Completed
April 12	Roundtable with Community Leaders and Cong. John Doolittle (Oroville, CA) (Deputy Director Mary Ann Solberg)	Completed
April 12	Drug Event w/ Cong. Heather Wilson (Albuquerque, NM)	Completed



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May 1	Meeting with Denver Mayor John Hickenlooper (D) RE: Screening and Brief Intervention (Denver, CO)	Completed
May 4	Meeting with San Diego Mayor Jerry Sanders (R) Introductory meeting (San Diego, CA)	Completed
May 8	Meth Roundtable w/ Cong. Richard Pombo, Cong. Dennis Cardoza (D) (Stockton, CA) (Deputy Director Burns)	Completed
June 5	Meeting with Congressman Jerry Weller (Joliet, IL)	Completed
July 19	Meeting with Portland Mayor Tom Potter (Portland, OR)	Completed
July 22	Drug Events with Cong. Scott Garrett (Augusta and Paramus, NJ) (Deputy Director Burns)	Completed
July 28	Meeting with Philadelphia Mayor John Street Re: Fentanyl (Philadelphia, PA)	Completed
August 1	Meth Event w/ Cong. Patrick McHenry (Lenoir, NC)	Completed
August 1	Meth Event w/ Cong. Charles Taylor (TBD, NC)	Completed
August 4	Drug Event w/ Cong. Mike Sodrel (TBD, IN) Meth briefing with prosecutors, sheriffs, judges and Parents forum	Completed
August 21	Faith-based Meth Event w/ Cong. Shelley Moore Capito (Charleston, WV)	Completed
August 21	Drug Task Force Event w/ Cong. Geoff Davis Prescription drug abuse event with Judges Marc Rosen Lewis Nicholls (Ashland, KY)	Completed
August 24	Treatment Facility Tour and Drug Event w/ Cong. Chris Chocola (South Bend, IN)	Completed
August 28	Meth Recognition Event w/ Sen. Jon Kyl and Office of DA Barbara LaWall (D) (Tucson, AZ)	Completed

August 28 Completed	Reno-Sparks Chamber of Commerce anti-marijuana Event with Assemblyman Bernie Anderson (D)	
August 29	Drug Event w/ Cong. Jim Gibbons (TBD, NV)	Completed
August 30 Completed	Marijuana Eradication Event with CA AG Bill Lockyear (D) and US Attorney McGregor Scott	
September 18	Meeting with Cincinnati Mayor Mark Mallory (D) (Cincinnati, OH)	Completed
September 18	Drug Event w/ Cong. Deborah Pryce (Columbus, OH)	Completed
September 18	Drug Event w/ Cong. Steve Chabot (Cincinnati, OH)	Completed
October 2	HIDTA Announcements with Senator Kit Bond, Senator Jim Talent, and Congressman Hulshof (St. Louis, MO)	Completed
October 3	Conference Call w/ members of the Montana Press (DC)	Completed
October 11	Drug Event w/ Cong. Jon Porter (Henderson, NV) DFC grant announcement	Completed
October 16	Meth recognition event w/ Sen. Conrad Burns and Tom Siebel, Cascade County Sheriff David Castle (Great Falls, MT)	Completed
October 23	DFC announcement w/ Cong. Mike Fitzpatrick (Quakerstown, PA) (Deputy Director Burns will attend)	Completed
October 27	HIDTA Announcements with Congressmen Crenshaw and Mica and Jacksonville Sheriff John Rutherford (Jacksonville, FL)	Completed
November 20	HIDTA Announcements with Congressman Gingrey (Marietta, GA)	Completed
<u>Regretted/Retracted/Cancelled Events:</u>		
October 26	Drug Event w/ Cong. Ric Keller (Orlando, FL)	Cancelled
TBD October	Drug Event w/ Cong. Jeb Bradley (TBD, NH) (may send Deputy Director)	Retracted

TBD October	Drug Event w/ Cong. John Hostettler (Terra Haute, IN)	Retracted
TBD October	Drug Event w/ Cong. Rick Renzi (Flagstaff, AZ)	Regretted
TBD October	Drug Event w/ Sen. Rick Santorum (TBD, PA)	Cancelled
TBD 2006	Drug Event w/ Gov. Sonny Perdue (Atlanta, GA)	Retracted

PATRICK T. MCHENRY
MEMBER OF CONGRESS
10TH DISTRICT, NORTH CAROLINA

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WASHINGTON, DC 20515
(202) 225-2578
FAX (202) 225-0318
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P.O. BOX 732
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TOLL FREE IN NC
(800) 477-2578

April 14, 2006

The Honorable John P. Walters
Director
Office of the National Drug Control Policy
750 17th Street, N.W.
Washington, DC 20003
Fax: 202-395-6640

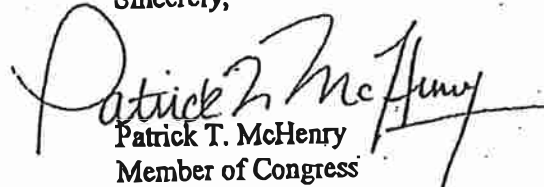
Dear Director Walters,

I would like to extend an invitation to you to visit the 10th District of North Carolina during the August district work period to discuss potential ways the Federal government can assist state and local law enforcement agencies in combating the rising tide of methamphetamine abuse and trafficking.

On April 11, 2006, I held a Government Reform field hearing in my district, entitled "Appalachian Ice: The Methamphetamine Epidemic in Western North Carolina." This was a productive event and we look forward to continuing the dialogue with those that are on the front line of the methamphetamine crisis everyday in my district.

I look forward to finding a time that you can join me in North Carolina this August to further discuss the Federal, state, and local partnership in the fight against methamphetamine. Please contact my scheduler, [REDACTED] with dates that work best for you. Again, thank you and I look forward to your visit.

Sincerely,


Patrick T. McHenry
Member of Congress

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Events

Official	Date	Location	Purpose	Democrat Official/Candidate	Source of Funds
Secretary	6/20/2006	Denver, CO	CAFTA Meeting with Colorado Business and Labor Leaders	Senator Ken Salazar	Department of Commerce
Secretary	1/18/2006	New Orleans, LA	Tour of Loretta's Authentic Pralines	Mayor Ray Nagin	Department of Commerce
Secretary	4/7/2006	New York, NY	Louisiana Committee of 100 Meeting	Governor Kathleen Blanco	Department of Commerce
Secretary	4/20/2006	Laredo, TX	Business and Community Leaders Roundtable	Congressman Henry Cuellar	Department of Commerce
Secretary	4/21/2006	Edinburg, TX	McAllen Chamber of Commerce and the South Texas CAFTA Leadership Breakfast	Congressman Ruben Hinojosa	Department of Commerce
Secretary	5/4/2006	New Orleans, LA	New Orleans Briefing	Governor Kathleen Blanco	Department of Commerce
Secretary	8/25/2006	New Orleans, LA	New Orleans Meeting	Mayor Ray Nagin	Department of Commerce
Secretary	8/25/2006	New Orleans, LA	Home Depot Re-Opening and Speech	Senator Mary Landrieu	Department of Commerce
Secretary	4/12/2007	Ple, WV; Huntington, WV	Tour of Fish Hatchery; Roundtable with Community Leaders	Congressman Nick Rahall	Department of Commerce
Secretary	4/23/2007	New York, NY	Community Leader Luncheon; Executive Leadership Series Speech	Congressman Gregory Meeks	Department of Commerce

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From: Cherry, Jane W.
Sent: Wednesday, September 14, 2005 2:31 PM
To: Burke, Jamie (HHS/OS)
Subject: RE: Sara's presentation

Apparently, we can't email this out. I am sorry.

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

From: Burke, Jamie (HHS/OS) [mailto:Jamie.Burke@hhs.gov]
Sent: Tuesday, September 13, 2005 4:40 PM
To: Cherry, Jane W.
Subject: Sara's presentation

Sara is coming over to HHS on Thursday 5 pm - 6 pm to speak to the political appointees. Our Regional folks are so sorry to miss hearing from her. Does she have a power point that I can e-mail or send to them?

Jamie



58

From: Ken_Mehlman@who.eop.gov
Sent: Thursday, February 07, 2002 6:27 PM
To: Ken_Mehlman@who.eop.gov
Cc: Matthew_A_Schlapp@who.eop.gov; Katherine_G_Marinis@who.eop.gov;
Edward_Ingle@who.eop.gov; Adrian_G_Gray@who.eop.gov
Subject: Regular Political Briefings

Today, Regina Scofield at HHS put together an excellent briefing for all of the political appointees (Schedule Cs, DAS, Assistant Secretaries, etc.). Among the topics covered at the meeting, I did a political briefing, going over the top races, latest polls, etc. Last year, I did the same thing at many of the agencies.

Because this is a political year, regular, updated information will be important and interesting. We want to discuss targets, how people can help, our plan for coordinated activities, and (most importantly) what's appropriate and legal. To that end:

1. Your general counsels will be invited to a meeting at the White House next week with White House counsel to go over ground rules. Brett Kavanaugh will be in touch with your counsels about this.
2. We will again begin our regular informational briefings at the White House. I hope that you can attend.
3. If appropriate, Matt Schlapp or I would like to do a quarterly meeting with all of your political appointees (Schedule Cs, PAS, Assistant Secretaries) to provide regular updates.
4. We are getting many inquiries from people about how they might be able to help out on campaigns. Consistent with the approval of counsel, there will be one person at the RNC who can place interested staff in campaigns. We will forward the name to you shortly.

Thanks, Kate Marinis will be in touch with your assistants to schedule these.



3

From: Ken_Mehlman@who.eop.gov
Sent: Thursday, February 21, 2002 7:31 AM
Cc: Edward_Ingle@who.eop.gov
Subject: Next Chief of Staff Meeting -- March 1 at 3pm

Join Ed in looking forward to seeing you next week.

----- Forwarded by Ken Mehlman/WHO/EOP on 02/21/2002 07:30 AM -----

From: Edward Ingle on 02/20/2002 05:57:59 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: Next Chief of Staff Meeting -- March 1 at 3pm

The next face-to-face Chief of Staff meeting has been scheduled for Friday, March 1 at 3pm in room 180 of the EEOB.

Brett Kavanaugh (White House Counsel's Office) and Ken Mehlman (White House Political Affairs) will be on hand to provide advice and counsel with regard to the do's and don'ts regarding your participation in politically-related activities, as well as your politically-related discussions with your respective Secretaries. We will also cover the do's and don'ts of PAS participation in politically-related activities (including the Secretary and Schedule Cs), since the rules for PASs are somewhat different than those related to you as a non-career SES. Brett is meeting tomorrow with your respective General Counsels to go over these issues.

While there will be a strong need this election year for the legal and responsible participation of political appointees in the political process, we want to make sure that we are all on the same page regarding the rules of the road given the enormous amount of public scrutiny on this Administration's political activities going forward. We would also ask that you bring your White House Liaisons with you for this meeting given they will also be involved in helping your agency's political appointees understand the rules. Cathy Hargraves of Cabinet Affairs will be contacting your assistants to confirm your attendance. Thank you.

Message Sent To:

dwm@usda.gov @ inet
phillip.bond@ta.doc.gov
larry.dirita@osd.pentagon.mil
kyle.mcslarrow@hq.doe.gov @ inet
mcginnis.eileen@epa.gov @ inet
robert.wood@hhs.gov @ inet
daniel_r_murphy@hud.gov @ inet
brian_waidmann@ios.doi.gov @ inet
david.t.ayres@usdoj.gov @ inet
law-steven@dol.gov @ inet
b.smullen@state.gov @ inet
john.flaherty@ost.dot.gov @ inet



4

WAXEM000000054

From: Smith, Matt [mailto:Matt.Smith@va.gov]
Sent: Wednesday, October 11, 2006 2:50 PM
To: Scott Jennings
Cc: Jocelyn Webster; Mindy McLaughlin; Jessica Swinehart
Subject: RE:

Sounds good. We can talk further on points.

Secretary would also attend.

From: Scott Jennings [mailto:SJennings@gwb43.com]
Sent: Wednesday, October 11, 2006 2:49 PM
To: Smith, Matt
Cc: jwebster@mchq.org; Mindy McLaughlin; Jessica Swinehart
Subject: RE:

Yes – either Sara or I would be happy to do it. Let me check with her and we will get right back to you. To be clear, we will lay out the ground rules for appointees as we have been directed by Counsel. The rules are pretty simple, and we will gladly make sure everyone has the information.

From: Smith, Matt [mailto:Matt.Smith@va.gov]
Sent: Wednesday, October 11, 2006 12:28 PM
To: Scott Jennings
Subject:

Scott,

Would you be willing to come over next week [Tuesday] and do a very quick political brief as well as some remarks on "what the WH expects from appointees"?

Matt





"Jocelyn Webster"
<jwebster@gwb43.com>
01/19/2007 02:39 PM

To tessa.truesdell
cc
bcc

Subject FW:

History: This message has been forwarded.

Please do not email this out or let people see it. It is a close hold and we're not supposed to be emailing



it around. Thanks! Post Election Presentation.ppt

W-02-0310

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REDACTED



Appointee Meeting
06.28.06.doc...

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

From: Craig Daniel [REDACTED]
Sent: Tuesday, June 27, 2006 2:00 PM
To: Lauckhardt, Shelby L.; Boyer, Matthew W.; iwebster@gwb43.com
Cc: [REDACTED]
Subject: Treasury Appointee Meeting Agenda

Shelby/Matthew/Jocelyn,

Attached is our proposed agenda for tomorrow evening's Treasury appointee meeting. Please let me know if this will work for you, or if you need any more details as to what we're looking for. This format is similiar to their recent presentation to Chiefs of Staff & White House Liaisons.

Thank you.
Craig



HOGR002-0136

TREASURY APPOINTEE MEETING

Wednesday, June 28, 2006

6:00 – 7:00 PM

EEOB 450

Agenda

- 1. Opening Remarks & Introductions (5 min)**
Chris Smith
- 2. Broad View of Strategic Initiatives for Fall 2006 (5-10 min)**
Barry Jackson
- 3. Political Affairs Slideshow on 2006 Races (remainder of hour, if needed)**
Sara Taylor & Scott Jennings
Note: Most Treasury appointees have not seen any version of this presentation, so it can be as extensive as necessary.
- 4. How to Get Involved (5 min)**
Scott Jennings
- 5. Closing Remarks**
Chris Smith

From: Lauckhardt, Shelby L.
Sent: Tuesday, June 27, 2006 2:43 PM
To: Craig Daniel
Subject: RE: Treasury Appointee Meeting Agenda

Hi Craig-

Sara said she will just do the slideshow by herself and that Scott can do the "how to get involved" department. Does that make sense? Thanks!

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

From: Craig Daniel [REDACTED]
Sent: Tuesday, June 27, 2006 2:00 PM
To: Lauckhardt, Shelby L.; Boyer, Matthew W.; jwebster@gwb43.com
Cc: [REDACTED]
Subject: Treasury Appointee Meeting Agenda

Shelby/Matthew/Jocelyn,

Attached is our proposed agenda for tomorrow evening's Treasury appointee meeting. Please let me know if this will work for you, or if you need any more details as to what we're looking for. This format is similar to their recent presentation to Chiefs of Staff & White House Liaisons.

Thank you.
Craig



H0GR002-0135