

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

DEPOSITION OF: MATTHEW AARON SCHLAPP

Monday, August 27, 2007

Washington, D.C.

The interview in the above matter was held at 2157  
Rayburn House Office Building, Conference Room J, commencing  
at 9:59 a.m.

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Ms. Amerling. Good morning. On behalf of the Committee on Oversight and Government Reform I thank you for being here today. This proceeding is known as a deposition.

The chairman of the committee has sought this deposition as part of the committee's investigation of contacts between former lobbyist Jack Abramoff and the White House as well as investigations into the use of nongovernmental email accounts for official business by White House officials, political briefings given to agency officials, whether federal agency officials conducted taxpayer-funded travel to benefit Republican candidates for public office [REDACTED]

[REDACTED]

[REDACTED]

The person transcribing this proceeding is a House reporter and a notary public authorized to administer oath. He will now place you under oath.

[Witness sworn.]

Ms. Amerling. My name is Kristin Amerling and I've been designated as majority counsel for this round of questioning.

I am accompanied here today by Susanne Sachsman, counsel for the committee, Anna Laitin, who is a professional committee staff member, and -- would minority staff like to introduce yourselves for the record?

Ms. Callen. Ashley Callen, Republican staff.

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

Mr. Ausbrook. Keith Ausbrook, general counsel, Republican staff.

Ms. Amerling. Before beginning the deposition I'd like to go over some standard instructions and explanations, so please bear with me.

Mr. Schlapp, because you've been placed under oath your testimony here has the same force and effect as if you were testifying before the committee. If you knowingly provide false testimony you could be subject to criminal prosecution for perjury, making false statements or other related offenses. Do you understand this?

The Witness. I do.

Ms. Amerling. Is there any reason why you're unable to provide truthful answers in today's deposition?

The Witness. No.

Ms. Amerling. Under the committee's rules you're allowed to have an attorney present to advise you. For the record, do you have an attorney who represents you present with you today?

The Witness. I do.

Ms. Amerling. Would counsel for Mr. Schlapp please identify yourselves for the record?

Mr. Shapiro. Sure. Howard Shapiro, Reg Brown and Matt Jones from Wilmer Cutler Pickering Hale and Dorr.

Ms. Amerling. Thank you.

The deposition will proceed as follows. I will ask you questions for up to one hour. When I am finished with that round the minority counsel will have the opportunity to ask you questions for up to one hour, and additional rounds of questioning may follow in that manner after that.

The reporter will be taking down everything you say and we will make a written record of the deposition. You need to give verbal, audible responses because the reporter cannot record nods or gestures. Do you understand that?

The Witness. I do.

Ms. Amerling. Also for the record to be clear please wait until I finish a question before you respond and I will wait until you finish your response before I begin the next question. Do you understand?

The Witness. I do.

Ms. Amerling. If you don't hear or understand a question please say so and we will repeat or rephrase it. If I ask you about conversations or events in the past and you're unable to recall the exact words or details you should testify to the substance of such conversations or events to the best of your recollection.

If you recall only a part of a conversation or event you should give us your best recollection of those events or parts of conversations that you do recall. Do you understand?

The Witness. I do.

Ms. Amerling. Do you have any questions, Mr. Schlapp, before we begin?

The Witness. I don't.

Mr. Shapiro. Could I just put something on the record before we begin?

Ms. Amerling. Sure.

Mr. Shapiro. We received a letter, as you may know, from the White House counsel's office last week just advising us of the need to be vigilant about potential privileges, presidential communications or deliberative privileges. We'll obviously do our best to do that. We're not particularly well suited here to do that but we're the only ones here I suppose in a position to do that, so with the difficulties inherent in sort of trying to make real time assessments in areas that are not actually our privileges to preserve but in which we have certain obligations as stakeholders because of Mr. Schlapp's prior employment we may from time to time ask to confer to consider whether there are privilege implications that we need to discuss.

Ms. Amerling. We understand that.

Mr. Shapiro. Thank you.

EXAMINATION

BY MS. AMERLING:

Q Mr. Schlapp, would you please state your full name for the record?

A Matthew Aaron Schlapp.

Q And where are you currently employed?

A Koch Industries.

Q And what is your position there?

A Director of political affairs.

Q And where were you employed prior to your work in that position?

A With the administration.

Q And what was your position there?

A Political director.

Q And during what period of time did you serve as political director?

A From approximately spring of 2003 through February of 2005.

Q And to whom did you report in that position?

A To Karl Rove.

Q Did you report to anyone else?

A No.

Q And who reported to you?

A If I could make one change to that answer, I think as a commissioned officer technically we all report to the President but within our organizational chart I reported to Karl Rove.

Q And who reported to you?

A A staff.

Q Of how many?

A Ten-ish.

Q And before you began the position of political director in spring of 2003 in what position did you serve?

A Deputy political director.

Q At the White House?

A That's right.

Q And during what period of time did you serve as deputy political director?

A From the first day of the administration in 2001 through the time that I was promoted to be political director.

Q Could you briefly describe your responsibilities in both of those positions that you held at the White House?

A Which one would you like me to start with?

Q Why don't you start -- would do it in chronological order?



A Sure. I, as the deputy political director, I was the political director's deputy, so I would get -- work with him on all the major projects of the office. My primary responsibility was to have a role in the selection of people who would serve the administration, but the overall mission of the office was to serve as kind of eyes and ears to the president and to give the proper understanding of the political environment across the country.

Obviously that would have been a part of both jobs.

Q And could you describe your responsibilities when you were promoted to political director?

A Yeah, it was -- as political director I was more clearly the manager or the supervisor for the associate directors and once again I think the role as the political eyes and ears for the president was more pronounced. The primary responsibility in that office was to support the President's agenda and advocate for the President's agenda, and that's it.

Q And to whom did you report when you were deputy political director?

A To the political director.

Q Ken Mehlman?

A That's right.

Q Did you also report to Karl Rove in that position?

A I interacted a lot with Karl Rove. I can't tell you exactly how the -- if there was an official org chart, how that worked. My guess is I reported to Ken Mehlman.

Q And when did you first hear about Jack Abramoff?

A Please restate the question.

Q When did you first meet Jack Abramoff?

A Sometime when I got to Washington. I got here in January of 1995 or December 1994.

Q And what was the context?

A Context of?

Q How did you meet him?

A I don't recall how I met him.

Q And during your time at the White House did you have any direct contact with Mr. Abramoff?

A I did.

Q Could you describe that contact?

A He would call or I would call him or he would email or I would email him.

Q And how frequent was your contact with him while you were at the White House?

A It probably was at times more frequent and at other times less frequent depending on the types of things I wanted to talk to him about or he wanted to talk to me about.

Q Would you characterize it as daily contact, weekly,

monthly? How would you characterize the frequency of the contact?

A Probably more like monthly.

Q And was this contact business related generally or was it social contact?

A Both.

Q What percentage of the contact that you had with him while you were at the White House was for official matters?

A Most of my conversations with Jack Abramoff were on official matters or issues surrounding politics.

Ms. Amerling. For the record, the committee's staff director Phil Barnett has joined us.

BY MS. AMERLING:

Q During your time at the White House did you ever meet with Mr. Abramoff regarding matters of interest to his clients?

A I did have a meeting with Mr. Abramoff?

Q When was that?

A I don't know exactly what the time frame was. I think it would have been within the first two years of my service.

Q Do you remember what was discussed at that meeting?

A Yeah. We were discussing a conversation about

filling the Office of Insular Affairs.

Q Can you describe what you recall about that conversation.

A Yes. Can I confer just very quickly?

[Witness conferred with counsel.]

The Witness. It was -- could you restate your question?  
I'm sorry.

BY MS. AMERLING:

Q Can you please describe what you recall about the conversation you had at that meeting?

A It was a meeting and the topic was to determine kind of the policy challenges around filling the position. I think it's called director of the Office of Insular Affairs, which is in the Interior Department.

Q And did you initiate that meeting?

A I don't know who -- I don't recall who initiated the meeting.

Q Why were you seeking Mr. Abramoff's input on that subject?

A This subject was one that he had a reputation for having a great deal of knowledge about the policy challenges around the regions of the globe that this -- that OIA oversaw.

Q Did you have any other meetings with Mr. Abramoff

while you were at the White House?

A -- try to understand your question. No meetings, no other meetings that I recall at the White House or in an agency or anything like that.

Q Did you have any meetings with Mr. Abramoff outside of the White House or outside of agencies while you were serving at the White House?

A Meeting in the sense of? Can you maybe tell me what you mean by 'meeting'?

Q Did you meet with him in person?

A Like would we talk, run into each other, those types of things, yes.

Q And how frequently did that occur.

A Once again, sporadic.

Q Can you describe what you recall about those meetings?

A Generally?

Q Generally and specifically. Do you remember any specific other meetings that you had with him in addition to the one you just described?

A Yeah. I remember running into him at his restaurant and having a conversation. We were both standing up and I think it was a pretty lengthy conversation.

Q Do you remember when that was?

A I'm sorry, the dates -- it would have been -- that would have been 2003, I think, end of the year 2003.

Q And do you recall what you discussed at that meeting?

A I think I recall him talking something about his diet and he was eating a lot of fish and something about his mercury count was high and he was talking about the -- I think he had a dietician or something.

Q Do you recall discussing any matters of interest to his clients at that meeting?

A I don't think so, but of course at any one time I might not know who everyone's clients are.

Q Do you know Kevin Ring?

A I do know Kevin Ring, yeah.

Q And how do you know Kevin Ring?

A Kevin Ring was a Hill staffer when I was a Hill staffer.

Q Did you have contact with Kevin Ring while you were serving at the White House?

A I did.

Q How frequent was your contact with him during that period?

A I would say infrequent.

Q Did you ever talk with him over the phone during

that time period?

A I don't recall a particular conversation, but it's possible.

Q Did you ever contact him over email or did he ever contact you over email during that time period?

A I don't -- it's very conceivable.

Q Do you know Tony Rudy?

A I do.

Q How do you know Tony Rudy?

A We worked together once again as Hill staffers in the House.

Q And how frequent was your contact with Tony Rudy while you were serving at the White House?

A I would describe it as frequent.

Q And by that do you mean daily contact?

A No, not daily.

Q Weekly contact?

A It's once again a sporadic thing. It would depend on an issue that might be burning.

Q Did you talk to him over the phone?

A I had phone conversations with him.

Q And did you have email communications with him?

A Yes, I think I did.

Q And were these communications concerning business

issues or social issues?

A It could be both but definitely business issues as well.

Q Would you say it's primarily business issues?

A Well, maybe you would allow me to put it in three categories. You know, business issues like some policy issue maybe or general conversation of politics once again, and personal as well.

Q How about Neil Volz? Do you know Neil Volz?

A I do.

Q And how do you know him?

A We were Hill staffers together.

Q Could you describe how frequent your contact was with him while you were at the White House?

A I don't think it was very frequent.

Q Now Mr. Abramoff's lobbying team also included Todd Boulanger, Shawn Vassel, Duane Gibson, Michael Williams, Stephanie Leger-Short and Padgett Wilson. Did you know any of these individuals?

A Nothing is ringing a bell except for Duane Gibson.

Q And how do you know Duane Gibson?

A Once again, I think we were contemporaries in the House, as staffers in the House of Representatives.

Q And were you in contact with Duane Gibson while you



were at the White House?

A I think we had contact.

Q How frequent was your contact?

A I wouldn't describe it as frequent.

Q How would you describe it?

A Less frequent. There would have been some contact.

Q Monthly? Once a year? Once a week?

A Probably less than monthly, probably more than once a year.

Q And what type of contact did you have? Were you generally discussing matters of interest to Mr. Gibson's clients?

A I think he might have had a candidate for a position.

Q A candidate -- what do you mean by that?

A Maybe I could elaborate at this point. In my role as the deputy political director one of my areas of responsibility was to play a role in the personnel process and so I would receive -- I don't know how to quantify it because I haven't quantified it but hundreds of thousands of not only office seekers but people who thought there were great candidates around the country who could serve the administration.

I had a substantial amount of incoming information from

a wide variety of sources, and it would not be uncommon for people who know me to ping me or solicit my opinion on a given position or a given candidate.

Q So you were receiving a large volume of contacts?

A Yes, I mean I don't know what they are but substantial.

Q Substantial emails?

A And it was hard to read them all.

Mr. Shapiro. Just to clarify, I thought you might have said hundreds of thousands. Did you mean hundreds or thousands?

The Witness. Yes, I didn't mean to say hundreds of thousands, but I don't know how you classify it daily, hundreds or thousands, not hundreds of thousands; although some days it felt like hundreds of thousands.

BY MS. AMERLING:

Q But on a given day you could be receiving hundreds or thousands of contacts, whether it's emails or phone communications from people outside the White House?

A Right, that's correct.

Q To your knowledge how frequently did Ken Mehlman have contact with Jack Abramoff?

A I don't know.

Q Do you know how frequently he had contact with any

of Jack Abramoff's lobbying associates?

A I don't.

Q How about Karl Rove? To your knowledge how frequently did Karl Rove have contact with Jack Abramoff?

A I don't know how frequent. I know that they had some communications.

Q How do you know that?

A I seem to recall him maybe passing on information he heard from him from time to time.

Q Do you remember any specific instances of that?

A Nope, and I was not a party to any of the conversations.

Q When you said you heard information passed along, was Mr. Rove passing along information from Mr. Abramoff?

A Let me be clear here. I was not a part of their conversations. I assumed that they had had a conversation. I can't know for sure, but it would be information related to maybe something Jack Abramoff was interested in.

Q And you assume that because of a conversation you had with Karl Rove?

A Yes, Karl Rove or his assistant Susan Ralston.

Q Do you know -- so you know Susan Ralston?

A Yes.

Q And were you in contact with her frequently while

she was serving at the White House with you?

A Yes.

Q Did you know that she was a former employee of Jack Abramoff?

A I did.

Q Did you know that she was in regular contact with Jack Abramoff?

A Once again, I am not party to those conversations. I don't know if she was in regular contact.

Q Was that your impression when you were working with her, that she was in contact with him?

A Yes, my impression is they had a good professional relationship and she would pass things on sometimes to me that had been explained or communicated to her from Jack Abramoff.

Q And did you ever pass information to Jack Abramoff or any of his associates through her?

A I don't really know, not purposefully. If I were working on a project with somebody I would communicate back to them directly.

Q Did you ever hear that she was passing information from you to Mr. Abramoff or any of his associates?

A I don't know.

Q What about other White House officials in the

Office of Political Affairs, the Office of Intergovernmental Affairs, the Office of Legislative Affairs or elsewhere in the White House? Did you know of any contacts between anyone else at the White House and Mr. Abramoff?

A No, I just wouldn't be aware.

Q You wouldn't be aware of contacts he would have?

A I just don't recall knowing any information on any other contacts.

Q How about contacts between any other White House officials and any of Mr. Abramoff's associates, lobbying associates?

A Once again, I have no information about contact. If I could just take this moment to elaborate a bit, that team was viewed by many as a very respected lobbying team and they had -- they were well connected. They had many friends in the administration.

Q Who viewed them that way?

A Once again, that's more of a characterization that I believed.

Q And what was the basis for that belief? How did you come to believe that?

A Many of the individual members that you've discussed had worked hard on the Hill and had earned good reputations and were seen as knowledgeable.

Q Did you ever attend a briefing at the White House involving Andrew Card and Jack Abramoff?

A Could you maybe explain that more? I don't understand your question.

Q Do you recall ever attending a briefing or a meeting at the White House that Andrew Card and Jack Abramoff were present at?

A No, I don't remember that.

Q You described earlier a meeting that you had with Mr. Abramoff where the subject was the Office of Insular Affairs. That meeting was on the White House premises, is that correct?

A It was at the Department of Interior.

Q And why did you go to the Department of Interior for that meeting?

A I don't know if there was particular significance to going to Interior, despite the obvious fact that that's where the Office of Insular Affairs was housed.

Q Did you ever see Mr. Abramoff at the White House complex?

A I don't recall seeing him at the White House.

Q Do you know who Juan Babauta is?

A Who?

Q Juan Babauta, B-a-b-a-u-t-a.

A I don't know who that is.

Q Mr. Babauta was the Republican candidate for governor in the Commonwealth of the Northern Marianas Islands in 2001. Does that ring a bell?

A That does ring a bell, yes.

Q Do you have any knowledge of discussions among White House officials regarding whether the President would endorse Mr. Babauta who was the Republican candidate?

A I don't have any specific recollection.

Mr. Shapiro. I actually think that that's an area where we'd have to consult with White House counsel before you could go further into discussions about a decision about what the President would do, at least based on my understanding of their understanding of the privileges.

BY MS. AMERLING:

Q All right. Well, we may come back to that. Do you recall whether Mr. Abramoff provided the White House with a background memo regarding the subject of endorsing Mr. Babauta's candidacy?

A I don't know specifically if he did. I don't recall.

Q Do you have any knowledge regarding an effort -- do you know who Ben Fitial is?

A It doesn't ring a bell.

Q Ben Fitial was also a candidate in that gubernatorial race in 2001. Does that ring a bell?

A It doesn't.

Q Do you know who Allen Stayman is?

A I don't know him personally. I remember vaguely working on a case that involved him.

Q What do you remember about it?

A Well, I think it was reported in a publication that there was a story about his tenure at the state department and there being some manner of controversy around that.

Q Can you elaborate? It was reported in a publication?

A I think I remember reading this in an article.

Q Do you remember any effort to remove him from his post at the State Department in 2001?

A I have some vague memory of there being questions raised about his continued tenure at the State Department.

Q And what is your memory of that?

A That people raised objections. I don't know whether it had been something maybe he did or that maybe he was not a political supporter of the President.

Q And who raised those objections?

A I really don't recall. I think Jack Abramoff might have been one of those folks that raised that objection. Of



course, I think so.

Q And why do you think that?

A Once again, I don't know whether that's a recollection from my tenure there or having read a news account of it.

Ms. Amerling. I'm presenting the witness with a document we'll mark as Exhibit No. 1. Could you please take a few minutes to read through this?

The Witness. Of course.

[Schlapp Exhibit No. 1 was marked for identification.]

The Witness. Okay. I've read it.

BY MS. AMERLING:

Q This document is an email chain that begins on June 18, 2001 with an email from Tony Rudy to Matt Schlapp in which Mr. Rudy says, "I don't know if you remember this but we spoke about it a few months ago; there is a Clintonista and McCain donor who is scheduled to be renewed on the twenty-third of this month unless action is taken." It goes on to say, "Is there any way you can weigh in with presidential personnel? Monica Kladakis knows about the problem. His name is Allen Stayman. Thanks."

And a few weeks later there is an email response from you to Tony Rudy which says, "we finally have someone to take his place." Does this email refresh your recollection of

events surrounding Mr. Stayman's departure from the State Department?

A It gives me some more detail.

Q Did you follow up on the June 18, 2001 email from Tony Rudy?

A I don't know.

Q Do you recall talking with anyone at the Office of Presidential Personnel about this issue?

A Not specifically, no.

Q What do you mean 'not specifically'?

A I don't recall a conversation to presidential personnel.

Q Who is Monica Kladakis?

A Kladakis, she would have been an associate director at presidential personnel who oversaw a portfolio that included the State Department or at this point she might not have overseen it. She might have just been working in that department.

Q Do you recall any conversations with any White House officials about the removal of Mr. Stayman from the State Department?

A I don't.

Q Mr. Stayman told the committee that his superiors at the State Department supported the renewal of his

contract, the extension of his tenure at the State Department in 2001. Do you have any recollection of whether you understood that the State Department supported the extension of his tenure there?

A Might you explain to me what that means? Was he a contract worker or was he --

Q His position was one where he had a contract that was renewed from time to time.

A Okay.

Q And it was up for renewal in 2001, and Mr. Stayman informed the committee that the State Department approved the extension of his contract. Did you have an understanding at that time in 2001 that the State Department supported Mr. Stayman's -- the extension of his tenure there?

A I don't recall.

Q How often did the White House get involved with personnel decisions made at federal agencies?

A It depended on what kind of personnel decision.

Q Did they get involved ever?

A Certainly.

Q What types of personnel decisions did they get involved with?

A Certainly with folks that were known as PAS, positions that were Senate approved, and they would certainly

be involved in decisions on political appointees, those definitely.

Q And how often did the White House overrule a personnel decision made by an agency?

A I don't know if I'd characterize the process that way.

Q I'm asking you how often that happened. If it did happen you can tell me. If it didn't happen --

A Maybe what I could do is just explain what the goal was is to have consensus on these decisions and to work through any issues that might arise between the agency and the office of personnel.

Q Let's look at another part of the email chain, same exhibit, Exhibit No. 1.

A Sure. Do I have it?

Q It's the one that's right before you. You've read through the entire chain, have you?

A I did.

Q On September 22, 2001 --

A Is that page two, page one?

Q The date is at the bottom of 6725 and the text of the email is on the second page, which is 6726. On September 22, Tony Rudy emails you. It looks like he's responding to your September 22 email, and in his response he asks, "any

word of OIA?"

You reply that OIA is just being looked at now. "Who is your lead candidate," you asked Tony Rudy. Why did you solicit Rudy's suggestions on a candidate for a position in OIA?

A I don't specifically recall why I asked in this email but generally I have recollection that I had conversations with him or with Jack Abramoff on the position.

Do I hold on to this stuff?

Q Let's keep that in front of you for now.

A I'm going to move these over, if that's okay.

Ms. Amerling. I'm presenting the witness with two additional email chains. One is dated January 26. It begins with the number 6863. We'll mark that as Exhibit No. 2.

[Schlapp Exhibit No. 2 was marked for identification.]

Ms. Amerling. The second is dated January 230, 2002. It begins with the document number GTG R-0043. We'll mark this as Exhibit No. 3.

[Schlapp Exhibit No. 3 was marked for identification.]

Ms. Amerling. Please let me know when you've had a chance to review these.

The Witness. Okay.

[Witness reviewed the documents.]

The Witness. Okay. I've read them.

BY MS. AMERLING:

Q These emails reflect additional contacts between you and Mr. Rudy regarding the issue of filling the position at OIA. In the first, dated January 26, Mr. Rudy inquires about the status of OIA and you reply, "This one is not easy.

We should talk." In the second document, which we've marked as Exhibit No. 3, Mr. Rudy reports to his colleagues that he had a long talk with you.

Why would you be sharing information with Tony Rudy about this position, about the OIA position?

A He is somebody I had great professional trust in, whose opinion I respected and in the course of trying to fill or have a role in filling literally thousands of positions in the administration and receiving the huge volume of names and opinions and requests from people across the country on different personnel issues, I always viewed it as part of my job to be able to in a time sensitive fashion be able to find good sources of information who could help guide an administration on these personnel issues when the people who are making the decisions sometimes don't have subject matter expertise themselves.

Q What unique information did Tony Rudy have that was relevant to the consideration of candidates for positions at OIA?

A As I said earlier I believe that he and Jack Abramoff had a good knowledge of the policy challenges and the political challenges facing the regions of the globe that interacted with OIA.

Q Wasn't the information that they provided information reflecting the interests of their clients?

A I don't know.

Q Wouldn't that be a logical assumption when you're talking to a lobbyist?

A Could be, although at one point Mr. Abramoff did mention that he didn't necessarily have a client interest.

Q Did you talk to other lobbyists when you were seeking information about filling OIA positions?

A I don't recall the breadth of who I talked to.

Q Do you recall talking to any other lobbyists besides Mr. Abramoff and his associates?

A I don't specifically recall but I wouldn't have barred a phone call because they were a lobbyist.

Q But you do recall talking with Mr. Abramoff and his associates about this position?

A I do. Yes, yes.

Q So did you rely on them? Did you have a unique relationship with them in your effort to obtain information about the Office of Insular Affairs position?

A No, I don't think so.

Q How many other lobbyists did you talk to?

A On this specific -- as I said earlier, I don't recall if I did or didn't talk to other lobbyists on this particular position.

Q Did you have any concerns that information that Mr. Rudy or Mr. Abramoff provided you would be biased because of the interests of their clients?

A Could you repeat the question, please?

Q Did you have any concerns that the information that Mr. Rudy or Mr. Abramoff provided you would be biased because of the interests of their clients?

A I suppose there's always that chance when you're interacting with a lobbyist but my goal was to try to learn from them about the subject matters that were important. That was what I was trying to focus on, and help advise the process to make a good decision in terms of who should run OIA. If that meant talking to different folks about what their challenges were and the type of person that was needed there I viewed it as consistent with my role to talk to them.

Q What do you recall about your conversations with Mr. Abramoff about the OIA position?

A I don't have great specific recall on the topics, just that generally there are positions in an administration



and OIA was representative of that, that don't seem to be front burner, major positions that need to be filled, yet for the people that interact with this department it's the most important thing for them. And so when you look at these -- what some might characterize as more minor positions, it's important to get the decision made correctly.

And that's what I recall as kind of the nature of the conversation in that there were some significant policy questions surrounding them that you know, the administration might have a strong point of view on if they were educated about those issues.

Q Mr. Abramoff had your direct phone line, is that right?

A I have no idea.

Q Do you have --

A My phone line. Somehow when I was the deputy director my direct line was widely disseminated and I got a lot of calls on that line. I think I had to have the line changed. I don't know how that happened, but it happened, and it caused some time efficiency problems because I would constantly have the phone ringing.

I felt like sometimes a temp agency. It was people wanting to look for jobs.

Ms. Amerling. We can put these first three exhibits to

the side. I'm showing the witness three documents. The first, which we'll mark as Exhibit No. 4, is an email chain of January 10, 2002, the number GTG R-006222.

[Schlapp Exhibit No. 4 was marked for identification.]

Ms. Amerling. The second is an email chain of January 11, 2002.

The Witness. Can I confer?

Ms. Amerling. Sure.

[Witness conferred with counsel.]

Ms. Amerling. And we'll mark that as Exhibit No. 5.

[Schlapp Exhibit No. 5 was marked for identification.]

Ms. Amerling. And the third is an email dated January 11 from Jack Abramoff, which we'll mark as Exhibit No. 6.

Please take a minute to review these documents.

[Schlapp Exhibit No. 6 was marked for identification.]

The Witness. Would you like me to read through these?

Ms. Amerling. Yes, please.

[Witness reviewed the documents.]

The Witness. Okay. I've read them.

BY MS. AMERLING:

Q In the email exchange we've designated Exhibit No. 4, Mr. Abramoff sends an email to you with the subject line "did not get the fax yet," and then lets you know that you could send to his home fax. And subsequently in this email

chain there is an email from you to Mr. Abramoff that says, "just got the resume from PPO, faxing it to the number you gave me right now," and Mr. Abramoff says, "thanks."

What is PPO? Do you know what PPO is?

A Office of Presidential Personnel.

Q And do you recall sending Mr. Abramoff resume information over the fax?

A I don't recall specifically doing that but I do remember interacting with him on these candidates.

Q Why would you send him resume information?

A Let me try to explain what the process was which I spent some time on. I did not have great substantive knowledge on what was needed to perform well in the position of OIA. My belief was that people I was interacting with at personnel maybe also had knowledge gaps on what was needed. That's why it was taking some time to fill it.

You want to make sure that you pick a candidate who is going to succeed and is seen as credible and can be effective. And one of my roles was to determine how do we get information on these positions so that we can properly vet candidates.

It's highly unlikely, improbable that you're going to be able to vet a candidate within the confines of the White House with the people who are there. The country is too big.

The issues are too complicated. There's too many other intersections on these positions, so my job was to make sure that the administration was not embarrassed by poor personnel selection, even just the response to it.

Sometimes when someone is nominated there is an outcry about -- you know, the initial response is negative. Even those types of things can really harm a candidate's ability to be effective in their job, so I was always on the lookout for people who seem to possess a good understanding of what those issues were so that I could become educated on these things.

Once again, I had a seat at the table on these personnel issues but I was -- I had a seat at the table on a lot of them whereas personnel was more specialized.

Q Weren't there people you could seek out for such information who had relevant, substantive information who didn't have clients with interests in the issue?

A I don't have a problem with people who have clients, lawyers or lobbyists. I mean I think it's good to know the information and that has to have -- you know, you take all that information into account when you listen to somebody. But that was what I was doing. I was listening to them.

It didn't mean necessarily that what they said one way

or the other would result in that decision.

Q Did you seek out substantive information from non-lobbyists on this issue?

A My recollection is I had other contacts that I talked to on this issue. I don't know whether they were lobbyists or not lobbyists.

Q Who else did you talk to? Do you remember talking to anyone who wasn't a lobbyist when you were seeking information?

A Fred Radewagen is mentioned here.

Q Do you recall reaching out to him?

A I think I did, yeah. I think I talked to Fred about it.

Q Anyone else?

A Nothing that comes to mind.

Q Did you send resumes of candidates for agency positions to other lobbyists?

A I might be lost on your question.

Mr. Shapiro. For this position?

Ms. Amerling. Yes, for any positions.

The Witness. Is it conceivable that I could have --

BY MS. AMERLING:

Q Do you recall sending resumes?

A Specifically?

Q Yes.

A No.

Q Is it correct that Mr. Abramoff was invited to an engagement party for you in May 2002?

A He might very well have been.

Q Why would he have been invited?

A It was a gathering of friends to celebrate an important milestone in my life.

Q How large was this gathering? How many people were invited?

A I don't know.

Q Do you recall a ballpark?

A I don't.

Q Are we talking hundreds of people or dozens of people?

A It was a large party.

Q Can you give us a ballpark estimate of how many people you invited?

A At the party?

Q Yes.

A Eighty-ish.

Q How many other lobbyists?

Mr. Shapiro. I'm sorry. That was attending, not invited?

The Witness. Yes, that's right. I don't know how many. I really don't know the answer to how many people were there.

BY MS. AMERLING:

Q Do you know how many other lobbyists were invited?

A I don't know.

Q Now in January 2006 Mr. Abramoff pled guilty to multiple felonies and the White House at that time got a lot of questions about the nature of the White House's relationship with Mr. Abramoff. And White House officials responded that Mr. Abramoff's contacts with the White House had been minimal.

I'll give you an example. On January 4, 2006, the White House spokesperson Scott McClellan asserted, "there were only a couple of holiday receptions that he attended and few staff level meetings on top of that." And in an interview shortly after Mr. Abramoff pled guilty, Ken Mehlman was quoted as saying, "well, Abramoff is someone who we don't know a lot about; we know what we read in the paper."

Did anyone at the White House consult with you before White House officials made statements characterizing the White House's relationship with Mr. Abramoff?

A I don't recall them consulting with me.

Q Do you recall whether Mr. Abramoff or any other

lobbyist got you an engagement present?

A I don't know. I don't specifically recall who gave me what presents at that party.

Q Do you know if any of your colleagues accepted tickets to sporting events or concerts from lobbyists?

A I don't.

Q Did you ever learn that Ken Mehlman accepted tickets to a U2 concert in 2001 from the Abramoff team?

A I don't know.

Q You mentioned that you had been to Signatures. Mr. Abramoff opened that restaurant in 2002. Do you know if any of your colleagues at the White House had meals or drinks there at the invitation of Mr. Abramoff?

A I don't know.

Q Do you know if any of your colleagues had meals or drinks paid for at Signatures by Mr. Abramoff or any of his colleagues?

A Any of my colleagues at the White House?

Q Yes.

A Or by Abramoff or any of his colleagues?

Q Do you know if any of your White House colleagues had meals or drinks at Signatures that were paid for by Mr. Abramoff or his lobbying associates?

A At the time, no. Since then there's been some



reporting.

Q Do you have any recollection of anybody discussing reimbursing Mr. Abramoff or any of his colleagues for meals, drinks, tickets or any other gifts?

A The only thing on the reimbursing question was this question of an OPA holiday party we had at Signatures.

Q Let's talk about that.

A Sure.

Q Do you recall attending a New Year's party at Signatures in January 2004?

A I recall attending a party. I don't know if we called it a Christmas party or a New Year's party or whatever.

Q Was it a party for Mr. Rove's staff?

A Yes.

Q And how many people attended that?

A Once again, I don't -- I mean it would have -- 50-ish.

Mr. Ausbrook. It's going on about an hour. It might be the appropriate time to take a break.

Ms. Amerling. If I could finish up the questions on this issue.

Mr. Ausbrook. That depends on how many there are.

Ms. Laitin. I have five minutes left in my count when

she started the questions after the introductions.

Ms. Amerling. I think I can do this in five minutes.

Mr. Ausbrook. Okay.

BY MS. AMERLING:

Q Did Mr. Abramoff attend this party?

A I don't know. I recall, as I explained earlier, I think it was the day of the party that I talked to him within the confines of his restaurant but not necessarily -- somewhere in his restaurant on the way to going to the party.

Q You're referring to the conversation you described earlier in the deposition about talking to Mr. Abramoff at Signatures?

A Yes.

Mr. Shapiro. The fish and diet conversation.

The Witness. Yes, yes.

BY MS. AMERLING:

Q Do you recall being involved with the process for reimbursing Signatures for the cost of that party?

A Yes.

Q Can you describe what you remember about the reimbursement process?

A There was some after -- sometime around the party there was a question of what my payment would be in support

of the party.

Q And how did that question come up?

A It came up from one of Karl's assistants about the need to pay for the party.

Q And what happened after that question came up?

A We worked out a process. I think I ended up giving my credit card number or paid somehow for the party.

Q Do you recall a charge for this party showing up on your credit card bill?

A I don't specifically recall, no.

Q There is a National Journal article from October 2006 that reported after Abramoff pled guilty in 2006 to multiple felonies Mr. Rove's office checked to see whether the 2004 party had been paid for and found that it hadn't. Do you have any reason to believe that account is inaccurate?

A I don't know whether -- I guess I have no reason -- I don't know specifically the facts of how it was paid or who paid it. All I know is that there were requests of me to play a role in paying for the party.

Q And when did those requests occur?

A I can't remember whether it was right before the party or right after the party.

Q But it was around the time of the party?

A Yeah, around the time of the party. I think the

directors who reported to Karl were each going to -- each were going to pay a percentage or something.

Q Did anyone follow up about this issue after that time period?

A Yes. Yes. Well, after that time period? I'm sorry. I don't understand the question.

Q You said there was a discussion about reimbursement and you gave your credit card number around the time of the party.

A I don't know if it was a discussion of reimbursement or discussion of paying for it is maybe how I would say it.

Q Okay. There was a discussion of paying the costs of this party around the time of the party, whether it was a little before or a little bit after, you can't recall exactly?

A That's right.

Q And my understanding of what you've said is that it was around that time you gave your credit card information. Subsequent to that time period did anyone follow up with you about this event and the issue of the costs of the event?

A Yes. I got a call from Susan at one point.

Q Susan Ralston?

A Yes, asking me generally if I recalled having

conversations about the party.

Q And when did she follow up with that call?

A I had left the White House so sometime after February of 2005.

Q Can you describe what you remember about that conversation?

A Once again, she called to see if I had a recollection. I got the impression they were trying to figure out what had happened surrounding this event. Maybe it was prompted by a reporter's call or something.

Q Did you ever receive any gifts from Jack Abramoff or his associates?

A I have a recollection of receiving a wedding present from -- I think -- my recollection is I got a wedding present from Jack Abramoff.

Q And when was that?

A Sometime around my wedding, which was -- I'd better get this date right -- July 13, 2002.

Ms. Amerling. I'm going to stop my round at this point and turn it over to the minority.

Mr. Shapiro. Clarification on the record before -- in your question you talked about the timing in which you provided a credit card number and I thought your testimony, Matt, was you either provided a credit card number or paid

cash or a check and you weren't at all certain.

The Witness. I'm not certain of how my method of payment was. I am certain that I was followed up on to make the payment, and I think more than once.

Mr. Shapiro. Thank you.

[Recess.]

Mr. Castor. Back on the record. Mr. Schlapp, my name is Steve Castor, counsel with the Republican staff. I'm going to be asking you questions for this round.

Before I begin, our general counsel Mr. Ausbrook is going to make one general statement.

Mr. Ausbrook. I just wanted to put on the record our objection to questions regarding whether Mr. Abramoff or anyone else attended the witness's engagement party or gave him a wedding present or questions of that regard. They are intrusive into the private affairs of the witness.

The country deplores the lack of collegiality in Washington and so when people make friends in Washington we should not sit around and criticize it. And I hope we can try to avoid those kinds of questions and get to the point that -- the real point of these proceedings.

Mr. Castor. Also, counsel for Mr. Schlapp, you will have an opportunity to come back here to the Hill and look over the transcript and make technical corrections and

whatnot, and at that time if you notice anything in the transcript that you would prefer to be redacted for website publishing purposes feel free to make that request to the committee and if you wouldn't mind also let us know because these transcripts do have a possibility of being published on the internet and whatnot, and we certainly don't want any of Mr. Schlapp's personal friends and whatnot to be subject to internet scrutiny in the left wing and ring wing blogs and whatnot.

Mr. Shapiro. Thank you. I appreciate that.

The Witness. Can I ask a question? Do I give these back to you or do I hold on to these?

Mr. Brown. They go with the transcript.

The Witness. Okay.

#### EXAMINATION

BY MR. CASTOR:

Q Mr. Schlapp, there is discussion about whether Mark Zachares was a good fit for a Department of Interior position at the Office of Insular Affairs. To your knowledge was Mr. Abramoff representing Mr. Zachares in terms of getting that appointment? Was there a client interest in Mr. Abramoff's mind when he was speaking with you?

A I think that I said earlier that at some point Mr. Abramoff had relayed to me that he didn't have a client

interest in this area. And specifically on Mr. Zachares, I go the impression that he just thought highly of him, thought he'd be a good member of the administration and maybe trying to help somebody he was either friendly with or who he had a professional relationship with.

Q But he wasn't representing Mr. Zachares specifically?

A I don't think so. I certainly didn't have that impression at the time.

Q Are you aware whether Mr. Zachares was appointed to the position that Mr. Abramoff was lobbying on Mr. Zachares's behalf?

A No, he didn't get the job. As I recall I don't think his interview went well or something like that.

Q Mr. Abramoff also advocated on behalf of a gentleman named Peter Ferrara for the Office of Insular Affairs. Do you have any recollection of communications with Mr. Abramoff about Mr. Ferrara?

A Not really, nothing -- I don't really have any recollection of a conversation of him, of that candidate.

Q So to the best of your recollection were Mr. Abramoff's discussions about this position limited to just Mr. Zachares?

A No, I do recall him having other candidates. He



put forward other candidates.

Q Do you remember who they were?

A I don't, I don't.

Q Do you remember who ultimately got the job?

A A fellow by the name -- I think it's David Cohen.

Q And was Mr. Cohen recommended by Mr. Abramoff?

A No.

Q So nobody Mr. Abramoff recommended ultimately got the job?

A That's right.

Q Were there other individuals communicating with you and your office about that position?

A Yes, I think I said that I had talked with Fred Radewagen and I believe I would have talked to others as well.

Q Were there communications from the Hill, any congressional members?

A My recollection is yes, I got some calls from the Hill.

Q And was that unusual?

A No. No, I mean I had worked on the Hill for five years. I loved my time working for the House and I had a lot of contacts there and members would call or staff would call.

Q Mr. Abramoff also advocated on behalf of a

gentleman named Tim Martin for a slot with the Bureau of Indian Affairs. Do you have a recollection of that specific person?

A Not the person, but generally the office, I have a vague recollection of that, yes.

Q Do you have any recollection of Mr. Abramoff communicating with you or your office about an appointment to that office?

A Meaning did they have names to fill that position? I have a vague recollection of that.

Q Do you remember any of the names?

A Not at this moment.

Q The position for Mr. Martin was to be an Assistant Secretary at the Bureau of Indian Affairs within the Department of Interior and ultimately he was not named Assistant Secretary. Do you have any recollection of who was named to that spot?

A I don't. If you gave me the name I could tell you if I remember that appointment being made. There was just -- if I could explain, it was too many positions. I prided myself in the past of being pretty good at remembering names, and in this job I soon realized that I was never going to be able to keep track of all the names on all the resumes, all the names on all the prospective lists of people to hire,

all of that data. It just overwhelmed my feeble system.

I could not remember the names, so I learned -- I remembered more by the characteristics of the policy and what was needed in terms of policy and what the politics were around those questions of policy. I remembered by what kind of skill set was needed to do a job. That's how I would tend to remember it in my head unless I knew the person, less by their name.

Q Abramoff also lobbied on behalf of Dennis Stevens. Have you ever heard of him?

A Yes, he's someone I know.

Q Stevens wrote to Abramoff on April 30, 2001. The committee reported that he was currently in the mix for chief of staff to the Deputy Secretary, Deputy Assistant Secretary for Policy and International Affairs, and these, by the way, are all at the Department of Interior.

A These communications?

Q These positions. Stevens wrote to Abramoff saying that he's currently in the mix for a number of slots. Do you have any recollection about conversations or communications you had with Abramoff about Dennis Stevens?

A I don't.

Q Do you know if Dennis Stevens was ultimately appointed to a post at the Interior?

A I don't think he was appointed.

Q Mr. Abramoff pushed for a lawyer named Glen Nager to be appointed to a federal judgeship. Do you have any recollection of communications with Mr. Abramoff about the appointment of Mr. Nager to the federal court here in D.C.?

A I don't.

Q It was both appointments at the U.S. District Court level and the U.S. Court of Appeals. He was never nominated for either.

Are you familiar with the position of negotiator for the Micronesian Compacts?

A That one does not ring a bell.

Q Mr. Abramoff on June 26, 2001 emailed Susan Ralston to suggest Arnold Leibowitz for the position of lead negotiator for the Micronesian Compacts. Abramoff vouched that he had worked with Leibowitz for a number of years.

Did anyone from Mr. Abramoff's firm reach out to you about Mr. Leibowitz?

A Once again, I don't have a specific recollection of that, but that would not be surprising considering what my role was and considering the relationships there.

Q Leibowitz ultimately was not selected.

Early in the administration, January 2001, Abramoff pushed for Joseph Lynch to be appointed to the Federal

Housing Authority. You have ever heard of Mr. Lynch?

A No, I don't recall that name.

Q Do you ever recall any specific communications with Mr. Abramoff about filling a post at the Federal Housing Authority?

A I don't recall any conversation.

Q You said earlier that Abramoff had a depth of information with Indian tribe-related matters, insular affair-related matters. Did he also possess a reputation for generally understanding Washington?

A Yes. Yes, he was seen as -- as I probably didn't explain very well that he -- one of the reasons why he was a point of information was not -- it wasn't so much surrounding what he did for a living to pay his bills. It was a question of his knowledge and his experience and his judgment on issues surrounding politics and policy and how the town works and how somebody like me could learn from his opinions and experiences on those things.

Q So it wouldn't surprise you if he was advocating on behalf of Mr. Lynch for a Federal Housing Authority post?

A No.

Q Abramoff was also interested in a lady by the name of Lynn Drake as a potential commissioner of the FDA. He wrote to Susan Ralston on October 4, 2001 attaching Drake's

resume and supporting materials. Do you have any recollection of a specific communication with Abramoff about the appointment of Ms. Drake?

A I don't. I remember her being somewhat considered for that position but I don't remember talking to Jack Abramoff about it.

Q Dr. Drake ultimately was not named to the FDA. In the latter part of 2000, Duane Gibson who was one of Mr. Abramoff's lobbying associates, someone that you said you had some familiarity with, was seeking a position at the White House. Do you have any recollection of Mr. Gibson's efforts to obtain employment on the President's staff?

A I think I have some recollections of that.

Q What do you remember?

A Him calling or emailing or seeing if I could be helpful.

Q Do you have any specific recollections of speaking with Mr. Abramoff about Gibson?

A No.

Q Gibson was ultimately not named.

A How did you describe what Duane Gibson did? Did you characterize what he did professionally?

Q He was a lobbyist at the Greenberg firm and somewhat earlier if my recollection is correct you said that

you had some familiarity with --

A Yes, someone I had worked with on the Hill, I believe.

Q And ultimately Gibson wasn't named to the White House staff. Todd Boulanger, one of Abramoff's colleagues, pushed for the appointment of a Senate staffer named Aaron Hass for a job in the White House. Do you have any recollection of any specific discussions regarding Ms. Hass?

A No, I don't.

Q You said that you didn't have a regular set of communications with Boulanger. Is that correct?

A Yeah, I don't recall communicating with him.

Q George Lowe was interested in being the Assistant Secretary for financial institutions at the Treasury Department. On March 22, 2002, Abramoff told Mr. Lowe that he, meaning Abramoff, would be delighted to press Lowe's case for a Department of Treasury slot, saying that he would raise this with Karl Rove and Ken Mehlman. Do you have any recollection of Mr. Lowe and Mr. Abramoff's efforts to seek this position?

A You know, George Lowe is somebody who I've worked closely with and know him and he's a friend, and I don't know whether any recollections of this would have been contemporaneous to the time we're talking about or later, so

I don't recall specific conversation at that time.

Q Do you know if he was ever under consideration for this post?

A I can't recall.

Q Did you ever speak with Mr. Abramoff about Mr. Lowe and this post?

A I don't remember having talked to him.

Q Lowe wasn't named Assistant Secretary. Do you remember who was?

A Assistant Secretary for?

Q Financial institutions.

A I can't remember who was.

Q Somebody named Lee Forsgren wanted to be Assistant Secretary for the Army. Do you have any recollection?

A A vague recollection of that.

Mr. Castor. I'm going to mark an exhibit. What number are we up to?

[Schlapp Exhibit No. 7 was marked for identification.]

BY MR. CASTOR:

Q Did you have a chance to take a look at this?

A I did.

Q It's an email from Duane Gibson to you in June of 2002 concerning Mr. Forsgren. Is this the type of email you might get on a regular basis for some of the positions that



you were helping staff?

A Yes. I mean this would characterize a huge volume of emails.

Q So on a regular basis you would receive people's resumes for potential slots?

A Yes, that's correct.

Q And did you tend to get information on specific positions that were within your portfolio or did you -- were you the recipient of --

A I didn't really have a portfolio. That was one of my challenges. I was the person certainly in the first several years of the administration who represented kind of the political understanding of personnel at all those meetings. It was pretty varied.

Q So in a given -- after the early part of the administration, the year of 2001, once we got into 2002, 2003, is it fair to say that the number of resumes you received dropped a little bit?

A Going from like 2001 to 2002 to 2003?

Q Yes, or was it always at a very high rate?

A I kept expecting that there would be this initial flood of inquiries and that it would subside and that my -- maybe even the meetings and the time it took to play this role in personnel would subside, and it never seemed to

subside, which of course is logical because the number of positions stay roughly the same. And because these positions are important and they handle areas of important policy, you'll always have a flood of people that would like to be considered for those positions.

Now whether or not in a second term that's different I can't speak to but certainly for the time I was there it seemed to be continual.

I think the difference is in the beginning we were probably less organized, had less systems and it was a shock.

It was a shock. As I mentioned earlier, like for instance the direct line, it was just a shock how much, how many people. And I felt very discourteous because I couldn't return all the calls, nor could I give the time that was probably needed to really listen on all the calls and scrutinize all the emails. I had to pick and choose what I focused on in order to get stuff done.

Q How many resumes do you think you got on a -- during the course of a typical week?

A I really just don't know. I would say constant, and sometimes someone might send a batch of resumes, I mean just like, here is 25 really good people the President should consider.

Q Ordinarily what was your process for handling the

extraordinary volume of paperwork and phone calls regarding --

A Well, going back through these examples, my -- I would think that in most of these cases that these were people calling me to see if I would play a role in getting a candidate in the mix or under consideration for a position. So maybe there's like two sides to this, right.

Then there's another side where I know we need to fill a position, so I'm reaching out to somebody I think has good knowledge to try to get information on how we get the position filled or I'm reaching out to somebody to say, "can you help me think about the kinds of people we would, types of people we would need to fill this position."

So there would be a huge volume of email and phone calls on -- maybe incoming you would describe it as, and we tried our best to -- if they sent an email electronically as in Exhibit No. 7, to -- knowing that the -- this is a White House record and -- you know, so that was good because we knew we could always go back and get it if it turned out like that was a candidate that we wanted.

And we tried to keep track as best we could but our focus was not so much on all the resumes that would come in because those also were tracked -- actually thinking about this helps me remember the process. These resumes were put

in what was called -- a system called Telemagic, which was some kind of computer software where we would encourage people to go online and login their resume there.

There was always a certain amount of folks that said, "well, I did that and it didn't seem to work." And I'm not very computer proficient, so sometimes we get communications back from folks saying, "I tried; didn't work, can you take the resume," or whatever.

So there was a system to track the resumes but we focused on, okay, who are the right people to talk to about getting the positions filled? And are there candidates who impress us and feel like they would be good members of the administration?

Q So during your time in the Office of Political Affairs there may have been 10,000, 20,000 people whose resumes were in this database?

A Well, the database was White House-wide, so it wouldn't have been somehow in OPA. It would have been -- but we would have directed them to that.

Q And that could have had 10,000, 20,000 people in it, right?

A Yeah. I mean it's probably a matter of record. I don't know how many, and I don't know if the system -- I think they started the system during the transition but once

again I don't know how foolproof it was either.

Q What percentage of your time did you spend dealing with personnel-related issues?

A During my time as the deputy director? A large percentage, a substantial number of hours every week. I mean a majority of my time.

Q In our report that we released last fall we listed a very long list of folks who Mr. Abramoff advocated for to get a slot in the administration and he was not exceedingly successful, so I'm just going to go through some names quickly and if you have any recollections of communications with Mr. Abramoff about this specific candidate would you let me know?

A Sure.

Q Harvey Sherzerberg, a judge for the U.S. Court of Claims?

A That's -- I have a vague recollection of that.

Q And what was the Abramoff effort for Mr. Sherzerberg? Do you have any specific recollection?

A I don't.

Q You just remember the name and potentially that Abramoff was advocating for him. Donald Carr for a position at the EPA?

A I don't recall.

Q Kevin Ring's brother John Ring for a slot at the Labor Department?

A Yes, I have some recollection there.

Q Do you have any specific recollections of telephone calls or emails that you may have had with Kevin Ring about his brother?

A No, nothing specific.

Q How about with Abramoff?

A Once again, it wouldn't have been unusual but no, I don't recall anything specific. I don't think Kevin's brother got a position.

Q No, he didn't.

At one point Kevin suggested that Jack Oliver was going to try to way in on behalf of his brother. Do you have any recollection of talking about John Ring with Jack Oliver?

A I don't.

Q Chuck Brooks for the Export Import Bank?

A I don't recall.

Q ATF Director slot for Mike Bregman?

A That sounds familiar.

Q Do you have any recollection of speaking with Michael Williams? Mr. Williams was a colleague of Abramoff.

A I don't recall.

Q He used to work at the NRA. So you don't remember

any specific conversation about --

A Not with Michael Williams.

Q How about Mr. Abramoff?

A On that position?

Q Right, on Mr. Bregman.

A I don't recall having talked to him.

Q We were surprised when we began looking at all the materials that were produced to us at the number of folks that he did weigh in on their behalf, and in fact the number of folks that didn't get positions.

Can you remember any other specific person that Mr. Abramoff may have advocated for who was named to an administration post? Are we missing anything here?

A I don't think he -- I don't think he was successful in that regard.

Q Is it fair to say that Abramoff and his team were just one source of information about a prospective slot?

A Yeah. I mean, if I could be -- explain once again. You've gone through a series of names of people that would have been in that incoming branch. My recollection is on all those names that I wasn't calling them proactively to say, who's a good name for the -- you know, some of the examples of the positions that you brought up.

The only one that falls somewhat in that category is the

OIA job because I thought he had good, specific information and a grasp of the policy issues. But on these other -- on these other positions, I might have had other contacts and other people that I felt like could give me information on qualified candidates. So I would definitely -- if I felt like somebody was a good information source, it might be related to a given -- you know, a given type of job.

Q And those calls were coming in from all over the map. Is that fair to say?

A All over the map. I was, you know, sometimes surprised at the people who would call.

Q So you got calls from specific people looking for posts. You got calls from their friends. You got calls from lobbyists. You got calls from the Hill.

A I remember getting a call from -- I wasn't always able to return calls as promptly as I wanted to, and always had a nagging guilt about that. And I remember sometimes our systems weren't so good, either, because you'd go from meeting to meeting to meeting to meeting, and then you just -- you were tired.

And I remember a couple days later having gotten a call from, you know, a Judge Clark out in California and Ed Meese about some California person, and I remember thinking how disrespectful it was of me to -- you know, we didn't -- the



person who was helping with my calls didn't know who they were, and I never got a heads up that they called, and then days later I'm just kind of noticing they called.

And that was the kind of -- you know, and I actually would have enjoyed talking to them. So, you know, that was my loss. But it was just a -- it was a constant stream of calls from a wide variety of people. And some of the people -- I might not have recognized their names -- could have had really great insights into a particular position or whatever. So I also was sensitive to the fact that I didn't necessarily know who all the right contacts were. I was trying to learn.

Q So some of these folks that called you could have been party leaders from the --

A Yes.

Q -- from out in the state and local government folks?

A Yes. That's right. That would have been -- that would have been something that would have happened.

Q Congressional offices? Different members of the House of Representatives or the Senate?

A Yes. Or their staff. You know how that works. Sometimes it was the D.C. staff, and then sometimes the district director had a little slightly different opinion.

And, you know --

Q Is it fair to say that because Abramoff didn't get very many, if any, people to these different positions that he was advocating for that he wasn't very influential in terms of getting people named to slots?

A Well, I mean, the record is the record. If he wasn't successful in getting specific people for jobs that he wanted them to perform in, then that's accurate.

Q That was our conclusion. And now I'm just sort of asking you, because you did have a different perspective, whether we've missed anything.

A But if he was somebody who still had a good knowledge of how, I think you said earlier, the town works or substantive knowledge of an array of policy issues, and to the extent that maybe people listened to him on the types of things they needed to be sensitive about, in that case, which is more important, you know, maybe he was helping make sure that the administration was making good decisions on those types of things. I don't know.

Q But he certainly didn't have a direct line into the White House to get anyone appointed who he wanted?

A No.

Q Going back to Exhibit 1 -- do you still have access to the exhibits?

Mr. Shapiro. It's in the pile next to you.

The Witness. Sorry.

BY MR. CASTOR:

Q Sometimes our witnesses are -- they lose access to the exhibits. I want to make sure you still have access to it.

On the second page of the exhibit, the Bates No. 6726, there's some back and forth between you and Tony Rudy in June of 2001. Well, sorry. Back and forth is maybe the wrong word. There's an e-mail from you to Tony Rudy. Tony Rudy e-mailed you on June 18, 2001.

A Yeah.

Q And then on the first page of the exhibit, it looks like you get back to him on Saturday, September 22nd, in the afternoon. Is that fair to say? It looks like there's -- three months later, you get back to him?

A Yeah. That's what it looks like.

Q So you're not giving Tony Rudy or Mr. Abramoff any special treatment here in terms of expeditiously getting back to their incoming e-mail requests, are you?

A I think that goes to the point that I was making earlier, that I wasn't always able to be as respectful as I would like to be to people that are making the equity of their government, of the White House. And in this case, it

looks like it's on a Saturday, which means I was probably plowing through a bunch of stuff I never had time to read or --

Q I want to amplify some aspects of the first e-mail in the chain that wasn't completely amplified before. And this is the e-mail to you from Tony Rudy June 18, 2001. "Hope things are well. I don't know if you remember this, but we spoke about it a few months ago. There's a Clintonista and McCain donor who is a political appointee of Albright." The former Secretary of State. "He is scheduled to be renewed on the 23rd of this month unless action is taken. He ran a partisan operation at the Department of the Interior which the Auditor General called the worst violation of the Hatch Act he had seen in 25 years. All his actions were targeted against House Republicans."

Does a further reading of this refresh your recollection at all about Mr. Stayman, and that he might have had some controversy attached to his tenure?

A Yeah. It gives me a little more detail, if that's in fact true.

Q Would it be unusual for an appointee of a previous administration, especially when the previous administration was of a different party -- would it be unusual for them not to be renewed or reappointed for a slot?

A Well, I mean, if it was a political position, if one of the -- one of the jobs when you have a new administration, whether -- even if it's of the same party, is to make sure that the President's priorities are well understood and have a chance of being successful, it doesn't have a chance of being successful if you don't have people in these positions who want to advocate for the President's agenda.

My assumption in receiving this e-mail was that there was what someone might describe as a holdover, somebody who'd been appointed in a previous administration, and in this case obviously an administration of another party, who was still in a position, which I probably would have perceived as being in a political position or a position where a political -- there was a political supervisor or something that had the authority to make a decision here.

Q President Bush did keep George Tenet. He did keep Secretary Mineta. I mean, there were some people that made the transition.

A Or that -- if I could interrupt just for a second.

Q Certainly.

A Because it was about the agenda. If you had a policy agreement, that's what mattered.

Q I was just pointing out that the President has a

record of at least bipartisanship in terms of looking at specific candidates.

A Well, if you'll excuse me, I mean, Bill Clinton picked Senator Cohen, right, to be in his administration.

Q Sure.

A So there's not -- it's not that unusual to go across party lines. But the key is, do you have a policy agreement?

Q I guess what I was getting to is that that's not ordinary, or there's not a high volume of Clinton folks that made the transition over to the next administration.

A That's right. I would agree with that.

Q I think in the early part of the administration, the White House was running on -- not Microsoft Outlook. Is that fair to say? Was it Lotus Notes or something?

A My recollection is it was Lotus Notes.

Q And I point that out just because it's hard looking at these e-mail strings to see when the e-mails were sent and received. But just for the record, the first e-mail in the string from Tony Rudy -- and I'm just personally trying to clear up the record; I don't have necessarily a question here -- Tony Rudy to you was on June 18, 2001.

Your first response came Saturday, September 22nd. And then Tony Rudy replied on September 22nd, the same day. And

then you did reply. So, you know, earlier when I was making the point that it took you three months to get back to Tony Rudy, I wasn't entirely correct. And that was my own fault, looking at this.

A It is right.

Q The first reply -- as it turns out, your first reply to Mr. Rudy was in fact three months later. It came on September 22nd, roughly three months after the June inquiry.

I'm just having a little trouble --

A Yes. I see that.

Q -- reading the Lotus Notes/Microsoft Outlook stuff. I'm going to switch gears just a little bit and turn your attention to the RNC e-mail account issue.

A Yes, sir.

Q Which, as it turns out, has been highly publicized lately.

As we've come to understand, there are folks in the Office of Political Affairs that had an RNC e-mail account. Were you one of those?

A I did. I had an RNC e-mail account.

Q And you -- did you have a separate RNC computer at the White House?

A I had an RNC laptop.

Q And sometimes you used the RNC equipment, and

sometimes you used the EOP equipment?

A I'd use them both.

Q And did you get the RNC equipment as soon as you showed up at the White House in the beginning of the administration?

A I don't recall when we first got them. It was pretty -- it was pretty early. I don't know if it was the first moment.

Q And how did you decide which to use?

A It was generally -- we generally understood that the laptop was being given to us in political affairs, although I think there were some others who had them, too, with a desire to make sure that stuff that was inherently campaign-related would be done on a -- would be done on that computer.

Q And was there any specific information given to you to help you make those decisions about whether it makes sense for Hatch Act purposes or for whatever purpose to use the RNC-provided equipment as opposed to the EOP-provided equipment?

The Witness. Can I confer for a second?

[Witness conferred with counsel.]

The Witness. Okay. I'm trying to -- I think we were given kind of general guidance. And what I remember about it



was the emphasis on -- and having come from a Hill office, this is understandable -- the emphasis was, look. If it's direct kind of campaign-related stuff, let's keep it on -- let's keep it on the RNC computer equipment.

BY MR. CASTOR:

Q And that's what you did. Right?

A Yeah. I attempted to do that. Exactly.

Q Did you have an EOP BlackBerry?

A Yes. Yeah, my BlackBerry was a White House official BlackBerry.

Q Did you have an RNC --

A No, excuse me. I take that back. I apologize. My BlackBerry -- strike that. My BlackBerry was an RNC BlackBerry. I did not have a White House BlackBerry.

Q So you had one BlackBerry. Two computers at the office?

A Yes.

Q And how about cell phones? Did you have --

A I believe from the time I started, my cell phone was an RNC -- always an RNC cell phone. Never had a White House cell phone.

Q For purposes of the Presidential Records Act, did you ever have a need to take some of your e-mail communications that happened after hours, maybe, on your

BlackBerry, and did you ever have to do anything? I mean, we've been told that the instructions were to forward it over to your EOP account if it made sense. Did you ever do that?

A I was kind of a regular habit of -- we had a daily staff meeting in the office in which I worked, and then we had a directors meeting that I went to while I was there, both as deputy and as the director. And I was in a habit, because with a daily meeting and considering the time constraints of the activities you have to get done in the course of your day, you would also have this volume of e-mail. Some of them required a follow-up by the next morning.

So I was in the habit of -- if I got those types of things on my BlackBerry account, my habit was to send it to my assistant. Now, I don't know when I started that, but that was my habit, to send to my assistant. And the desire was to have some system whereby when I came in, I knew the types of things I needed to give an update on.

Q The committee Democrats have suggested that there potentially may have been the greatest violation of the Hatch Act in 30 years -- or, I'm sorry, the Presidential Records Act.

So is it fair to say that if that is a charge out there, that you are not someone -- you're not one of the White House

staffers that contributed to that potential Presidential Records Act violation?

A No. I don't think I did. My intent was to give my best efforts to following the guidelines of preserving presidential records, which is what I did. And I think, you know, in light of the new technology, the explosion of the use of e-mail and then the use of BlackBerrys, that came about at least more popularly, it seems to me, in this town after September 11th.

Q Just while we're on the topic of Presidential Records Act violations, there is a New York Times article on September 21, 1997 concerning Harold Ickes and his departure from the White House. There's a legend out there that: "Mr. Ickes, when he left the White House, once he" -- this is the New York Times writing -- "once he finished with the official checkout, he trundled box after cardboard box down from his office into the parking lot. His assistant had parked her car in the first slot beside the West Wing exit. And Ickes filled it up to the brim several times over.

"In all, he carried out about 50 boxes groaning with papers -- news clippings, fundraising documents, private notes scribbled during White House meetings, private memos to the President. In one pile were detailed notes about the Asian fundraiser-in-chief, John Wong. In another pile was a

three-ring binder that contained a brief history of fundraising for presidential campaigns that Ickes had compiled for the President in the summer of '95.

"This was done in response to newspaper articles that accused Clinton of selling access to the highest bidder. Sensing the President was embarrassed by the applications and might need a fall guy, Ickes also sent Clinton a resignation." This is part of a New York Times Magazine story written by Michael Lewis.

Did you ever have any recollection of that Harold Ickes story?

A I think vaguely, yes.

Q And was it your general understanding that you can't do stuff like that?

A It seems like an excessive amount of, you know, mementos or whatever, you know, stuff that might not be covered under the Presidential Records Act.

Q But your understanding of the Presidential Records Act is that you had to keep --

A Yes.

Q -- e-mails and documents and papers that related to presidential decision-making?

A Yeah. That's my understanding of it.

Q The Presidential Records Act doesn't certainly

require the White House to keep every single piece of paper or e-mail or communication record. It just requires that the White House maintain an accurate record and adequate record of presidential decision-making.

Do you have any other -- at that high level, given that you're not a Presidential Records Act lawyer, do you have any other thoughts on the Presidential Records Act or guidelines that you sort of operated under?

A Just that I do remember there being a briefing at some point while was there. I think Judge Gonzales led the briefing. And I think they talked about some of these basic things. And I think we all knew and understood -- part of it you take a little bit of pride in, which is you knew that your e-mail -- or at least it was explained to you that your e-mail would be preserved, you know, maybe forever, and so you thought when you were typing something that, you know, maybe your grandchild was going to go to a presidential library one day and get to read that e-mail. So it might have prevented you from saying something tawdry or, you know, not ennobling.

And so I think it was a general perception that that was -- that that was going to be preserved. And it did kind of give you the tone, or at least the impression, or at least it was kind of like a personal charge, that you should be

awfully careful about everything you do because it's -- you know, you are part of -- really everybody involved in this town are part of history.

And so there was a widespread understanding that you -- we had to be careful with the kind of paper and e-mails and such.

Q Do you have any recollection of receiving any documents or memos with regard to compliance with the Presidential Records Act?

A I don't know. I don't know. I remember a -- I remember a briefing. I remember like an ethics briefing. They might have done that annually. I don't know if they started it in the beginning. I remember a briefing that was conducted by the White House counsel's office. I believe that was specifically with the political affairs office, to kind of talk to them generally about the policies and sensitivity to following the law and the policies.

Q Other than your RNC e-mail and your White House EOP official e-mail address, did you use any other e-mail addresses while you were physically at the White House? Hotmail? AOL?

A I'm just not a technological person. So I just never have developed a personal e-mail account because it always seems like a couple more steps to get there and it

gets me confused.

Q So you didn't access Hotmail or Yahoo or AOL from your computers?

A No. I don't know if you even could have. I don't know if you could have from your -- the only thing, if I could maybe -- I'm thinking about your question. The only distinction I would draw is at some point, my RNC address changed. So there was a secondary RNC e-mail address, and the first one went away.

Q So if one were to endeavor to find all the e-mails that you ever wrote when you were in the White House, it would most likely be in one of those two accounts, your EOP account or your RNC account?

A Yeah. That would be right.

Q Affording for the fact that maybe the address changed? The handle?

A Right. Is that what they call that, the handle?

Q I think so.

Going back to the Signatures holiday party --

A Yes, sir.

Q -- was there a practice in your department, the Office of Political Affairs, or all the offices that reported in to Karl Rove, for handling the payment of these types of events?

A No. I don't think there was a regular practice, at least not one that I'm aware of. Maybe --

Q But if you had somebody's birthday cake or something, that wasn't paid for. Was there a specific practice? Did you collect money, or did Mr. Rove just buy it himself, or do you have any recollection about how those types of things were handled?

A No.

Q So when you were asked to pitch in for the Signatures bill, could that have been just the way that it was done in Mr. Rove's department?

A Could it have been the way it was done in this one occurrence?

Q Well, was it done that way generally? Like future holiday parties, for example?

A I didn't remember having ever been asked before to pay.

Q Were you asked subsequent to that?

A For other occasions?

Q Yeah.

A I don't believe so. Not for anything that had to do with Karl Rove.

Q Were there other holiday parties for the Office of Political Affairs or the other offices that reported in to?



A We always had -- I think we -- I don't want to say we always, but we tried to get together a lot. People worked very hard in this office, and people had, I think by and large, great respect for each other. And we hung around with each other so much during the day that, you know, what was Saturday night on top of it?

And so we would try to get together. And I know Ken Mehlman was great about, you know, hosting events at his house, and we'd go get a drink or whatever.

Q When it came to organized holiday parties, was there an annual event like the Signatures event that we spoke about earlier?

A For people who worked for Karl?

Q Right.

A He had had a party -- I think so, yeah. There had been a party -- I certainly recall a Christmas party because I recall that they gave us a little Christmas ornament at Old Ebbitt one year.

Q So one year it was at Old Ebbitt?

A In the basement there in that room, that private room in the basement. And he had had a function -- Karl had had a function at his house one time, like a barbecue in his backyard. I don't know whether that was -- it wasn't Christmas because I didn't have a parka on. It was -- that

would have been more with, you know, better weather. And I remember being at Karl's house for a Christmas party, but I think it was just with maybe the directors.

Q Did you have a personal practice when you went to meals or you had drinks with a lobbyist -- did you have a personal practice about how you paid for that?

A I tried to pay cash.

Q So for the most part, you -- it was your personal practice that you paid your share of a meal?

A Right. Or pay for it. I didn't have a problem with paying for it.

Q Typically, you would -- you'd put cash on the table or, you know, pick up the credit card bill?

A Yes. I suppose it could have also been on a credit card.

Q Was there any guidelines given to you or other White House staffers about how to navigate the lunch with lobbyists?

A I think the -- as I recall, I think that would have been brought up in conjunction with this -- I recall at least one ethics briefing that was in room 450. It was, you know, I think for all -- probably all the staff was encouraged to go or required to go. And I think they talked generally, once again, about different policies and things employees of

the White House should be aware of.

Q And is it fair to say that White House staffers are supposed to -- you know, they're not supposed to be going out to Bistro Bis, you know, on a regular basis and allowing someone to pay for their meals and whatnot?

A I just don't even know how you could do it in terms of time. I mean, just -- we went to Cosi and Au Bon Pain. That was where our -- you know, that was -- you dodge out there and -- I would also -- because quite frankly, it was more convenient for me -- but I also would host lunches and a substantial amount of breakfasts in the White House mess.

Q But you had to pay for those. Right?

A I'd pay for that personally, especially if it was a lobbyist, just for -- I don't know if they even could have paid if they wanted to, but I suppose they could have -- we could have. I don't know. But I would just pay for those personally.

Q When it came to accepting tickets for sporting events or concerts, do you have any recollection of accepting any tickets to events from Mr. Abramoff?

A No.

Q And if tickets in the front row of a basketball game that have a high face value -- if that was offered to White House staffers, what would be the policy in terms of

would there be an allowance? Like would the White House staffer be allowed to take those tickets?

A Boy, I'm sure not an expert in these laws. I don't know if it's coming from your grandfather, you know, or like has been brought up, a lobbyist, or somebody else. But there was a process they could go through the counsel's office to determine whether, you know, it was acceptable. And I think there's also -- I mean, I know there's a gift office at the White House. I don't know how that falls in the structure of things.

I remember I got like a -- I got a toy truck. I gave a speech, and I guess my honoraria was a truck. And it was actually a neat truck. I thought it was cool. And I had just had a nephew who was born, and I thought, well, this would be great. I'm going to give him the truck.

And then I brought it back to the office and someone -- this was new, when I hadn't been on the job long.

Someone said, you know, you can't -- it's not -- you know, the governing rules might be different from the Hill. You might want to -- there's a gift office. You might want to run it by them. And I said, sure. It's a truck. And I ran it by the gift office, and they took it away from me.

Ms. Amerling. Steve, excuse me. Are you coming to a good stopping point? Because I think that time for this

round is coming to a close.

Mr. Castor. Yeah. I want to be very observant of the hour time limit. Do I get an hour five minutes this time due to what happened last time, or where do we stand in terms of the extra time that you consumed?

Ms. Amerling. I wasn't aware that I consumed extra time. All right. When you come to --

Mr. Castor. Because if my hour's up, I want to stop.

Ms. Amerling. Would you like to take a break for lunch, or would you prefer that we do another round of questions and talk about a break after that?

Mr. Shapiro. We definitely want to take a break for lunch.

The Witness. What does that mean? Does that mean two hours, then?

Ms. Sachsman. We can take a break for lunch after the next hour.

Mr. Shapiro. Okay. I'm fine with that.

Ms. Amerling. Let's go off the record.

[Recess.]

BY MS. SACHSMAN:

Q I'd like to focus now -- change the focus a little bit and talk about the Office of Political Affairs' practice of giving political briefings at federal agencies. And

specifically, the kinds of briefings I'm talking about are PowerPoint slideshows with sections entitled "The Political Landscape" that discussed future elections.

When did the White House Office of Political Affairs start giving these promotions?

A When did the Office of Political Affairs start giving like political briefings? Early in the -- early in the first term.

Q Whose idea were they?

A I don't know.

Q Do you recall who was involved in the initial decision to prepare and deliver them?

A I know Ken Mehlman was involved in the process of determining what would be included in the briefings. And I know he worked with Karl Rove on those.

Q Were you involved?

A In maybe a tangential sense.

Q Can you describe what that initial process was of determining what would be in the briefings?

A I can't. I don't really recall. I mean, I know there was a -- there were conversations about the types of things you might have in a briefing. I don't know if there were other people also included in that or not.

Q Do you know what the results of those conversations

were, what was determined that would be appropriate to be in a briefing or not?

A I assume what was -- what ended up being in the briefing.

Q Can you describe that?

A I wouldn't -- no. I don't have any recollection of like a meeting or something where we kind of went through what would be and what wouldn't be appropriate.

Q Was it your understanding initially, however, that Ken Mehlman and Karl Rove -- well, that Karl Rove specifically was aware that these briefings were being given?

A Yeah. He was aware.

Q And that Karl Rove had had some input in what was included or excluded from these briefings?

A I think that's right, yeah. I think Ken would go over them, you know, go over kind of roughly what they were going to be talking about and such.

Q Do you know whether Ken Mehlman discussed with him where he was giving the briefings?

A I don't. I don't know.

Q In addition to what specifically he was going to be discussing, do you know if Ken Mehlman discussed with Karl Rove any other specifics about the briefings?

A Just generally that they were -- you know, they

were occurring. And I think maybe at a directors meeting or two, he would say, hey, you know, we're going to be going over here for a briefing.

Q And you knew that because you were included in those directors meetings when that occurred?

A I have a recollection of that, yeah. I don't -- I mean, I wasn't in every directors meeting; like, for instance, when I first started, I didn't necessarily go to directors meetings. But after some period of time I did go regularly.

Q Who gave the presentations?

Mr. Shapiro. Can I just clarify? We're talking -- I want to make sure you understand. I think you were clear. We're talking about briefings given to federal agencies that have those -- this is what I'm trying to figure out, what's defined in here -- that have the political landscape portions to it?

Ms. Sachsman. Yes.

The Witness. Not other briefings he might have given?

Mr. Shapiro. I think at least for now.

BY MS. SACHSMAN:

Q And based on that, do you have any corrections to what you've previously said?

A I don't think so.



Q Okay. Who was giving these presentations?

A The briefings at the agencies? My recollection is Ken gave most of them when I was the -- when I was his deputy.

Q Did anyone else at that time give them?

A I would have given them I don't know how many times in Ken's absence.

Q And when you were the director of political affairs, did you give them then?

A Yes, I did.

Q Did anyone else give them?

A I believe my deputy gave some presentations as well. I don't know if -- but I don't remember specifically if she gave them to an agency or not. I don't know.

Q Who was your deputy?

A Angela Flood.

Q Did Karl Rove ever give any of these?

A You know, I don't know. I don't recall being at an agency where he gave one. He certainly gave briefings, like in room 450 and such, but --

Q What kind of briefings would Karl Rove give?

A Similar briefings.

Q Okay. Similar. And what would be the distinction, then? That he didn't go to the agency? Is that what you're

talking about?

A Yeah. I guess what I'm trying to say is I don't remember him going to an agency to give a briefing.

Q But he's --

A Now, might he have gone to a retreat or some kind of meeting for an agency? I just don't know.

Q But in terms of giving this kind of briefing to agency officials at the White House, Karl Rove gave those briefings?

A No. Not necessarily.

Q Did he ever?

A I have a recollection that he might have at least once. But we did -- the White House did all kinds of briefings in room 450 or in other -- or in the Indian Treaty room or in whatever it is, 350 or whatever the -- on the third floor, the auditorium. You know, so it could have been a variety of different audiences.

Q When did you first become involved in preparing or delivering these PowerPoint presentations to the federal agency officials?

A Some time early in the administration.

Q And when I'm talking about these PowerPoint presentations and political briefings, I'm referring to the ones that were both at the agencies and the ones that were at

the White House. I'm not making a distinction between them.

Mr. Shapiro. But to federal agency employees?

Ms. Sachsman. Yes.

The Witness. Yeah. My role in the beginning of the administration, I didn't have any kind of major role in crafting what was said or learning, you know, the parameters or whatnot.

BY MS. SACHSMAN:

Q At some later point did you have an increased role in these briefings?

A Yeah. I mean, I think when I became the director, it was -- it was, I guess you might say, more clearly a presentation I was giving representing that office as its head.

Q Who was crafting and drafting the presentations before you started?

A I can't -- I don't know specifically who was involved in that process.

Q Did you observe Ken Mehlman giving these presentations?

A I did, yes.

Q Approximately how many?

A I don't really know the number. It was -- I remember being with him at more than a couple, for sure.

Q When you took over drafting these presentations, did you model your --

A I don't know if I'd say I drafted them. But, I mean, I guess what I was trying to draw a distinction is the presentations I gave when I was a political director, I probably would have had more of a role in coming up with the presentations.

Q Okay. Who would have been drafting them when you were political director?

A I would have worked with members of my staff. There's a chance that ideas came over from the RNC, data or whatever, historical analysis.

Q And who in your staff would have worked with you?

A I think in the beginning, it would have been Meredith Terpeluk.

Q Did it become someone else?

A Noe Garcia later on in the administration.

Q When you became the political director, did you model your presentations after Ken Mehlman's presentations or were they different in any way?

A I think they were different. But, I mean, it was a similar model.

Q Do you recall what you changed in them or why you changed them?

A Just -- without looking at one, just come up with -- no. I'm trying to think. I can't think of a specific -- I mean, I know I changed some things.

Q I'll show you some in a little bit.

A Sure. Sure.

Q When you became political director, did you discuss the content of the presentations with Mr. Rove?

A I think I did. I think I did.

Q And did he ever discuss with you what the appropriate content was for those briefings?

A Yeah. I mean, on most of these things he'd have opinions.

Q Do you recall what he described as being --

A I don't. I think he was just generally pleased that we were, you know, going out to agencies and talking to political appointees and making them feel a part of the team.

Q Was he aware that you were discussing future elections with the agency officials?

A Specifically that that could have been part of a presentation, a conversation of who might be up for reelection?

Q Yes.

A That being part of it? I would think so, yeah.

Q Did you show specific slides to him or just discuss

the general content?

A I can't remember.

Q How did you instruct your staff who was preparing the briefings on what would be appropriate or inappropriate content to include in those briefings?

A Well, it was a briefing that would have been run by the counsel's office. So we would have had legal opinions on what would be appropriate to talk about or not appropriate to talk about or, once again, general parameters. So I probably wouldn't have been the person -- I'm not a lawyer and I would not have been the person to kind of tell them exactly what you should and shouldn't do. But the presentation itself was worked, you know, in coordination with that office, the counsel's office. So we felt confident in the advice from the lawyers and that what was included was appropriate.

Mr. Shapiro. I'm sorry. Do you mean the White House counsel's office?

The Witness. Yes. Yeah, the White House counsel's office. Sorry.

BY MS. SACHSMAN:

Q Did you run all of the presentations by the White House counsel's office?

A That was our general practice. It wasn't necessarily the practice for me to do it, but it was the

practice for somebody in our office to do it, like maybe my assistant or somebody.

Q And who at the White House counsel's office did you run it by?

A I didn't do the running by of the presentation.

Q Okay. So you don't know who?

A I wouldn't know who they specifically talked to.

Q Were you aware of what specific instructions the White House counsel gave about what could or could not be included in the briefings?

The Witness. Yeah. Can I confer here for a second?

[Witness conferred with counsel.]

The Witness. Okay. I'm sorry. Could you repeat your question?

Ms. Sachsman. Sure. Let's go back on the record.

BY MS. SACHSMAN:

Q Do you remember what specific guidance anyone in the White House counsel's office gave you or your staff about what was appropriate content to be included or not to be included in these briefings?

A Specifically, I don't think I do.

Q Did they give you general guidelines?

A I'm trying to think of an instance of how they changed the briefing. I think they did a time or two change

a briefing. I just don't know if I recall specifically what it was.

Q Were there specific subjects that they stressed you should be wary of doing specific things or not?

A Well, for instance, I knew like there was a bright line test of, you know, not going up there and advocating people write checks to candidates or get involved in financial issues. And I also knew that we were -- it was stressed upon us that with political activity in general, especially campaign activity, that the agencies work in close consultation with their general counsels. And I know that at least once, the general counsels of the agencies were in a briefing with White House counsel to talk about generally how you approach these topics. So those kind of broad lines I do recall talking about.

Q Do you know whether Mr. Mehlman ever consulted with White House counsel about the appropriate content for the briefings?

A Yeah. I think he did.

Q And did he also run specific briefings by White House counsel?

A I believe he did.

Q So when you took over, how did you know that that was the appropriate practice? Was that something that you



had learned from Mr. Mehlman?

A I don't recall. I think so. It was generally understood that, you know, on these types of issues, it was appropriate to run things by counsel's office.

Q Do you recall whether White House counsel gave any instructions about where or when these briefings should be done?

A Gave any what? Could you say that again?

Q Instructions about where or when they should be done?

A I don't know if I would -- I don't know if I would characterize it as instructions. But I do think -- I do think there were conversations about it maybe being a better practice to do them at certain times.

Q What times would those be?

A You know, like after 5:00 or, you know, I guess outside the 9:00 to 5:00 range, or outside the 9:00 to 12:00 and 1:00 to 5:00 range, or something like that.

Q Was there an explanation as to why that would be a better practice?

A I just think they thought that it was a better policy.

Q Did they explain why they thought that would be a better policy?

A I mean, I think at least what I understood was maybe the optics of giving presentations there would be -- would be better.

Q What do you mean by the optics?

A Maybe the perception.

Q The perception by the public, you mean?

A Or the agencies or the appointees themselves.

Q What was the initial purpose for the presentations?

A I think the main purpose was to grasp this concept that you had all -- we've talked a little bit about the personnel process. This process is made up of a lot of individuals who go to agencies and find themselves in environments that are new and confusing. And they're trying to master what's happening in these agencies, and they're trying to make sure the President's agenda gets implemented.

And I think the most important thing was just to remind them that they're part of a greater cause, that they are a part of the President's administration and they should take pride in that. And there was also probably, you know, in the early part of an administration a little bit of mystique about the White House and what happens there.

And we wanted to let them know that it was -- they were part of the effort. And so we would explain to them, you know, what the President's focus was what issues he'd be

focusing on, how that might be communicated, and then obviously a conversation of what was happening in the political landscape, which is, I think we all know in Washington, part of the whole process.

And to thank them -- I'm sorry, I didn't mean to go on, but I mean to thank them for their service. That was important. I mean, some people take pay cuts to go into government, and some people work longer hours when they come to government. And I think it was -- it was certainly consistent with Ken Mehlman's values, and I think mine, to salute what they were doing.

Q Did that purpose change over time or was that consistently the purpose throughout?

A What I just described? I believe that was the purpose, I mean, the purpose throughout the time I was there, for sure.

Q How did you learn that this was going to be the purpose of having these briefings?

A How did what?

Q How did you learn that that was the purpose for having the briefings? Did Mr. Mehlman come in and discuss it with you?

A I don't know if we ever -- I don't know if there was ever like a memo or something that said, here's the

reasons. It was more just -- it was more conversational and understanding of, you know, this is really useful. We had -- I talked a little bit earlier about this volume of e-mails and phone calls I got.

I also got -- I'm sorry, these are really -- if I can stick those there -- I got a tremendous amount of calls from staff at the agencies, too, you know, just maybe complaining.

Maybe I had been involved in how they got their job, and they were -- needed someone to talk to about the challenges they faced or maybe opportunities they saw or, you know, lots of ideas.

And it was a constant theme that they felt a bit disconnected. And this was a desire to get them back connected to why we were all doing what we were doing.

Q Do you recall discussing the purpose of these briefings with anyone at the White House?

A Generally, I'm sure. I don't know if I recall a specific conversation. But generally, I think we talked about it.

Q And was the purpose of the briefing that you discussed, was that conversation essentially relaying these four purposes of the briefing that you've shared?

A I would think so.

Ms. Sachsman. I'm going to mark this as an exhibit.

This should be Exhibit 8, and it's Bates stamped 900 through 905. It does, for the record, start with about four pages of redacted materials. But there is an actual e-mail at the end of it.

[Schlapp Exhibit No. 8 was marked for identification.]

The Witness. Yeah. I've read it.

BY MS. SACHSMAN:

Q Okay. What this is is a February 7, 2002 e-mail from Ken Mehlman to a group of people, and you appear to be included in that. And the subject line is: "Regular political briefings."

In the e-mail, Mr. Mehlman explains that he did --

Mr. Brown. Whoa. Hold on one second.

Ms. Sachsman. I'm sorry. It's a little confusing, I guess, from the beginning of this e-mail. Ken Mehlman's name is at the top of it. I have a series of other versions of this same e-mail, and I'll express that it was from him to a distribution list.

Mr. Ausbrook. It's to him. It's not from him. I mean, that's very confusing.

Mr. Castor. I have the same e-mail from a different deposition.

Ms. Sachsman. That's great, yeah. I can do this, also. Thank you.

We can mark this one --

The Witness. Do you want me to give this back to you?

Ms. Sachsman. No. That's fine. We'll mark this one Exhibit 9, just so you can see.

[Schlapp Exhibit No. 9 was marked for identification.]

BY MS. SACHSMAN:

Q This one has a Bates stamp No. WAX EM 52, and it shows that it was from Ken Mehlman. And it's to Ken Mehlman, which I can represent to you was a distribution list at the time.

A Oh, it's to a distribution list he had?

Q Yes. In the e-mail, Mr. Mehlman explains that he did a briefing at HHS last week on the top races, latest polls, et cetera, and that he had done the same thing at various agencies. He states, "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."

Do you recall this e-mail?

A Vaguely.

Q Did you have any conversations, in person or over e-mail, with Mr. Mehlman about starting or I guess ramping up these political briefings so that there would be regular

political briefings?

A I don't know.

Q Do you recall if you did anything after you received this e-mail as a result of the e-mail?

A I don't know if there's any action for me here. I don't know.

Q It appears from the e-mail that I showed you, which is now Exhibit 8, that about four pages after it are redacted.

Do you have any idea what was in the content of those four pages?

A Do you want to explain to me maybe what this means?

Q Sure. When the White House turns over documents to us and there are internal White House communications from one White House person to another White House person, they redact those. So this indicates, at least to me, that there was approximately four pages of some kind of internal White House communications.

Would you have any idea what those would have been about?

A I don't recall.

Q What was the purpose of giving -- let me rephrase. You've stated four different reasons for giving briefings.

A I think those were the -- I'm trying to remember. I don't know if we want to read the question back. But it was like what was the -- the answer was given from a specific question.

Q The four reasons that you gave for giving the briefings -- and this is just from my notes; you can correct me if I'm wrong -- were to remind the employees that they were part of a greater cause; to thank them for their service; to remove any mystique about the White House and what happens there because they're part of the effort, and to explain the President's focus; and to explain what was happening in the political landscape.

A Did I have in there advocate for the President's agenda?

Q No, but we can add that on in.

A I thought I had.

Q How did providing agency officials with the top races or latest polls have to do with any of those purposes?

A Well, I mean, if you -- if all that information, and when it came to polls and stuff, that was public polling.

If you felt like you couldn't talk to other political appointees about that, that would underline the very problem which we perceived, which was, you know, all that kind of stuff, maybe all the important stuff or whatever, happens at



the White House and they're not really a part of that.

And if you're going to talk about what's happening in the country from a political environment standpoint, you would want to share with them that information. An explanation of what races are occurring is public, is talked about by people who care about politics. So are polls. So that seemed like a logical part of the presentation.

Q Would the polling information, the upcoming race information, or target information have been important to these political appointees in any of their official actions?

A I think the key is if it was -- maybe I could have you restate your question so I can give you an answer.

Q Would polling information, target information, upcoming race information, would any of that have been important to these political appointees in performing their official actions?

A Well, first of all, if we're talking about their official actions, we were very clear to point out that they should work closely with their general counsel's office to make sure that what they did was appropriate.

In terms of where there was a lot of political activity in the country, knowing where that is, it seems to be a logical thing for somebody who's a political appointee to be interested in and know about, including states, et cetera,

because, you know, if there's a lot of political activity in the state or a state is one that there's a lot of close elections or whatever, it demonstrates that the President's agenda is going to be affected by the folks that represent those states.

Q Why would discussing specific races be relevant to helping political appointees understand the White House's agenda?

A Well, the White House's agenda was only effective if the House and Senate were going to be supportive of it. So having an understanding of what was happening in the House and Senate seemed once again logical to include in the briefing. They didn't get to make those decisions on their agenda, you know, separately or alone.

Q Why would their understanding of the House and the Senate and what was happening there have to include upcoming races and who was competitive and who was targeted?

A Well, maybe if I can deconstruct here a little bit. What I recall from my briefings -- and I'm not looking at one of my briefings, but what I recall from one of my briefings was kind of a prelude or an explanation of the President's agenda and why that was important. And the fact is, that's why we were doing what we're doing.

And many times in my presentations I would say, you

know, I'm not a member of this party just because it's like a club and I want to have more club members. It's I'm a member of this party because it's going to do certain policy things. And that's -- and that's why I'm serving in the administration.

And so there was an explanation of the agenda. And then, of course, the agenda's not going to -- you know, to know if the agenda's going to be successful or, you know, what might happen with it would be impacted by what happened in campaigns and elections, or states that had a lot of political activity, or closely -- you know, states that were closely divided amongst the two major parties.

So it was kind of a movement from the agenda, and then -- we were the political office, after all -- giving them an idea of what's going to be happening, either what might have just happened or what might be happening politically.

Q Was this information provided to them so that they could act in any way on the information?

A I think it was in some ways. For instance, states to travel to, you had -- you know, if a Secretary was from a particular state -- I suppose they all are from a particular state -- but, you know, that might have been a point that they traveled to a lot.

And we were trying to encourage them to take opportunities to make sure that they traveled in a way and that they talked about the President's agenda in a way where it would be impactful across the country, including in important states, so that the President's agenda would be successful, and they would have fully used their role in a very important position to do that.

Q So was part of the purpose in giving them this information to express to the political appointees that they should travel to locations where there were hotly contested races?

A I think the key is to go to -- to be aware -- first of all, just be aware of what's happening in the country. Be aware that there are differences in states. Be aware that, you know, where you travel matters. Where you give a speech is impactful. Where you give a speech can affect what a congressman from that state thinks or what a senator from that state thinks or what a governor from that state thinks.

So, you know, be aware of those things, that it can be impactful and have a -- and make a difference on whether or not the agenda is eventually successful or not.

Q When you were encouraging people to travel to specific states, were you cognizant of the fact that -- did you consider the fact that where they travel to could be

impactful on who got elected in those competitive districts?

A There was impact to travel. There's impact to travel whether they decide to go to state A or state B or city A or city B or media market C or D. I mean, there's -- I mean, I think it's pretty clear that how they traveled was impactful. If they traveled in a way that the President's allies were helped, that was an acceptable byproduct.

Q An acceptable byproduct or something that you were encouraging?

A Well, let me go back to the mission of the office. We were -- in many ways, part of our mission was to help coordinate cabinet/sub-cabinet travel. That would have been both official travel and campaign-related travel. So it would make sense that the Office of Political Affairs had a role in those types of things.

Q Did you encourage agency heads to take official travel to these hotly contested districts?

A We encouraged agency staff to follow the law and work closely with the general counsel's office. I can't be clearer about that.

Q Did you encourage them to travel to places where there were hotly contested districts?

Mr. Shapiro. Are you talking about official travel now?

Ms. Sachsman. Yes. Official travel.

The Witness. If in the course of doing their official travel they were cognizant of trying to include the President's allies in a totally appropriate and legal way, that seemed like a positive result.

BY MS. SACHSMAN:

Q And who would have been, I guess, the President's allies?

A People who voted for his agenda.

Q Was that one of the considerations that you had when you were giving these political briefings?

A Can you maybe restate that?

Q Sure. Was encouraging the political appointees to encourage their agency heads to travel to these hotly contested areas -- and I'm talking about official travel -- was that something that you considered when you did these political briefings?

A I guess to explain what the thought was is that if a cabinet secretary is from, you know, I'll use my own state of Kansas, and if they spent an inordinate amount of time going back and forth to Kansas, our hope was that they would consider also traveling to places that would have a political impact in the sense that it would affect the environment on the ground.

It might affect the way the local paper was covering an issue, which can affect a delegation, a senator, or a congressman, and have a positive impact on what might happen eventually on how that issue was handled in the legislative process; and that we by no means had this impression that because we had a role on travel, that we were coordinating all this travel.

You all have your experiences with members and such. I mean, you know, you're not going to 100 percent tell them where they're going to go. But you're hoping to have an impact and you're hoping that the people involved in those decisions are at least aware of what are seemingly just facts. It's a reflection of what's happening in the country.

Q So correct me if I'm wrong. It sounds to me like what you're saying is to advance the President's agenda in the entire country, it would be helpful to have official travel be to areas where there are races that are hotly contested in order to assist those hotly contested people who, are the Republican allies, in getting elected so that they can vote for the President's agenda. Is that correct?

A Well, let me try to be clear. It was perfectly appropriate for a cabinet secretary to do a campaign event for a congressman, a mayor, a governor, a senator, an elected official consistent with the guidance from their counsel and

following the law and all those important parameters. It was perfectly appropriate for them to do that.

Q I'm talking about official events.

A Okay. So if they did an official event, and you're saying if the byproduct was that somebody who was, for instance, a congressional ally might get a benefit out of the fact that he came to that district, he or she went to that district?

Q My question is, was that consideration when you encouraged them to consider travel to these specific areas?

Mr. Shapiro. I think the question, Matt, is were you directing people to undertake official travel to affect political -- partisan political outcomes and elections. Isn't that the question?

Ms. Sachsman. Not exactly, but you can answer that question.

Mr. Castor. Why don't you restate your question.

Ms. Sachsman. No. My question is --

Mr. Shapiro. I mean, I want him to know what he's answering.

Ms. Sachsman. Absolutely. I would like to be very clear.

The Witness. Okay.

BY MS. SACHSMAN:



Q When you were encouraging -- well, let's just start out with: Were you encouraging agency officials to travel to specific areas? And I'm talking about official travel to specific areas that were hotly contested races.

A We were encouraging government officials -- excuse me. Let me take that back. We were encouraging the cabinet and sub-cabinet and political employees to be aware that where they traveled had an impact and mattered. And we did not see that as a negative if one of the President's allies was benefitted by that travel.

But let me be very clear. There were plenty of times when cabinet secretaries and the sub-cabinet were making travel or doing -- or engaged in travel, and they might be helping people that weren't always necessary seen as the President's allies. And I'm sure there's tons of press accounts out there in the country over the course of these many years about this, you know, official from the government standing next to somebody who you would think might even be a bitter opponent on most things, but maybe they agree on some things.

And at the end of the day, what we cared more about than anything else in our office was the fact that the President had run on a certain set of ideals. I had been with him on the campaign in 2000. And he wanted to get certain things

accomplished. And, you know, politics plays a role in that process. Right?

So having an understanding of politics is not necessarily a bad thing. It can be a good thing because it can help you be more effective in trying to get what you want to get done from a policy standpoint. So that was the number one goal.

Q But when you were encouraging travel, you were encouraging travel to places that would assist the President's allies in getting reelected. Is that correct?

A I could keep going back to the same thing, which is, did we encourage members of the administration who could appropriately do this kind of travel to travel to help allies in the Congress? Yes. Did we ask them to travel to -- in regard to helping these allies, that travel, was it -- would there be examples of us asking them to even do a fundraiser for a member of Congress? Absolutely.

Mr. Shapiro. You're talking about campaign-related travel?

The Witness. Right. So, I mean, I think what you're trying to get to was: Was I advocating that people use official resources to do campaign-related events? And I didn't make the determination as to whether a trip fell into a campaign category or fell into an official category. That

was for the general counsel to determine. And our goal was to simply make them aware that this was something that was -- that either the member wanted to occur or would be helpful to the member.

BY MS. SACHSMAN:

Q You just made a statement, and it was unclear to me whether you were talking about campaign-related travel or official travel. When you encouraged agency heads, cabinet, sub-cabinet, to go to specific areas where there were hotly contested races, did you ever consider in those cases where you were sending them on official travel that it could have a positive impact for the President's allies?

A It could also have a negative one. If you send a cabinet official into a congressional district or a state that's considered -- what you might describe as a battleground or a closely-held area, and let's say it's an incumbent Democrat who's not seen as an ally, you know, if you go there on an official trip, you are more than likely going to invite that Democrat incumbent to come to the event.

And there is also a chance that that person is standing right next to you at the podium or you'll be -- you know, you'll be acknowledging the fact that they're in the room. So, I mean, it plays a lot of different ways.

Q In some instances, would you agree that it would

play in the way that it would help the President's ally?

A I guess I'm having trouble understanding. How you travel is impactful. It matters. Who comes to a congressperson's district matters, especially if they're somebody that's going to generate headlines. So would that visit have an impact on the local environment? I mean, absolutely.

I mean, that's why congressmen go back to their districts a lot. A lot of times it's because they live there, but a lot of times they know it helps them politically and helps increase their standing because they're seen as active in their community. They're getting headlines. It's a positive thing. You know, is that an official travel? My guess is most of that travel is official travel. But that's appropriate.

Ms. Sachsman. I want to show you another document. This we'll mark Exhibit 10.

[Schlapp Exhibit No. 10 was marked for identification.]

The Witness. Yeah. I've read it.

BY MS. SACHSMAN:

Q This is an e-mail from September 22, 2003 from Adrian Gray to a long list of people, and it CC'd the Office of Political Affairs distribution list. In the e-mail, Adrian Gray states that there will be an asset deployment

meeting at the White House on October 1st, and that you and Karl Rove and possibly others will be speaking at it.

Generally, what were the asset deployment meetings about?

A My recollection of asset deployment was there was a desire by some folks in the administration and staffers on the Hill and other allies to get involved in races or whatnot. And there was always this question of what's the appropriate way to do it. How do you do that? If somebody works at the Department of Labor and wants to take off a week and go help a candidate he or she cares about, how do you -- what's the appropriate process to do that? That's how I understood asset deployment to mean.

Q Okay. So these asset deployment meetings would have been discussing the assets of, I take it, then, a number of different people from different places assisting on specific campaigns?

A Well, that's what I -- that's how I recollect what we meant by asset deployment. I don't know specifically what this -- if this is the same use of the term here or not.

Q Do you know whose idea these asset deployment meetings were?

A I don't. I don't.

Q Do you recall who was invited to them?

A Well, I mean, this looks mostly to me like they were mostly White House liaisons.

Q Are you saying that these --

A I'm sorry telling you I don't really recall the -- I don't recall these being regular meetings, and I don't recall this meeting. But it had been a long time since I might have seen this e-mail, so I just -- I don't know specifically what the intent was.

Q Was there an asset deployment strategy that included deploying the assets of, say, agency heads to travel to specific areas?

A This is hard because it's -- I'm trying to guess or I'm trying to reconstruct what might have happened. But --

Mr. Shapiro. Yeah. Don't do that.

The Witness. I just -- I don't know what this --

Mr. Shapiro. Tell her what you know, but don't be guessing. That's not helpful to anything.

The Witness. Adrian Gray had a role at the White House. I think his title was surrogate scheduler. So it would have been -- it would have made a lot more sense if this meeting was about scheduling trips, travel.

BY MS. SACHSMAN:

Q Do you --

A And it would not have made sense if it was a

meeting based on -- so, I mean, that would have made the most sense.

Q Does that refresh your recollection at all as to what this meeting or similar meetings were about?

A No. I do not. I just don't remember this meeting.

Q Did Karl Rove, Barry Jackson, or anyone from the Office of Political Affairs have any kind of a strategy or plan to help get Republicans elected to the House or Senate or as governors?

A Did we have -- can you ask that one more time?

Q Did you have a strategy or a plan to help get Republicans elected?

A We had all kinds of ideas about the best way to help allies get elected.

Q During which elections?

A Well, I guess all elections.

Q Did those strategies or plans ever include using agency officials in any way?

A Yes.

Q In what way?

A As we've gone through, I think, in pretty good detail, that people -- political appointees, certainly the cabinet and sub-cabinet, if we want to start there, they had requests before them to do all kinds of travel, specifically

here campaign-related travel, that would help in political races, whether they were fundraisers or, you know, whatever to help candidates who were considered allies across the country. And Adrian would have been the person who would have coordinated those kinds of requests.

Q What about official travel?

A He also would have coordinated their official travel requests.

Q Would official travel have been part of that strategy or plan developed by Karl Rove or the Office of Political Affairs?

A The answer there, you know, is consistent with what I've said a couple times here, which is all the beneficial travel was coordinated with the general counsels in the agencies, and there wasn't a desire on the part of the Office of Political Affairs or on Adrian Gray or any of the other people you mentioned to somehow circumvent that.

Q What about grants? Did the strategy or plan involve using federal grants in any way?

A I think the key on announcements that the administration could make was as people, maybe even in this room, who have been involved in communications and congressional offices know, how you announce something is very impactful on whether people in an area understand that



you are actively engaged on a policy area that's important to their lives.

And to dribble grant announcements out or just kind of throw them on a website or something is one way to communicate them. Or you could be more aggressive and expansive and travel the country and make these announcements, and draw a connection between a given policy and the effect on a community, and personalize it a bit. And I think that was the intent.

Q Well, how did you communicate to the different agencies this interest in how they announced grants? Was it part of asset deployment meetings?

A It was part of -- I remember we talked about grants as part of the briefings that we would give. Once again, I don't recall this meeting. But as part of our general conversations with many of the people that would have been -- that we would have interacted with on this -- even on this e-mail exchange for this exhibit, would be a desire to be aware that how you communicate policy announcements in your agency is impactful. And, you know, don't be lazy. You know, go out and make it a part of your travel schedules.

And sometimes it's -- it doesn't always have to be the cabinet secretary. That's one of the -- I think one of the errors. People from my home town would appreciate it if a

deputy assistant secretary came in to draw a parallel or to put a fine point on a policy objective of the administration.

Q And by impactful, do you mean impactful in an upcoming election?

A I think we've gone over here many times that it's probably impossible to completely divorce an announcement on an official matter or a trip on an official matter from anything that has anything to do with politics or campaigns. There is an effect.

If you are -- if the President has better numbers, it's because he has more people in each of the states that support him, which will make his agenda easier to pass, which will pressure or add a positive pressure on members of the House or Senate who are having to consider how they vote on that issue. And the same is true for all of these things -- not just big things; it's small things, too.

Q Did you or anyone else from the White House have contact with agency officials in which you suggested, directed, coordinated, or discussed the awarding of grants?

A We talked generally about how you communicate policy decisions, including grant decisions:

Mr. Shapiro. I don't think the question was about communication. It was about the decision to award grants.

The Witness. I don't think that was part of our

conversations.

BY MS. SACHSMAN:

Q So you had no involvement in the decision to award grants?

A No. I don't believe I did.

Q And that wasn't part of the strategy for the next election?

A I don't recall having been in a meeting or something where they were asking my opinion of, do you us to do this grant or --

Q So the decision about where people traveled and the announcements of grants, those were part of a coordinated strategy of some kind to help out people for the next election, but not the awarding of grants. Is that correct?

A I just keep repeating.

Mr. Shapiro. Well, do you agree with that statement that was just made?

The Witness. Can you tell me one more time what's your question?

BY MS. SACHSMAN:

Q Sure. You've described -- let me move on.

Mr. Shapiro. I mean, I think, for the record, that mischaracterized what his prior testimony was. So I don't think that's what he's described. But --

Ms. Sachsman. Well, I certainly have no intention of mischaracterizing his testimony. I'm merely trying to get a little more specifics and to get him to answer my questions more specifically.

Mr. Shapiro. Just to be clear on that, I think his testimony about the communication of grants was, if I understood correctly, almost entirely about the importance from a policy objective, of people understanding that and not in terms of the electoral consequences of that, although Matt, like I think everyone else who works in this town, recognizes that there are of course political consequences of policy things that are done, which I take it is not a shock to anyone around the table.

Ms. Sachsman. I'm sure the record will reflect what he has and has not said.

BY MS. SACHSMAN:

Q You referenced previously that there was a meeting with White House counsel and agency counsel to go over ground rules for the briefings.

Do you know if there was just one, or if there were a series of those meetings?

A I don't know how many official meetings there were. I seem to recall one for sure, and then it seemed like all things -- after that initial meeting, there were -- it was

explained how the communications would go moving forward. And so then I would imagine there was a lot of one-off conversations and maybe direct conversations between general counsels at agencies and maybe the White House counsel. And maybe they shared knowledge across agencies.

But it was -- I think it was almost like a meeting to start the process, to raise questions, to make sure that folks knew that there were, you know, important issues out there that they needed to be aware of.

Q Were there any discussions about treating some agencies different than other agencies, that some agencies shouldn't be given political briefings?

A I don't know if we had specific conversations. I know -- I don't know if we had specific conversations about it. I know it just seemed like, by practice, that we didn't do briefings at, for instance, the Department of Defense or at the Department of Justice or at the Department of State. So I don't know whether that was part of an official policy or just -- or something else, the fact that they might not have asked or -- I don't know.

Ms. Sachsman. I'll show you a document. We'll mark this as Exhibit 11. This is a PowerPoint presentation, and it's Bates stamped HOCR 2-602 through 607.

[Schlapp Exhibit No. 11 was marked for identification.]

BY MS. SACHSMAN:

Q Was this a PowerPoint presentation that you gave?

A I don't know. I don't know. We went through drafts. I don't know. This is a final version.

Mr. Shapiro. I'm sorry. You don't know if this is a final version?

The Witness. I don't know. This is a final -- I don't know where this came from, so I don't --

BY MS. SACHSMAN:

Q We received it from the White House. But I have no additional details other than the White House did not want to give us drafts. But --

A But do we know this was given or do we know this is just something they have?

Q The White House didn't give us a lot of details.

Do you recall any information about whether you would have given this briefing? Does it look like the kind of briefing that you would give?

A Yeah. It looks roughly like a briefing I would have given.

Q Okay. Can I call your attention to the third page? These are thumbnails. There's three slides on that page, and in the second slide on that page, it's entitled, "2002 Races." POTUS, 151 events. VPOTUS, 97 events. Other, 1,047

events.

Do you know what this slide is referring to?

A I don't specifically. It would somehow quantify travel.

Q Okay. Do you know who the "other" in this slide would have referred to?

A It seems like a lot of people. Surrogates. Cabinet. Sub-cabinet. Other political appointees. White House appointees.

Q Do you know if this travel, when you put it together, would have included only campaign events, or it would have included <sup>official</sup> ~~influence~~ events for agency heads?

A I don't know. I don't know.

Q Turn to the next page, the 2003 races, there's a whole list of the same slide with lists of events, but there are far fewer events. Do you have any idea why there would be fewer events for the 2003 races?

A I hope it wasn't a reflection on the political director at the time, but the -- people who follow elections will know that 2003 just has a lot less election activity than 2002. 2002 obviously, everybody here would be aware that it was a very -- a lot of political activity.

Q What would have been the purpose of showing these slides?

A Historical look back on what had happened. If you look at these slides, you can look at them individually or go back on what I have as page three and after you go through all the agenda part it gives an idea for what happened in the ballot box as kind of an example of whether or not that policy is accepted by the American people in these races across the country, and it gives a little bit of an explanation of putting the 2002 elections in context.

And then I think the next slide puts a little bit in context the fact that, you know, we can be impactful in the administration on how people view our policies and that can result in better politics if we sell what we're trying to do better and if we actually -- make good decisions that are seen to sound and are managing government well and people view us as being reliable stewards.

So I think there's some rationale, and then it goes into 2003 and puts that in historic context. And then the slide you referenced on 2003 races is similar. It's looking back and saying, you know, it can be impactful.

Ms. Sachsman. I think I'm out of time, so we will stop here and go off the record.

[Lunch recess.]

Mr. Castor. Mr. Schlapp, thanks for coming back after lunch.



The Witness. I wasn't aware it was optional.

Mr. Castor. Which is a very good point and I do want to extend a hearty thank you for coming in here voluntarily. I'm not sure whether we're at a deposition or a non-deposition deposition. Is this a deposition?

Ms. Amerling. This is a deposition.

Mr. Castor. This is a deposition? Okay. Sometimes we have transcribed interviews, which look the same, sound the same, so I guess we are in a deposition.

Thank you for appearing voluntarily.

BY MR. CASTOR:

Q Did anyone ever -- did you initiate contact with the committee in terms of -- did you hear that the committee was conducting an investigation and did you call the committee to advise them that you might have information pertinent or did the committee first reach out to you?

A I believe I received a letter from the committee.

Q So the committee reached out to you?

A Right.

Q Affording you the opportunity to come in voluntarily and speak to the committee?

A I can't remember how that letter characterized it. I guess it was an invitation to come in.

Q Was it your understanding that if you declined the

opportunity to come in voluntarily that the committee would afford you the opportunity to come with the help of a subpoena?

A I don't know if that's explicit in the letter or not.

Q Was that your general understanding, that you would eventually be compelled to come in if you didn't come in voluntarily?

A You know, I didn't have any of these communications myself, so I don't really know if that was communicated to someone on my legal team or not, but I think that is part of the context to make these decisions, of course.

Q So you'd rather be at work today? Is that a fair thing to say?

A Yeah, or with my kids or whatever.

Q Fair enough.

When we last spoke and my time was ending we were talking about whether you took any tickets from Jack Abramoff, whether you sat in the front row at the Wizards game. You said you hadn't.

You said you hadn't had any meals that you could remember with Jack Abramoff?

A That's right.

Q Can you think of any other gifts or anything that

Mr. Abramoff gave to you other than this wedding gift, I guess?

A Yeah, I mean I have a recollection that I might have received a wedding gift from him. I think it was a -- it might have been a toaster. But that's it.

Q Okay. And you don't remember whether he gave you a gift at your engagement party?

A I don't think -- my recollection is -- it's not definite, is that I got some kind of a wedding gift from him; wedding, engagement, I don't know. I mean something around my wedding, and I'm not positive about it. I think so, and I think it was a toaster.

Q So to the best of your recollection it's fair to say we've covered the universe of courtesies or gifts extended by Mr. Abramoff to you that would have a monetary value, such as tickets, meals, gifts?

A I think that's right.

Q Okay. Good. The last exhibit we looked at was a set of briefing slides that had your name on the front cover, implying that maybe you presented these topics. I want to give you as Exhibit No. 12 --

A If I could just say, I think on this -- I see my name on Exhibit No. 11, it's just knowing for sure like this was the final version of the presentation that was given.

[Schlapp Exhibit No. 12 was marked for identification.]

The Witness. Is this the same one?

BY MR. CASTOR:

Q No, this is another political briefing slide show that the committee is in possession of. July 12, 2001, at that time were you the deputy to Mr. Mehlman?

A Yes, sir.

Q And I'm sorry. I should let you have a moment to flip through the slides.

[Witness examined the document.]

The Witness. Okay. I've looked through it.

BY MR. CASTOR:

Q Some of the other individuals in the Office of Political Affairs, whether they were the deputy or the director have told us that from time to time if the director of the Office of Political Affairs was unavailable for a given reason that sometimes these types of briefings fell to the deputy. And I think you've said something along those lines.

Do you ever recollect providing a briefing using these slides while you were Mr. Mehlman's deputy?

A Do I remember this presentation specifically and do I remember having given it?

Q Yes.

best sense of the date?

The Witness. I thought that meeting was in 2002.

Mr. Shapiro. I don't know if the date is important.

The Witness. What's the question? Is the question about the date?

BY MR. CASTOR:

Q I guess what I'm trying to say is that you don't have any other recollection of Mr. Abramoff coming to the White House to meet with you?

A No, I don't.

Q On July 8, 2006 the Washington Post wrote an article that said Abramoff was in the White House seven times. The article says he met with Rove one time. He had a meeting with the Vice President's domestic policy staffer. He attended an event with 40 people at the Office of Faith-Based Initiatives. There was the get together with Indian tribal officials. Do you have any other reason to know about any other time that Mr. Abramoff was in the White House?

A Besides those that you just mentioned?

Q Yes.

A I could have sworn I remember an account of him maybe attending a Hanukkah celebration or something.

Q Indeed, that was another one.

A Oh, okay.

Q But when you heard that Abramoff was in the White House seven or eight times did that shock you? Did you think that maybe he was there 40 or 50 times or did you have any impression when you heard that news?

A It didn't surprise me that he came to the White House. It's hard to put the numbers in a context; 40 or 50 times in what kind of time frame? What was the time frame?

Q He, as far as we know, only came to the White House six or seven times.

A Over what time frame? Does it say there?

Q From 2001, the beginning of the President's taking office in January through -- I believe the news reports started in the early part of 2004, so it's essentially a three year period; 2001, 2002, 2003. Did it surprise you that as it turned out he may have only been there six, seven times?

A In all? I just I can't remember having an opinion at the time. It didn't hit me one way or the other.

Q Jonie Chung, for example, visited the White House 49 times. You know, if you go back to one of the Clinton campaign finance fellows. And he had a famous quote. Were you ever familiar with the time that he said that the White House is kind of like a subway; you need to put money in to

make the Gates open?

A I don't remember that quote.

Q In the July 27, 1997 LA Times Chung said, "I see the White House as like a subway; you have to put in coins to open the gates." Given some of the campaign finance issues that happened in the previous administration do you have a recollection of whether the White House Office of Political Affairs when you took office yourself and Mr. Mehlman, did you have a recollection of whether there was an effort to be careful about the coffee fundraisers, the Lincoln bedroom types of visits, some of the more well chronicled fundraising tactics that the previous administration used?

A Well, I mean I think it was part of what the President ran on I think to a certain extent, the integrity of the office. And I certainly feel like that was certainly explained to us over and over again either by Andy Card or whoever else or at meetings that we had, to remember to keep things, remember to consider the ethics of your decisions and such.

I don't recall having any kind of a fundraising kind of anything within the gates or any aspects of that.

Q Part of the Office of Political Affairs as I understand it is you listen to various constituencies throughout the country and you let them make their pitch.

A Yes.

Q You let them provide input, you know, whether that input is acted on or not. But part of the role as I understand it is to allow people to talk to you. Is that fair to say?

A Yeah. I described it as kind of eyes and ears.

Q And is part of that process helping different individuals, constituency groups feel listened to?

A Yeah, I think that's right. I think that's right. It can go beyond that as well, but I think that's right.

Q And if there was a particular legislative initiative and there were a number of interest groups affected by the outcome of the legislation you'd meet with various, even opposing viewpoints on it?

A That's right.

Q And even if there was already an outcome in the President's mind about where he wanted to go legislatively you would still take the time and listen to the different viewpoints. Is that fair to say?

A I think that's right.

Q But you'd want to be careful in terms of not attaching a price tag to that opportunity to come in and present views to the White House, is that true?

A Definitely, if I understand you. Like would I



charge some kind of price to talk to someone? No.

Q Like if you were going to meet with a particular interest group and they were going to come to the White House and meet with you in your office, maybe you would take them to the White House mess, you certainly wouldn't hit them up for a campaign donation?

A I did not raise funds for political purposes in my job.

Q And do you have a recollection of whether the Office of Political Affairs generally had sort of a fundraising component to their outreach?

A We certainly had interaction with people who would be considered major donors to the party or who had been fundraisers for the President. We would have conversations with them, just because you gave money didn't somehow mean you were verboten. Those conversations occurred.

Q But you let the political professionals and the RNC handle the mechanics of all fundraising. Is that true?

A You mean fundraising for the party?

Q For the party and for the President.

A Yes, absolutely.

Q Are you aware of the different types of rules concerning having outside interest groups lobby Congress on the President's behalf?

A I've written -- I've seen written accounts of that and such.

Q If the President had an initiative legislatively and you were working with Congress to secure support for it are you aware of any proscription in having sort of an outside group take a role in lobbying on behalf of that?

A A nongovernment group?

Q Yes.

A No, I'm not aware of any prohibitions, although that's a very broad question. I'm sure there's some prohibitions for some groups.

Q Former Secretary of Labor Alexis Herman came under some criticism. She used to be White House staffer, the Office of Public Liaison. Is that an office that exists at the White House currently under this administration?

A Yes, it is.

Q And does that Office report in to Karl Rove?

A It does. Well, no, Karl Rove is -- yes, it does. It does report to Karl Rove.

Q What are the other offices? There was Office of Political Affairs, Office of Public Liaison and I think there's Office of Strategic Initiatives -- and the Intergovernmental Affairs.

Mr. Shapiro. You want to just clarify?

The Witness. Yes, let me clarify and answer. On your questions on fundraisers my answer was specifically related to did I raise funds in my position. Did I have a role in fundraising? Yes. It could include picking venues, who are we going to do a fundraiser for, those kinds of questions.

BY MR. CASTOR:

Q Getting back to former Secretary Herman, it was alleged that she was getting business groups to lobby on Capitol Hill for the President's proposals. Are you aware of any of the rules associated with having an outside lobbyist, an outside business group, an outside constituency to take direction from the White House to try to get Capitol Hill to act?

A No, I'm not aware of prohibitions of having people advocate for a shared agenda.

Q Have you ever had a recollection of getting some of these outside business groups together to lobby the Hill on behalf of the President?

A That wouldn't have been my role necessarily. Would I have talked to various people about what the agenda was? Yes, but it wouldn't have been my role to interface with what you call business groups.

Q Is this more along the lines of something the Office of Legislative Affairs would be working with?

A No, it would be -- it would have been the office of public liaison in this administration as well who would have had the lead.

Mr. Castor. The next exhibit is 14.

[Schlapp Exhibit No. 14 was marked for identification.]

Q An Energy Department staffer is reaching out to Ken Mehlman here in this email. It says, "given the major personnel changes over here, the influx of new political hires, et cetera, is there any chance of getting one or both of you over here to discuss what the '02 results mean going into '04, the makeup of Congress and what we need to do as politicals to ensure success in '04 and to remind everyone for whom they work?" Do you have any recollection of this email?

A I don't.

Q Is this the type of request that you might get from some of the politicals at the agency?

A Yeah. I think I described earlier that this was -- part of what you're trying to satisfy by doing the briefings is people would feel disconnected when they're at an agency. They feel disconnected from what the President's agenda was, what's their role in that, they want a pat on the back, all those types of things. I think he even says here, "morale booster," in his subject line. That was probably a

good description of one of the main purposes of the briefing.

Q And you said earlier that you went to the agencies or you had the agency folks come to you to say thank you, to remove some of the mystique that the White House wasn't part of some sort of secretive operation, remove the mystique, remind the folks that there's a greater cause, that the whole executive branch is working hopefully together on behalf of the President, to explain the President's agenda, to help these people -- put them in a good position to advocate on behalf of the President as well as just provide a political update.

The last part of this email from the Energy staffer says, "and to remind everyone for whom they work." Just sitting here today, what does that mean to you?

A That means they were a presidential appointee and not necessarily an appointee of the Secretary is, I assume, what he meant, although he is the author of the email.

Q Certainly.

A Or they work for the President and not the Assistant Secretary or the -- lots of examples of what that would mean.

Q So when you look at that now it seems to me he's asking for the standard political briefing and certainly nothing else. Is that fair to say? This is sort of a run of

Q And Mr. Higby was the White House liaison?

A Is that what he was doing then? It could have been.

Q As I understand it, yes.

A Okay. I'm sorry. Did you ask a question?

Q I wanted you to take a look at it first.

A Oh, I read it.

Q The last exhibit from the Energy staffer seemed to be reaching out to the White House asking for a briefing, and it appears here that the Office of Political Affairs had reached out to the Justice Department. Is it fair to say that these briefings would be the result of any number of reasons; sometimes the agency could ask for them, sometimes you could offer them?

A Well, I think if you look at the dates here you'll see it's March of '01, so this would lead me to believe that the agencies wouldn't know that they had that opportunity when those opportunities hadn't started yet, so maybe this was letting them know this would be something -- that that could get set up.

Q So ordinarily was this something that you waited for the agencies to ask for or was it about 50/50? Did sometimes the Office of Political Affairs take its own initiative?

A I think again, it's a question of letting them know

that this opportunity is there and then after that communication I think mostly it was the agencies saying, "oh, we would like one of those," or, "you did one of those last year or two years ago; it's a good time to do another one."

Q So as the 2002 and 2003 unfolded for the most part it evolved into a situation where the agencies were the initiators?

A I think that's right, yes, I think that's right.

Q Israelite tells Higby, okay, let's just make sure the briefing is policy in nature and not elected politics. Before you would go out to an agency would you ordinarily have a dialogue about the content of the presentation?

A Would I? Before I went to it?

Q Or would someone in the Office of Political Affairs have a telephone conversation and find out if they have specific topics that they're interested in hearing about or was it pretty much -- was the topic guided by you or your office?

A I think for an agency briefing, if that's your question, I don't think they changed that much, you know, unless there was some direction from counsel.

Q So if you went to the Department of Treasury for example might you talk about some financial metrics maybe more interesting to the Treasury staffers?

A We knew that if you went to the Department of Treasury -- for instance, when I was the deputy director, if we went to Treasury to give a briefing, the first thing you would do is you probably would get some questions on maybe some open positions that haven't been filled, right. And then second of all you would want to relate any of the major initiatives that the President might be talking about that had effect in that building.

So I think generally that was thought of.

Q From agency to agency the content changed a little bit?

A It could have.

Q And is it fair to say that yourself or maybe your assistant had a dialogue in advance of the presentation to discuss if any tailoring needs to be implemented?

A I don't know. I think most of those kinds of conversations would have taken place maybe between counsels about what might be appropriate or whatnot, and I don't know what kind of conversations my assistant might have had with the agencies on what they were looking for, but I was just giving you an impression for like how I would approach it.

Q If the Justice Department, for example, communicated to you that they were interested in making sure they kept elective politics out of the briefing you would



have accommodated that, wouldn't you?

A Absolutely, and I don't recall ever having done one at the Department of Justice. I don't think we ended up doing one there.

Q Do you have a recollection of how many different agencies you did these briefings to?

A How many agencies we did? Like how many agencies at least had one briefing?

Q Right.

A I don't know but I'm pretty sure we didn't do one at DOD, I'm pretty sure we didn't do one at State. I'm pretty sure we didn't do one at Justice although this email seems to imply otherwise, but I don't think we did one at Justice.

Q I'm not sure if this briefing actually occurred or not.

A I don't think it did.

Q It may not have.

A We never gave a briefing for the NSC -- but probably most of the other large size, you know, agencies or departments.

Q As we understand it sometimes these briefings would be given to the group of White House liaisons on the White House grounds. Is that something you remember doing?

A We -- definitely with White House liaisons. They had a tough job. They had predominantly a personnel job. They interviewed a lot of people. They had to fill all those political positions in the departments and they would get very discouraged in the course of their work.

And also they had the White House in their title, which was positive and negative, you know. Sometimes that's a good thing because that's -- maybe some people view that in a good light, but then there was a downside to it too because maybe they weren't really a Department of Energy person, they were more of a White House person, an obvious dynamic.

So our desire was to talk to them, bring them together from time to time, and also it was good for them to talk to each other.

Q Did they technically report to anyone at the White House or were they all reporting in to their agencies?

A They reported in to their agencies but there was also an understanding, I don't know if you would call it a soft line or -- I don't know how you would describe it, that they would interact with the Office of Presidential Personnel and the Office of Political Affairs.

Q But you certainly didn't supervise, your office didn't supervise all the White House liaisons?

A No, we didn't have -- I wouldn't characterize it as

supervision. I would characterize it as contact.

Q And how frequent was that contact with the White House liaison group?

A Oh, I don't think that frequent. With getting the group together? I mean it's one of those things I wish would could have done it more. It was just a question of it's difficult to arrange schedules. Tried to do it every so often. One time we brought them in and they got a photo with the President so they could put it back in their offices, you know, those type of things.

Q But it wasn't ongoing and regular in terms of -- it wasn't weekly?

A Oh, no.

Q Was it monthly?

A I don't think so.

Q Quarterly?

A I don't think we brought them all together quarterly.

Q It wasn't even three or four times a year?

A It could have been that many times in a year, but I don't know how people described the regular occurrence of these. My guess is it was lofty in terms of the goal of how many times but then it was actually difficult to implement.

Q The emails -- we were looking at Exhibit Nos. 8 and

9 before.

Mr. Shapiro. Those are the two that are the same email in different format.

Mr. Castor. Yes. I'll go ahead and give you another document that will be Exhibit No. 16.

[Schlapp Exhibit No. 16 was marked for identification.]

The Witness. Okay.

BY MR. CASTOR:

Q In Exhibits 8 and 9 -- this is the second paragraph in Exhibits 8 and 9. "Because 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 he goes to General Counsel's getting in the mix. And number four just talks about -- you know how these political appointees might be able to reach out to the RNC if they want to get involved with the 72 hour program, and who wouldn't want to go door to door on the weekend before the election?

Exhibit No. 16, the distribution list leads me to believe that it was sent to some of the chiefs of staff at the agencies, David Ayres for example was General Ashcroft's Chief of Staff. And it talks about the next face-to-face

chief of staff meeting has been scheduled for Friday March 1.

It talks about Brett Kavanaugh, Ken Mehlman will be on hand to provide advice and counsel with regard to the dos and don'ts regarding your participating in politically related activities. "We will also cover the dos and don'ts of PAS participation in political related activities."

And so looking at these two collectively, it seems to be evidenced that Mehlman, the Office of Political Affairs, the counsel's office is cognizant that moving into the campaign season it makes sense to help people understand what they can and can't do and bring the White House counsel in the mix, get potentially the agency counsels in the mix too, just so everyone is clear about what they can and can't do being politically appointed folks. Is that the way you see it?

A Yes, I mean I just -- having worked with Ken as long as I've worked with him he is very fastidious and very concerned about ethical and appropriate behavior. It's not surprising to see that that would be his intent with all of -- with these emails on meetings you're showing me here.

Q And given Exhibit No. 16, I mean this is in February of '02, so this is well in advance of campaign season. It looks as if there's a proactive set of procedures by Mehlman, potentially by Brett Kavanaugh to get out in front, to help people understand that there's people who can

answer questions, there's people who can help them understand what they can and can't do, so everyone is on the same page.

Is that the way it was in your recollection?

A My recollection was that we might have thought that we were pretty brilliant to come up with all the plans but usually this stuff was -- this started with probably a call from somebody saying, "hey, I'm out here at the Ag Department and boy, there's a race I really care about in my state, and I want to start helping out." And my guess was the conversation was, "well, wait a minute; don't just start doing stuff," you know, you got to get a process going here, make sure we're working with counsel.

So it was probably precipitated by people saying, "hey, hey, hey, we're out here." Some of the folks that are political appointees obviously came from campaigns before they took their jobs in the administration and they were probably antsy to get back started in helping campaigns.

Q So it was permissible for your schedule c's in the agencies to want to take vacation time or go after work to make telephone calls at a phone bank if they wanted to to reach out to the RNC and figure out how they can help, right?

A Once again, I wouldn't have been the one giving the guidance and I don't know if that was true at every agency. I don't know if some agencies just put a block on that

activity and others allow you to go.

Q But certainly there are some schedule c's that are allowed to go participate in the 72 hour program?

A Yes, that's right. Some were allowed to go, and then there was the question of how they account for their time.

Q And do you have any recollection what the procedure was to link them up with the RNC? Did you office have any -- just because you had some -- whether it was even three times a year availability, for lack of a better term, with the White House liaisons, did you ever say, "hey, make sure you go through the RNC for those kind of questions"?

A I don't think we directed them to the RNC to answer how they handled the ethics of people volunteering for campaigns. I believe that would have been done through their general counsel.

If they then wanted to volunteer or something like that we might have had a point of contact.

Q At the RNC?

A Yeah, so all those people weren't calling different people in the White House saying, "how can I help," this race or that race.

Q And was it hopeful that if people were going to be sending email communications about that type of thing that

they do it after work and on their own time and sort of get up with the RNC after hours?

A You mean like when they would call the RNC?

Q Right.

A Once again, the guidance on -- depending on their position, what kind of activity they could engage in, you know, we weren't trying to encourage them to do anything that was inappropriate.

The other thing is, it's kind of basic, which is if they needed to call the RNC they could just call the RNC. I mean it wasn't like the number was hard to find.

And then when they called I don't know whether that would be considered some kind of de minimis use or whether they called from their cell phone over lunch hour.

Q But the White House Office of Political Affairs wasn't coordinating what types of campaign activities schedule c's can engage in?

A I wouldn't say coordinating. I'd say just simply if they were interested I think they might have been given a point of contact, but I'm not positive, and we -- in any conversation that came up on the conversation of volunteering for campaigns we had pretty standard explanation that it's not expected, that there's no -- you're not going to get any particular benefit, certainly not some kind of financial



benefit for going out for two weeks to help somebody and then come back, and then by the same token you're not going to somehow be -- you know, you're not going to lose your job if you didn't go, that there could be no professional consequences for making what is an individual's decision to use their leave time to go and engage in campaign activity.

Q So is it fair to say that yourself or maybe Mr. Mehlman before he went over to the RNC didn't keep track of which schedule c's were participating in campaign activities?

A That I do not know. I don't know if the RNC kept a list of --

Q But did you keep track?

A I did not

Q And to the best of your knowledge did any White House staffer keep track at the White House?

A I don't believe they did.

Mr. Castor. I think my time is up, so I'll self-identify that.

Ms. Amerling. Should we take a five minute break?

[Recess.]

Ms. Amerling. Okay. Let's go back on the record.

BY MS. AMERLING:

Q Let's turn to the subject of email accounts used by White House officials. You had an official White House email

account, is that correct?

A I did.

Q And when did you get provided with that account?

A My official White House account?

Q Yes.

A I thought on the -- we had some computer problems, so I don't know if I got it on the first day or shortly thereabouts.

Q And what was the address of that email account?

A I thought it was [redacted]schlapp@who.eop.gov, something like that. I think there was a shortened version and then there was a longer one with your full name.

Q And I think you mentioned earlier you had official White House computer. Is that correct?

A Isn't that -- oh, you just asked for an official White House email account.

Q My first question was about your email account, and now I'm asking about the hardware.

A Yes, okay.

Q Did you have an official White House laptop computer or official White House desktop?

A It was a desktop computer, an official White House desktop computer.

Q And when did you first start using your official

White House email address?

A I think within -- if not the first day I think it was close thereabouts.

Q And how did you access that account?

A My White House? My official?

Q Your official White House account.

A I'm sorry. I'm just not really a computer person. I turned on the computer and I logged in and it was there.

Q Your official White House computer?

A Yes.

Q Could you access your official White House account through any other computer?

A I don't know. That's a good question. I never did.

Mr. Shapiro. Did you?

The Witness. I never did.

BY MS. AMERLING:

Q And I think you said earlier that you did not have an official White House BlackBerry, is that correct?

A That's right. I never did.

Q So what you've described is the sum total of computer hardware that you were provided by the White House for your official White House account?

A I had --

Q Let me rephrase that. That's the sum total of official White House computer hardware that you were provided?

A One computer on my desk, a desktop.

Q Okay. And you testified earlier in response to questions from minority counsel that you held an email account provided to you by the RNC during your tenure at the White House, correct?

A That's right.

Q And at some point -- do you recall the address of that?

A I think that was [REDACTED]@georgewbush.com.

Q And you said at some point that account changed. Do you recall whether that change -- do you recall when that change occurred?

A That address changed.

Q The address changed?

A The handle, I think we were told is the proper term, right?

Mr. Shapiro. Whatever it is.

The Witness. That changed, I believe in 2003, maybe sometime in -- I think that's when it was, 2003.

BY MS. AMERLING:

Q And it started out as the George W. Bush account or

did it --

A It started out -- my first non-White House account was the George W. Bush account. My second non-White House account would have been [REDACTED] schlapp@gwb43.com.

Q And who provided this account to you?

A Can I just say for the record whether that was [REDACTED] schlapp or [REDACTED] schlapp -- it's something like that with my name, with that ending.

Q And do you remember who provided the account to you?

A Who communicated to me that I had this account?

Q Yes.

A I don't remember that.

Q Do you remember who set it up, who physically set up the account?

A I assume the RNC set up the account, but I don't remember who.

Q And the RNC provided you with one BlackBerry. Is that correct?

A Yes, that's right, one BlackBerry. Now I might have lost that BlackBerry or it could have broken, so I could have had -- I don't know how many BlackBerries I went through.

Q You had one at a given time.

A Yes, that's right; one at a given time.

Q And you also had an RNC provided laptop. Is that correct?

A That's correct.

Q And do you recall who gave you this equipment, what individuals gave you this equipment?

A No.

Q And do you recall when you were given this equipment?

A No. I think it was just given to me by my assistant.

Q Do you recall when? Was it early on?

A Well, I think it's -- there's a distinction between the BlackBerry and the laptop. My recollection, although vague, is that we did not have BlackBerries through at least September of 2001 because I remember that we couldn't communicate during the chaos in the aftermath of that tragedy and we -- there was a lot of written press accounts about how members of Congress could communicate and they already had their BlackBerries, I think. At least, that's what I recall, so I think we got our BlackBerries shortly thereafter.

Q Do you recall when you were provided the RNC laptop?

A I thought that was very early on, but I really

don't know the dates.

Q But it's likely you got the laptop before you got the BlackBerry?

A Yes, I think that's right.

Q And could you access your RNC email accounts through both your BlackBerry and your RNC laptop?

A It was one in the same.

Q Well, there's different --

A Restate the question.

Q You could access your RNC email account through your RNC BlackBerry.

A Yes.

Q And you could also access your RNC email account through your RNC laptop?

A Yes, I guess I would look at my RNC BlackBerry as my traveling email, maybe.

Q And could you access your RNC email account through your official White House computer?

A I never did. I don't know if I could have.

Q Did you ever communicate on your RNC BlackBerry by using a pin code as opposed to the email account?

Mr. Shapiro. Do you know what that is?

The Witness. I don't know what that is.

Ms. Amerling. Okay.

BY MS. AMERLING:

Q How did you get the idea to have an RNC email account for use while you're at the White House?

A I don't think it was my idea.

Q Whose idea was it?

A I really don't know.

Q Do you remember any discussions about setting these accounts up among White House officials?

A No, I wasn't involved in those meetings where they made those decisions.

Q And how often did you use your RNC email account from within the White House?

A As deputy director, not that frequently or I would say less frequently than when I was political director.

Q When you were political director how frequently did you use your RNC email account?

A I used it every day, every day I was at work.

Q Do you think you used it every hour?

A No, I don't think I used it every hour.

Q What percentage of your email communications that you did during your time at the White House were conducted over nongovernmental accounts?

A Way less than 50 percent. Total guesses here, I mean I couldn't even tell you how many emails I got in a day,



so I don't -- but my recollection is not that frequent use.

Q And did you take any steps to ensure that official communications that you received over your RNC email accounts were preserved?

A Yeah, I made my best efforts. First of all, I think on a lot of my emails that were sent or received from my George W. Bush or GWB accounts that many times there would be a White House email within the chain of emails because oftentimes people were sending emails, either people on their staff or your assistant to keep track of actions that needed to happen or whatnot.

So the intent was to -- you know, the George W. Bush account was for kind of his campaign-related activity and your official activities should if at all possible be on the White House system.

Q When you conducted official business over RNC email, did you -- what steps did you take to make sure that would be preserved?

A Well, what I would usually do is forward it to myself at my WHO address or forward it to myself and my assistant or forward it to myself and maybe a subordinate.

Q And who was your assistant?

A While I was political director?

Q Well, let's start with then, while you were

political director.

A Tracy Jucas.

Q And while you were deputy?

A I'm sorry -- I didn't mean to -- J-u-c-a-s. I didn't mean to -- and what was your question?

Q And how about when you were deputy political director?

A Was several.

Q Who were your assistants?

A Doug Hoelscher, Dave McMaster, and I thin John Ganter, too.

Q You testified earlier today that you recall getting a briefing from the White House Counsel about responsibilities for preserving presidential records.

A Yes.

Q My recollection correct there?

A Well, I think the briefing was -- I don't know if it was a briefing just on the presidential records act or just a variety of policies and procedures we should be aware of.

Q Do you recall ever getting explicit instructions on using official accounts for official business, official email accounts for official business?

A I don't know if I do remember getting a briefing on

that.

Q Did you ever instruct other White House staff about the appropriate use of political email accounts? And by political email accounts, when I use that phrase I'm referring to the RNC-provided account that you described.

A I think people understood that your -- and the people who worked for me understood that the George W. Bush accounts were for your kind of campaign-related activity and your official accounts were for your official business, whereas it was probably impossible to keep the streams completely always separated and the right things. But the desire was to use those accounts for those purposes and not to avoid something or avoid compliance with a policy or whatever.

Q How did you know that the people who worked for you believed that?

A Well, I can't -- I guess I can't know everything they did, but I do feel like we had a team of people there who were honorable, respectable people that were respectful of the policies.

Q But you don't have any recollection of them receiving instructions from you or anyone else about using them?

A Yeah, I do. I think we did have -- and I thought I

talked about this earlier, but we did have a -- White House counsel's office did talk to us generally, although I don't specifically recall this being a large component of the training. It could very well have been part of it.

Q By 'us' you mean everyone in the Office of Political Affairs?

A I'm sorry, yeah. There was a briefing by the White House counsel's office for the Office of Political Affairs on policies they needed us to be aware of.

Q And do you remember when that took place?

A I think it took place early in my tenure as the political director, so my guess would have been 2003.

Q And did you have any discussions with anyone from the White House about deleting emails that were sent or received on your political email account?

A I don't know. I think there was a standard -- there was a policy that they had about they would delete them after so much time. I don't remember --

Q 'They' meaning the RNC?

A Yes.

Q And can you describe what you know about that policy?

A I don't think I know much about it. It wasn't -- I don't believe it was a decision that I had much to do with.

Q How did you come to learn of that policy?

A I don't know, but -- I don't know for sure.

Q Do you know when you came to learn that?

A It could have been -- I need to confer.

[Witness conferred with counsel.]

The Witness. Just trying to be respectful of investigations. That would have been on the -- I think maybe in regard to the whole leak investigation. I think maybe then they asked us to do some searches of our emails. I know they did on White House emails.

BY MS. AMERLING:

Q And when you use the term 'leak investigation' are you referring to the investigation of the leak of Valerie Plame's identity as a CIA employee?

A Yes.

Q And who asked you to do searches? You said 'they asked.'

A I think it was a directive from Judge Gonzales.

Q So Gonzales asked you to do searches of your --

A He didn't ask me specifically. He asked the White House staff. There was a guidance that came out. I believe it was in the form of an email but it might have just been a memo, that we were going to comply with the investigation, and here are the steps you need to take to turn over

information.

Q And you think this guidance came out sometime shortly after --

A No, no.

Q Do you know when this guidance came out?

A I think that's when I might have learned that there was a policy on how long emails were kept or -- I'm not 100 percent certain, but I think that might have been when I did.

Q And did you learn this from -- was this part of the information that the White House Counsel's office was providing staff at that time?

A I'm sorry, one more time.

Q How did you -- was it the White House Counsel's office that apprised you of the fact that there was some sort of deletion that went on with RNC emails?

A I don't think so.

Q But you think you learned it at around this time?

A I didn't learn that their emails had been deleted as much as I think I encountered the fact that there might have been some kind of policy about how long they're keeping emails. I don't know what that policy is today. I don't know what they --

Q And I'm trying to understand how you learned this.

A Right.

Q -- You told us you had a sense of the timing of when you might have learned it. Do you know who might have shared this information with you?

A Probably the RNC.

Q Do you know who at the RNC you talked with?

A No.

Q Who would you have been talking to at the RNC?

A Well, I mean hypothetically?

Q About -- well, if an issue is coming up in respect to the retention of your RNC emails were there people at the RNC that you spoke with about those issues?

A Well, as far as retention is concerned, if there were any emails that had to do with that investigation I would have turned them over so they would have been retained upon turning them in to the judge's office. But in terms of who I -- I don't know once again whether my assistant was talking to like the systems person at the RNC or I was. I can't remember.

Q Who was the systems person at the RNC with whom you spoke?

A I don't know. I don't know if I did speak to a systems person.

Q You don't recall having a point of contact at the RNC for issues relating to use of your emails?

A There was a person who helped us with like, you know, the -- like if your BlackBerry was broken.

Q And who was that person?

A I'm embarrassed to say I can't remember his name.

Q Let's talk a little bit more about the email search that you referenced relating to the leak investigation. When you got guidance, you said White House staff got guidance and that includes you, correct?

A Yes, yes.

Q You got guidance from the counsel's office?

A Yes.

Q Did that guidance include instructions on searching nongovernmental email accounts to respond?

A I can't remember.

Q Do you recall whether you searched your nongovernmental email accounts in response to that guidance?

A I think I had an attempt to search my RNC account, which would have been my only other account.

Q How did you go about doing that?

A Once again, I'm sorry. I can't -- I don't know.

Q But you believe that your RNC account, email account was searched as part of responding to a request from the White House Counsel's office for White House staff to search their emails for responsive emails?



A That's correct. That was certainly my intent.

Q And do you know whether emails were provided to the White House counsel from your email account, from your RNC email account as a result of such a search?

A I don't recall if I had any or not. I did have emails. I just can't remember if any came from my RNC account. I don't think I had any.

Q Was that the only time that you received a directive from the White House Counsel to search your emails in response to investigative request?

A I'm trying to remember if I might have gotten a request concerning the Abramoff issue as well. I don't know if I would have been there or not.

Q Do you recall --

A I don't know.

Q Okay.

A I suppose it's a pretty easy thing to check, but I don't know.

Q Do you recall whether you received a request from the White House Counsel's office to search your email for responsive email in response to an investigative request relating to an Enron investigation?

A Oh, I remember. I don't think I had any emails with that. I don't know if the request was made of me, if

that was like the other directive on the leak investigation. I don't know whether they asked me or not, but I don't believe I had anything to turn in if it was.

I don't remember having to turn over documents on that topic.

Q Does it ring a bell that there was a request relating to Enron?

A Yes.

Q Why does that ring a bell if you were not searching your own emails?

A Well, because someone could have been talking in the hallway or something about -- you know, whenever you had a deadline on something like that someone might say, "hey, have you done your search on such and such."

Q You don't think you received --

A I can't recall whether I didn't receive it or I just didn't have anything. My recollection is I had nothing to turn in.

Q And do you know when that Enron-related request occurred?

A No.

Mr. Shapiro. Don't look at me. I have no idea.

The Witness. You were moving in.

Mr. Shapiro. I'm just trying to clarify. Is your best

recollection on that that you did search and had nothing to produce or that you don't know whether --

The Witness. I can't recall whether I was someone who had to search or I did have to search and had nothing or just had nothing because I wasn't asked to search, but in either case I didn't -- I don't think I had any interaction on the issues they were concerned about.

BY MS. AMERLING:

Q Do you know if other White House staff searched their political email accounts in response to investigative requests?

A I don't know. I don't know what others might have done.

Q And you said when you searched your emails, both official and political in response to the request relating the leak investigation you had some responsive emails. You don't know which accounts they were from when you --

A My recollection is they were White House emails.

Q And to whom did you provide those emails?

A To the -- I believe we were supposed to turn them in to the counsel's office. There was a deadline to turn them in.

Q Now when you were deputy director did you ever ask for an official White House BlackBerry?

A No. Well, let me -- I don't know whether I asked for it or -- I don't know.

Q Did any of the other staff in the Office of Political Affairs during the time you were deputy have an official White House BlackBerry?

A I don't think any of us had the official BlackBerry.

Q And do you know who at the White House was responsible for determining whether a White House employee would receive an official White House BlackBerry?

A I assumed that would have been made in the Chief of Staff's office.

Q And would the same be true for other computer hardware like a decision about whether a White House official would receive a laptop?

A I would assume, yeah.

Q And then when you were political director did you ever ask for an official White House BlackBerry?

A I don't recall. I mean I don't think I did ask for one.

Q And when you were political director did anyone in the Office of Political Affairs have an official White House BlackBerry?

A I don't believe they did.

Q Did anyone ask for one?

A That I don't know.

Q Recently Scott Jennings testified before the Senate Judiciary Committee and he said he asked for an official White House BlackBerry early in his employment at the White House and was told that "it wasn't the custom to give political affairs staffers these devices." That's from his August 2 testimony. Is that consistent with your understanding of the White House practice, that it wasn't the custom of providing -- it wasn't the custom for the White House to provide Office Political Affairs staff BlackBerries?

A That's my understanding.

Q And what was the reason for that custom?

A I don't know.

Q Did you ever ask what the reason was?

A I always had -- like I said, you go through the history of how we got our BlackBerry. There's a chance that we would have gotten our BlackBerries maybe before others had official White House BlackBerries, and might have been some questions about why are they RNC BlackBerries, why aren't they White House BlackBerries, but more just kind of curiosity than anything else.

Q What percentage of your work was devoted to official White House business?

A I would say -- I was doing my job. I was spending a large percentage of my time on -- I mean I don't know how you'd count up the hours, but it was --

Q Would you say the vast majority of your time was spent on official business?

A Yes.

Q While you were at the White House?

A Yes.

Q And would you say the same is true for your colleagues within the Office of Political Affairs?

A Yes.

Q Did you have any concerns that --

A I mean I just don't know how to quantify it, you know.

Q Sure, but you're comfortable with vast majority?

A There's plenty of things that devote -- I mean I can't -- once again, I can't characterize what everyone did every time of the day. I can certainly speak for myself.

Q Given the Presidential Records Act requirements about record keeping preservation did you have any concern that, given the high volume of official business you did in a given day that there would be a gap in records preservation if you didn't have an official White House BlackBerry?

A Well, I suppose my -- since I wasn't intending to

somehow dodge the Presidential Records Act, and I was trying to do my best efforts to comply with the regulation that I didn't think that somehow having a RNC BlackBerry was allowing me some kind of an ability not to comply with it. And I had a regular practice, like I said, of forwarding emails back to kind of follow up on things and such.

And my brain doesn't work so smoothly that if I read an email on my BlackBerry and then know it's official and then when I go into work the next day I'll remember the fact that I had read that BlackBerry and need to either set up a meeting and make a phone call. There were too many inputs, so I needed to have some kind of tracking system to know what I needed to do. So I didn't feel like -- certainly I wasn't using any of those devices as some kind of dodge or something.

Q You said earlier that following September 11 and reports that members of Congress and others could communicate over their BlackBerries White House wanted to improve its communication systems, and you think at that point you got a BlackBerry.

A It was just -- even that day we couldn't -- you didn't know where your people were.

Q So why did the BlackBerry you received -- why was that an RNC BlackBerry as opposed to an official White House

BlackBerry?

A I can't characterize why the decision was made one way or the other.

Q You never heard anybody discuss that issue?

A No, and I wasn't involved in the decision.

Q Just so we're clear -- this is a mechanics question -- when you were using your RNC BlackBerry, could you get your official White House e-mails? Could you access your official White House e-mails?

A I can't answer the question on what capabilities that little device had. All I can tell you is that I opened up my inbox and answered RNC e-mails on my RNC BlackBerry, and did not use that device to answer any other e-mail accounts because I didn't have any other e-mail accounts besides my White House account. And if I could have accessed it, I never learned how to do it.

Q Let me change subjects here.

A Sure.

Q As you may know, the committee has been conducting an investigation into what senior administration officials knew about the death of Corporal Pat Tillman. He was killed on April 22, 2004.

When did you first hear of his death?

A I heard about his death, I think, when the country



heard about his death.

Q And how did you find out?

A It was a big story in the news. I can't remember where I read it or saw it.

Q Do you remember whether you heard it being discussed among your colleagues at the White House?

A After the fact that it was public? Yeah, I think it was a topic of discussion. It was a tragedy.

Q Did you discuss his death with anyone at the White House?

A In generic terms?

Q Yeah.

A I think I probably did.

Q Did you discuss it with Karl Rove?

A No. I don't think so.

Q Do you remember who you discussed it with?

A No.

Q Were you involved in any statements made by the White House about Corporal Tillman's death?

A I don't think so.

Q Do you know when the President learned that Corporal Tillman had been killed?

A I don't.

Q And at some point in time, did you learn that

Corporal Tillman's death might have been a fratricide or that it was under investigation as a potential fratricide by the Army?

A Just in the public accounts.

Q You don't remember specifically how you found out it was a possible fratricide?

A Was it CNN or Fox? I don't know.

Q And on May 1, 2004, the President talked about Corporal Tillman in his speech before the White House Correspondents Association.

Were you involved in that speech in any way?

A No. I think I was at the event, but -- I might have been at the event, but I wasn't involved in the speech.

Q On May 8, 2004, there was a memorial service for Corporal Tillman at the University of Arizona.

Were you aware of any discussions within the White House about issuing a public statement about Corporal Tillman's death around this time?

A I don't know if I was or not. I remember watching the service on television.

Q Do you know whether Karl Rove ever participated in discussions about whether or not the White House should issue a presidential statement about Corporal Tillman's death?

A I don't know.

Q Let's go back to the subject of political briefings.

A Okay.

Ms. Amerling. I'm presenting the witness with a document that we'll mark as Exhibit 17. It's a memorandum dated October 17, 2006 to Doug Simon from Sara Taylor and Mindy McLaughlin regarding: "Director Walters suggested event participation."

[Schlapp Exhibit No. 17 was marked for identification.]

BY MS. AMERLING:

Q Can you take a few minutes to take a look at this, please?

A Sure. [Examining.] Okay.

Q This is a list of 31 events. When you were head of OPA, do you recall whether the surrogate scheduler sent out similar lists?

A Could have. I don't recall particular memos.

Q Were you involved in developing any list such as this?

A Was I involved in coming up with prospective travel for the cabinet and sub-cabinet? Yes.

Q The events on this list all involve Republicans who were candidates in the upcoming election.

Do you know whether the surrogate scheduler provided

agencies with lists of suggested events like this in non-election years?

A I'm sorry. Are you asking while I was the political director?

Q Yes.

A The process to determine priorities for travel would have taken place continually, and they would not have taken -- the requests would not have just been for members who were up that cycle. It could have been for people that -- it could have been for events that didn't even have anything to do with somebody running for anything. It could have been national conventions of organizations and other kinds of events.

Q Was Karl Rove aware that OPA was involved in suggesting travel by agency heads?

A Yeah. I think it was in the -- I think it was part of what we generally described that we did. I think there was an understanding at the White House that that was one of the functions OPA filled.

Q And why do you believe he was aware of this? Did you have discussions with him about this?

A On travel?

Q Yes.

A Yes.

Q Do you remember when those discussions occurred?

A We had a daily -- we had a morning meeting almost every day that I was there.

Q And travel by agency heads was discussed in morning meetings on a regular basis?

A Not every day, but there would be updates.

Q And what about -- did he provide any guidance about involving agency heads in travel?

A He might have. I don't know.

Q Do you recall him providing any guidance?

A No. Just that it was our job to continue to put good requests in front of them. And I think I recall him wanting us to be sure that the requests that we made were for good events and were thought through and that it wasn't some kind of willy-nilly process of some -- a member of Congress would call and ask to do something, and so we'd just kind of put it on the list for the, you know, secretary of whatever agency. You had to be -- you know, you had to be a professional in how you approached what you asked them to do.

Q Did you ever seek guidance from White House counsel with respect to involving agency heads in travel?

A I would think so, yeah.

Q Do you recall doing this specifically?

A It was part of those conversations we talked about

with the briefings, at the very least.

Q I'm sorry. Just which conversations are you talking about?

A Oh, briefings. I'm sorry. I was using a term that's kind of ubiquitous here. When we had our ethics briefing with the White House counsel's office, that would have been one of the topics that was address, how we interact with agencies and such.

Q And when did you have this ethics briefing?

A I answered earlier. I thought it was earlier in my tenure -- early in my tenure as political director, which I believe would have been some time in 2003, is when it was.

Q Okay. Let's turn to the subject of Mr. Abramoff's contacts with the White House.

A Okay.

Q While you were at the White House, did you ever become aware that any member of the Abramoff team sought White House assistance regarding the Choctaw Tribe's interest in securing funds for a jail?

A I don't specifically recall.

Q Do you have any knowledge of a gaming compact for the Jena Tribe of the Choctaw Indians that was under consideration by the Department of the Interior in 2001 and 2002?

A I don't. I don't recall having a -- I don't remember if I was involved in anything like that.

Q Were you aware of any efforts by Jack Abramoff or his other colleagues at Greenberg Traurig on behalf of the Saginaw Chippewa in 2002 to secure a \$3 million grant for a school construction program in the Department of the Interior appropriations bill?

A I don't know.

Q Were you aware of the interest of the Sandia Pueblo Tribe in protecting lands in the Sandia Mountains in New Mexico?

A I don't. I don't know if I was.

Q Do you have any recollection of meetings attended by the President at the White House that involved Jack Abramoff and Grover Norquist?

A Is your question am I aware of a meeting between Grover, Jack Abramoff, and the President?

Q Yes.

A No. I'm not aware of that.

Q Are you aware of any meetings that the President attended at the White House that involved Grover Norquist and Jack Abramoff's clients?

A Just a big room with their clients?

Q Excuse me?

A I'm confused. Maybe you could ask it again.

Q Are you aware of any meetings at the White House attended by the President that involved Grover Norquist and Jack Abramoff's clients?

A I don't think so.

Mr. Shapiro. Meaning any client?

The Witness. A client or --

BY MS. AMERLING:

Q Client, where his clients were in attendance at such a meeting?

A No. I'm not.

Q Did you ever hear that Karl Rove knew of, directed, or approved an arrangement under which Mr. Abramoff sought contributions to Americans for Tax Reform in connection with meetings his client had with the President?

A One more time?

Q Did you ever hear that Karl Rove knew of, directed, or approved of an arrangement under which Jack Abramoff sought contributions to Americans for Tax Reform in connection with meetings that Mr. Abramoff's client had with the President?

A And the question is, am I aware that Karl was aware of this?

Q Did you ever hear that he knew of or directed such



an arrangement?

A No. No. No.

Q Are you aware of any other meetings at which the President and Mr. Abramoff were both present?

A I think we talked earlier about he might have been at a Hanukkah party. I don't know if that's really a meeting, but they could have met at it. And I think didn't we go over the seven reported meetings? I don't know who those were with. But do I have any independent knowledge besides the one that I thought he was at, a Hanukkah party? I don't know of any other meetings.

Q Did Grover Norquist ever contact you on behalf of Jack Abramoff?

A I don't know. I talked -- I don't know.

Ms. Amerling. I've completed my round.

Mr. Castor. We're going to go off the record for a moment.

[Recess.]

BY MR. CASTOR:

Q The terminology "asset deployment team," was that used frequently? Was that a term that you were -- was well-known to you? We talked about it earlier today in terms of this Adrian Gray was getting together an asset deployment meeting. Do you have a recollection whether that was a

commonly used term?

A I think that e-mail seems to indicate that people might have used the term for different initiatives or to describe different activity.

Q Because when it was first presented to you, you started talking about, you know, the individual Schedule Cs going out, and campaigning as part of a 72-hour program. Then you looked at it a little bit closer and you said, oh, wait. This is the surrogate scheduler; maybe they're talking about something different.

So I just wanted to ask you -- I didn't have a chance my last round -- is this terminology, asset deployment, something that was commonly used? Little used?

A I think it might have been more commonly used than I initially remembered to maybe describe different things. Getting people to do stuff. Another term that we might have used would have been called like "flood the zone" came up a couple times.

Q And what did that mean?

A Once again, my recollection of it was that would have been having surrogate spokespeople and spokespeople in the administration go out on a given topic and try to have communications events and events across the country.

Mr. Castor. That's the end of my questions.

Ms. Amerling. Thank you again for your time today.

The Witness. Thank you.

[Concluded on following page.]

[Whereupon, the deposition of MATTHEW AARON SCHLAPP was concluded at 4:14 p.m.]

I have read the foregoing pages, which are a correct transcript of the answers given by me to the questions therein recorded.

Deponent \_\_\_\_\_

Date \_\_\_\_\_

**Diversified Reporting Services, Inc.**  
1101 Sixteenth Street, NW Second Floor  
Washington, DC 20036  
(202) 467-9200

## CERTIFICATE OF DEPONENT

I have read the foregoing 192 pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

---

MATTHEW AARON SCHLAPP



September 12, 2007

Kristin Amerling  
Chief Counsel  
U.S. House of Representatives  
Committee on Oversight and Government Reform  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Ms. Amerling:

Pursuant to Rule 22 of the Rules of the Committee on Oversight and Government Reform, we have reviewed the transcribed testimony from the August 27, 2007 deposition of our client, Matthew Schlapp. As you know, Mr. Schlapp was not provided an opportunity to review the vast majority of his records (e-mails, calendars, and other documents) before or during his deposition. This has obviously served as an impediment to the presentation of a full and complete account of the matters discussed in the deposition. We nevertheless believe that the transcription we reviewed is in material respects an accurate record of the answers Mr. Schlapp provided to the recorded questions.

Upon review, we hereby submit two minor technical clarifications to be made to the transcript of the deposition. We request that these changes be made to the official transcript or included as an appendix:

1. Page 120. Mr. Schlapp's testimony reads, "The answer there, you know is consistent with what I've said a couple times here, which is all the beneficial travel was coordinated with the GC in the agencies." The word "beneficial" should be changed to "official" to correctly reflect Mr. Schlapp's testimony.
2. Page 142. Mr. Shapiro's statement reads, "Well, I wouldn't make the decision." The word "I" should be changed to "he" to correctly reflect Mr. Shapiro's statement.

We also note that the questioning in at least one area was unclear and could lead to some confusion absent further clarification from the Committee staff. Specifically, on pages 122-123 of the transcription, a member of the Committee staff asked whether Mr. Schlapp "had [any] involvement in the decision to award grants." Mr. Schlapp answered this question from the Committee staff based on its narrow and precise wording which limited the question to decisionmaking about certain agency-funded matters, but is unclear whether the questioner's intended meaning was to encompass the earlier, broader formulation which asked whether he or anyone else at the White House had contact with agency officials "in which you suggested, directed, coordinated or discussed the awarding of grants." Members of Congress, Congressional staff, Governors, local officials and others on occasion contacted the White House about agency-funded matters to inquire regarding their status, to discuss an announcement, or to express opinions about the merits of funding. Some of these matters may have involved

Ms. Kristin Amerling  
September 12, 2007  
Page 2

discretionary grants. It would not be surprising for White House officials to have received such inquiries and to have passed on the details, in an appropriate manner, to others, including agency officials. "Suggestion," "discussion" or "involvement" in "grants," if understood to encompass such a broad set of actions, may have taken place, in Mr. Schlapp's opinion.

We hope this information is helpful, and appreciate the opportunity provided by the Committee to review the transcription. If you have any questions, please do not hesitate to contact either of us.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard M. Shapiro". The signature is fluid and cursive, with the first name "Howard" being the most prominent.

Howard M. Shapiro  
Reginald J. Brown

cc: Mr. Keith Ausbrook, Minority Counsel



**From:** Abramoff, Jack (Dir-DC-Gov)  
**Sent:** Sunday, September 23, 2001 7:41 AM  
**To:** Rudy, Tony (Shld-DC-Gov)  
**Subject:** Re: Fw: Re:

Super

Jack Abramoff

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

**From:** Rudy, Tony (Shld-DC-Gov) <rudy@gtlaw.com>  
**To:** Abramoff, Jack (Dir-DC-Gov) <abramoffj@gtlaw.com>  
**Sent:** Sun Sep 23 08:29:34 2001  
**Subject:** Re: Fw: Re:

I did. Told him [REDACTED] will call and jack oliver did  
Tony Rudy

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

**From:** Abramoff, Jack (Dir-DC-Gov) <abramoffj@gtlaw.com>  
**To:** Rudy, Tony (Shld-DC-Gov) <rudy@gtlaw.com>  
**Sent:** Sun Sep 23 08:17:30 2001  
**Subject:** Re: Fw: Re:

Tell him this is our only personnel ask and our candidate is the most qualified so we hope  
he will get this.

Jack Abramoff

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

**From:** Rudy, Tony (Shld-DC-Gov) <rudy@gtlaw.com>  
**To:** Abramoff, Jack (Dir-DC-Gov) <abramoffj@gtlaw.com>; Ring, Kevin (Shld-DC-Gov)  
<ringk@gtlaw.com>  
**Sent:** Sat Sep 22 14:54:56 2001  
**Subject:** Fw: Re:

Tony Rudy

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

**From:** [REDACTED] Schlapp@who.eop.gov <[REDACTED] Schlapp@who.eop.gov>  
**To:** rudy@gtlaw.com <rudy@gtlaw.com>  
**Sent:** Sat Sep 22 14:48:41 2001  
**Subject:** Re:

Al Short

OIA just being looked at now. Who is your lead candidate?

(Embedded  
image moved rudy@gtlaw.com  
to file: 09/22/2001 02:44:51 PM  
pic01006.pcx)



GTG-R006725

1123648

Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP

cc:

Subject: Re:

That's great. Do you know who?

Let me say you guys have been incredible. The president is running all 12 cylinders and nothing is holding him back. Bombs away! Any word of oia? Tony Rudy

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

From: [REDACTED] Schlapp@who.eop.gov [REDACTED] Schlapp@who.eop.gov  
To: rudyt@gtlaw.com <rudyt@gtlaw.com>  
Sent: Sat Sep 22 14:39:53 2001  
Subject: Re:

we finally have someone to take his place

(Embedded  
image moved rudyt@gtlaw.com  
to file: 06/18/2001 05:16:43 PM  
pic17176.pcx)

Record Type: Record

To: Matthew A. Schlapp/WHO/EOP

cc:

Subject:

Hope things are well. I don't know if you remember this but we spoke about it a few months ago. There is a Clintonista and [REDACTED] donor who is a political appointee of Albright. He is scheduled to be renewed on the 23rd of this month unless action is taken. He ran a partisan operation at the department of interior which the auditor general called the worst violation of the hatch act he had seen in 25 years. All his actions were targeted against House Republicans.

Is there anyway you can weigh in with presidential personnel? Monica Kladakis knows about the problem.

His name is Allen Stayman.

Thanks.

Tony

Tony Rudy

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To reply to our email administrator directly, please send an email to [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com).

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To reply to our email administrator directly, please send an email to [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com).

---

**From:** Abramoff, Jack (Dir-DC-Gov) [/o=GTLAW/ou=WDC/cn=Recipients/cn=abramoff] on behalf of Abramoff, Jack (Dir-DC-Gov)  
**Sent:** Saturday, January 26, 2002 7:10 PM  
**To:** Rudy, Tony (Shld-DC-Gov)  
**Subject:** RE: Re: Oia

Can you call him Monday?

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

**From:** Rudy, Tony (Shld-DC-Gov)  
**Sent:** Friday, January 25, 2002 5:20 PM  
**To:** Abramoff, Jack (Dir-DC-Gov); Ring, Kevin (Shld-DC-Gov)  
**Subject:** Fw: Re: Oia

<< File: pic20623.pcx >>  
Tony Rudy

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

**From:** [REDACTED] Schlapp@who.eop.gov <[REDACTED] Schlapp@who.eop.gov>  
**To:** rudyt@gtlaw.com <rudyt@gtlaw.com>  
**Sent:** Fri Jan 25 17:08:31 2002  
**Subject:** Re: Oia

this one is not easy; we should talk.

(Embedded  
image moved rudyt@gtlaw.com  
to file: 01/25/2002 05:05:44 PM  
pic20623.pcx)

Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP

cc:  
Subject: Oia

Hope things are well. I was wondering if there was any news on the long held open oia position. We were pushing Mark Zachares but that appears to be stalemated. We hear Brad Keena is up for it. He is a good guy. Hear anything? Tony Rudy

---

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GTG-R006863

308868

**From:** Abramoff, Jack (Dir-DC-Gov) [/o=GTLAW/ou=WDC/cn=Recipients/cn=abramoffj] on behalf of Abramoff, Jack (Dir-DC-Gov)  
**Sent:** Wednesday, January 30, 2002 8:24 PM  
**To:** Ring, Kevin (Shld-DC-Gov)  
**Subject:** RE: FW: FW: Matt Schlapp just called

Yes, we care. He is not suitable for this and seems to me that he would be a disaster. He is a liar (or Matt is) because the two people Matt claims are clamoring for him claim not to know him at all.

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

**From:** Ring, Kevin (Shld-DC-Gov)  
**Sent:** Wednesday, January 30, 2002 9:16 PM  
**To:** Abramoff, Jack (Dir-DC-Gov); Rudy, Tony (Shld-DC-Gov)  
**Subject:** Re: FW: FW: Matt Schlapp just called

Do we care about Crane for some reason?  
Kevin Ring

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

**From:** Abramoff, Jack (Dir-DC-Gov) <abramoffj@gtlaw.com>  
**To:** Ring, Kevin (Shld-DC-Gov) <ringk@gtlaw.com>; Rudy, Tony (Shld-DC-Gov) <rudyt@gtlaw.com>  
**Sent:** Wed Jan 30 21:11:36 2002  
**Subject:** FW: FW: Matt Schlapp just called

I am really pissed at this point. They are positioning this to get it to Radewagen. A-holes.

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

**From:** Susan Ralston - @GWB [REDACTED] Ralston@rnchq.org]  
**Sent:** Wednesday, January 30, 2002 8:30 PM  
**To:** abramoffj@gtlaw.com  
**Subject:** Re: FW: Matt Schlapp just called

From what I heard, crane didn't look good. Also, radewagen knows KR but KR is not pushing him Susan Ralston

Please send all replies to [REDACTED]ralston@georgewebush.com -----Original Message-----

**From:** abramoffj@gtlaw.com <abramoffj@gtlaw.com>  
**To:** Susan Ralston - @GWB [REDACTED]ralston@rnchq.org]  
**Sent:** Wed Jan 30 19:57:03 2002  
**Subject:** FW: Matt Schlapp just called

Please don't say anything to Matt about this just yet (so we don't look like we are running behind his back to you), but this whole OIA thing with their new candidate is very fishy. The guy they were pushing now (Crane) is not suited for this at all. Plus, they claim that [REDACTED] and Grover are pushing for him. I spoke to both of them: they have never heard of him. This is so darned frustrating.

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

**From:** Rudy, Tony (Shld-DC-Gov)  
**Sent:** Wednesday, January 30, 2002 2:43 PM  
**To:** Abramoff, Jack (Dir-DC-Gov)  
**Cc:** Ring, Kevin (Shld-DC-Gov); Williams, Michael E. (Dir-DC-Gov)  
**Subject:** Matt Schlapp just called

Long call. Had ton of questions regarding OIA. Crane had a poor interview. Knew nothing of the issue. [REDACTED] with [REDACTED] was on the interview pushing him. Schlapp says [REDACTED] did mention him at some point. I told him that both [REDACTED] and Grover do not know him. Bad news: He said good things about Radewagen: "Rove is close to him." There was a

1

GTG-R000043



000306173

meeting at 5pm at Interior that may have just been cancelled. Promised to keep me informed. Also asked me a bunch of policy questions about CNMI and Guam

Tony Rudy  
Greenberg Traurig  
800 Connecticut Avenue, NW  
Suite 500  
Washington, DC 20515  
(202) [REDACTED]

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To reply to our email administrator directly, please send an email to [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com).

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**From:** Abramoff, Jack (Dir-DC-Gov)  
**Sent:** Thursday, January 10, 2002 5:51 PM  
**To:** [REDACTED] Schlapp@who.eop.gov'  
**Subject:** RE: did not get the fax yet

Thanks.

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

**From:** [REDACTED] Schlapp@who.eop.gov [REDACTED] Schlapp@who.eop.gov]  
**Sent:** Thursday, January 10, 2002 6:48 PM  
**To:** abramoffj@gtlaw.com  
**Subject:** Ré: did not get the fax yet

<< File: pic14875.pcx >> just got the resume from PPO; faxing it to the number you gave me right now

(Embedded  
image moved abramoffj@gtlaw.com  
to file: 01/10/2002 06:18:28 PM  
pic14875.pcx)

Record Type: Record

**To:** Matthew A. Schlapp/WHO/EOP@EOP  
**cc:**  
**Subject:** did not get the fax yet

Please let me know if you think it will be tonight still, or tomorrow. If tonight, I might want you to send to my home fax, since I have to leave for a meeting soon. Thanks Matt.

---

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To reply to our email administrator directly, please send an email to postmaster@gtlaw.com.



GTG-R006222

303492

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**From:** Abramoff, Jack (Dir-DC-Gov) [/o=GTLAW/ou=WDC/cn=Recipients/cn=abramoff] on behalf of Abramoff, Jack (Dir-DC-Gov)  
**Sent:** Friday, January 11, 2002 12:07 PM  
**To:** Ring, Kevin (Shld-DC-Gov)  
**Subject:** RE: fax from Matt Schlapp

That's horrible news! We need more intel.

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

**From:** Ring, Kevin (Shld-DC-Gov)  
**Sent:** Friday, January 11, 2002 11:09 AM  
**To:** Abramoff, Jack (Dir-DC-Gov)  
**Subject:** RE: fax from Matt Schlapp

Kimo talked to Radewagon's wife and she said Cohen is a great choice.

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

**From:** Abramoff, Jack (Dir-DC-Gov)  
**Sent:** Friday, January 11, 2002 11:04 AM  
**To:** Ring, Kevin (Shld-DC-Gov)  
**Subject:** RE: fax from Matt Schlapp

I am just worried that he might be a Radewagon guy, since he is a Samoan, as is Radewagon's wife. Can you have someone call Radewagon from the Hill asking about this guy, saying that he is a candidate for OIA and the Hill is checking up on him?

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

**From:** Ring, Kevin (Shld-DC-Gov)  
**Sent:** Friday, January 11, 2002 10:12 AM  
**To:** Abramoff, Jack (Dir-DC-Gov)  
**Subject:** RE: fax from Matt Schlapp

Geez. This guy is unbelievably qualified. Not only that, he raised money for both George Sr. and George W. Although he seems like a squish, that political background no doubt is going to help him.

He's never been in DC for a job, so we are going to have a limited number of people to ask about him.

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

**From:** Abramoff, Jack (Dir-DC-Gov)  
**Sent:** Friday, January 11, 2002 10:00 AM  
**To:** Gertner, Ilisa (AdmAst-DC-Gov); Ring, Kevin (Shld-DC-Gov)  
**Cc:** Bozniak, Allison R. (AdmAst-DC-Gov/Adm)  
**Subject:** fax from Matt Schlapp  
**Importance:** High

I just faxed our machine the resume of the guy they want to hire for OIA. Kevin, can you check him out as soon as possible? we need to find out if he is a bad guy and if so why. Ilisa, please get Kevin the fax. Thanks.



GTG-R006221

303296



**Unknown**

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**From:** Abramoff, Jack (Dir-DC-Gov) [/o=GT LAW/ou=WDC/cn=Recipients/cn=abramoffj] on behalf of Abramoff, Jack (Dir-DC-Gov)  
**Sent:** Friday, January 11, 2002 10:01 AM  
**To:** 'Matt Schlapp'  
**Subject:** Cohen

We are checking up on him and will get back to you asap on it.



**GTG-R000026**

000303320

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**From:** Gibson, Duane R. (Shld-DC-Gov/Adm)  
**Sent:** Tuesday, June 25, 2002 3:41 PM  
**To:** Matt Schlapp (E-mail)  
**Subject:** Corps Assistant Secretary

  
DUPRESUM ASA(civ  
works)detail...

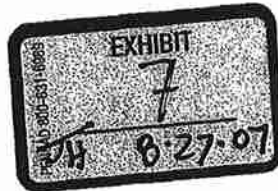
Matt—this is a resume of a friend of mine, Lee Forsgren, who is up for the Assistant Secretary of the Army having responsibility over the civil works program at the Corps of Engineers.

Several Members and Senators have endorsed Lee, and he is an exceptional candidate who knows the wetlands and civil works program very, very well.

If his candidacy advances to your office, you guys would be wise to select Lee. He is a solid Republican and would represent the President's interests very well—substantively and politically.

Hope all is well. By the way, last week I was in the Miami-Dade office building of all places representing one of our clients—the Mayor!

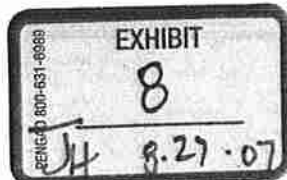
Duane R. Gibson  
Greenberg Traurig  
800 Connecticut Ave. N.W.  
Suite 500  
Washington, D.C. 20006  
202 [REDACTED] (Phone)  
202 [REDACTED] (FAX)  
gibsond@gtlaw.com



GTG-R001781

005900079

**REDACTED**



H0GR002-0900

H0GR002-0900

**REDACTED**

**REDACTED**

**REDACTED**

Ken Mehlman

02/07/2002 06:27:02 PM

Record Type: Record

H0GR002-0903

To: Ken Mehlman/WHO/EOP@EOP  
cc: Matthew A. Schlapp/WHO/EOP@EOP, Katherine G. Marinis/WHO/EOP@EOP, Edward Ingle/WHO/EOP@EOP, Adrian G. Gray/WHO/EOP@EOP  
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.



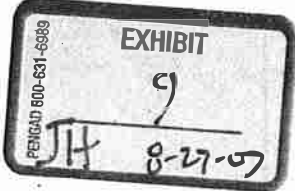
**From:** Ken\_Mehlman@who.eop.gov  
**Sent:** Thursday, February 07, 2002 6:27 PM  
**To:** Ken\_Mehlman@who.eop.gov  
**Cc:** Matthew\_A\_Schlapp@who.eop.gov; Katherine\_G\_Marinis@who.eop.gov; Edward\_Ingle@who.eop.gov; Adrian\_G\_Gray@who.eop.gov  
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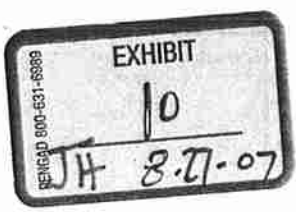
3

WAXEM00000052


File Edit View Insert Format Tools Actions Help
Save and Close Recurrence... Invite Attendees...
Times New Roman 12
Appointment | Scheduling

This appointment occurs in the past.
Subject: Asset Deployment Meeting
Location: EEOB 450
Start time: Wed 10/1/2003 2:45 PM
End time: Wed 10/1/2003 3:45 PM
Reminder: 15 minutes Show time as: Busy Label: None

Original Message
From: Gray, Adrian G. [mailto:Adrian.G.Gray@who.eop.gov]
Sent: Monday, September 22, 2003 7:33 PM
To: Libby.Camp@dhs.gov; doug.hoelscher@dhs.gov; lkaufman@doc.gov; AFleischer@doc.gov; Lkaufman@doc.gov; dgrubb@doc.gov; Joe.McMonigle@hq.doe.gov;
jennifer.minton@hq.doe.gov; John.Shaw@eh.doe.gov; Doug.Domenech@ios.doi.gov; Brian.Waldmann@ios.doi.gov; David.Higbee@usdoj.gov;
Susan.Richmond@usdoj.gov; korsmo-michelle@dol.gov; law-steven@dol.gov; Gulick.Whitney@dol.gov; Kalvritnos.Jack@dol.gov; Quintin.Kendall@ost.dot.gov;
Kim.Nickles@do.treas.gov; Kimberly.Rawson@do.treas.gov; Stacey.Lukens@ed.gov; cheryl.oldham@ed.gov; sinclair.kelly@epa.gov; larrylyn.bertocchio@gsa.gov;
rec: schofield@hhs.gov; Scott.Whitaker@hhs.gov; Frank\_R.\_Jimenez@hud.gov; david\_m.\_hazelton@hud.gov; jennifer\_e.\_jones@hud.gov; Gartland, Lavin;
cc: xrris@sba.gov; Lisa.Goeas@sba.gov; tim.adams@do.treas.gov; cfrench@usaid.gov; drew.deberry@usda.gov; todd.ferrara@usda.gov; dwm@usda.gov;
bill.brough@mail.va.gov; jeff.phillips@mail.va.gov
Cc: Opa - Political Affairs; agray@georgewbush.com
Subject: Asset Deployment Meeting - 10/1
Folks - We will have an Asset deployment meeting at the White House next Wednesday (October 1st) at 3pm. It will be held in room 450 of the Eisenhower Executive Office building. A number of people from the White House will speak (Karl Rove, Matt Schlapp, maybe others). It should be rather informative. Please let me know if you will be able to attend - and send your (or your replacement's) WAVES info (date of birth, social security number) if you are coming. Let me know if you have any questions. Thanks - look forward to seeing you then.
AG
PS - this will be my last mtg as I am leaving the White House soon. My replacement will be announced shortly.



**Strategic Overview**



**Matt Schlapp**  
Director, Office of Political Affairs

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**The President's Focus**

- **Win War on Terrorism, Protect Homeland**
- **Strengthen Economy**
- **Reform Education and Health Care**
- **Build an Ownership Society**
- **Encourage a Culture of Responsibility**

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**Economy**

- **America had the fastest growing economy of any major industrialized nation in the world in the second half of 2003.**
- **Employment over the last year was up in 44 states and unemployment was down in 47 states.**
- **More than 1.1 million jobs have been added since August.**
- **Inflation, interest rates, and mortgage rates are near historic lows.**
- **Real after-tax income in America has increased 10% since December 2000.**

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PENGAD 800-431-6688  
EXHIBIT  
11  
JH 8-27-07

### **Health Care**

- **Since 2001, the Bush Administration has increased the number of people served in health centers by almost 30%.**
- **Increased funding for biodefense preparedness is strengthening our homeland security and improving public health surveillance.**
- **Federal funding of state high-risk pools and Community Health Centers will make health care more affordable.**
- **All Americans will benefit from lower prescription drug prices.**

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### **Transition to Iraqi Self-Government**

- 1. Handing over authority to a sovereign Iraqi government.**
- 2. Establishing the stability and security in Iraq that democracy requires.**
- 3. Continuing to rebuild Iraq's infrastructure.**
- 4. International support for a free Iraq.**
- 5. Working to free, national elections by January 2005.**

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### **The Political Landscape**



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**2002**

- **First time White House party gained control of U.S. Senate in midterm election.**
- **First time a President's party has increased margin in U.S. House in first midterm since 1934.**
- **Republicans held majority of governorships despite defending 23 of 36 races.**
- **Republicans gained 175 state legislature seats, despite historic average loss of 350 seats for White House party.**

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**2002 Races**

<b>POTUS:</b>	<b>151 Events</b>
<b>VPOTUS:</b>	<b>97 Events</b>
<b>Other:</b>	<b>1,047 Events</b>
<b>Total:</b>	<b>1,295</b>

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**2003**

- **First time since 1954 GOP holds majority of state legislators.**
- **First time since 1954 GOP Governors in four largest states: CA, TX, NY, FL**
- **First GOP Governor in KY in 32 years.**
- **Second GOP Governor in MS in 130 years.**

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**2003 Races**

**POTUS: 6 Events**

**VPOTUS: 3 Events**

**Other: 12 Events**

**Total: 21**

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**2004:**

	Republican	Democrat
<b>Presidency</b>	<b>1</b>	
<b>*House</b>	<b>228</b>	<b>205</b>
<b>Senate</b>	<b>51</b>	<b>49</b>
<b>Governors</b>	<b>28</b>	<b>22</b>
<b>State Legislatures</b>	<b>21</b>	<b>17</b>
<b>State Legislators</b>	<b>3,667</b>	<b>3,642</b>

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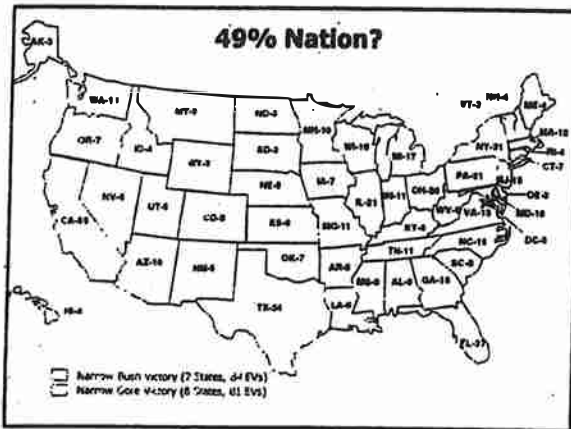
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**49% Nation?**




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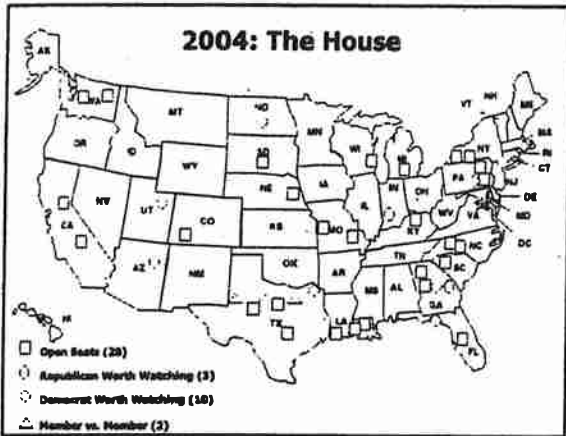
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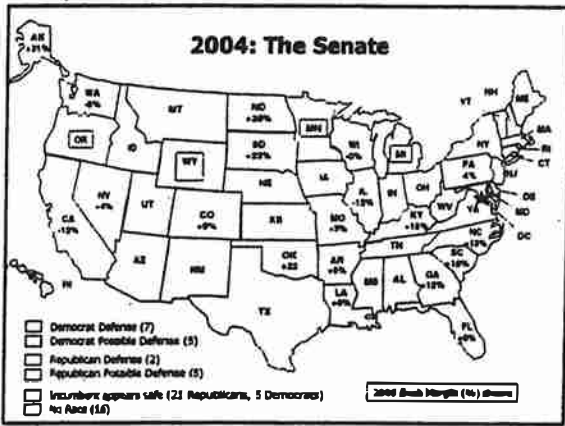
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### Party I.D. Trends

**ABC News:**

- GOP ID increased between 1981 and 2003 from 24% to 31% (record high)
- Democrat ID declined from 37% to 31% (record low)

**Pew:**

- Five-point swing in party ID toward GOP between 1997 and 2003
- 30% now GOP, 31% Democrats

**Gallup:**

- Five-point swing in party ID toward GOP between 1993 and 2003
- 45.5% now GOP/Lean GOP, 45.2% Dem./Lean Dem.

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### Gallup State Classifications

	1993		2003		Net Δ in States
	States	1991-2000 EVs	States	2001-2010 EVs	
"Solid Dem" States	26	330	14	175	-12
"Closely-Matched" States	17	170	16	191	-1
"Solid GOP" States	8	38	21	172	+13

Includes District of Columbia, Alaska and Hawaii added to results although they were excluded from Gallup study.

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### President's Strength on Attributes

- **Has Vision** **77%**
- **Shares Moral Values** **68%**
- **Strong Leader** **64%**
- **Like Personally** **57%**
- **Honest, Trustworthy** **56%**
- **Means What He Says** **56%**

Source: ABC/Newsweek Poll, April 15-18, 2004; CBS/New York Times, April 13-27, 2004; CNN/USA Today/Gallup, April 14-18, 2004; Democratic Conv., April 18-27, 2004.

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### Q & A




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# Political Briefing

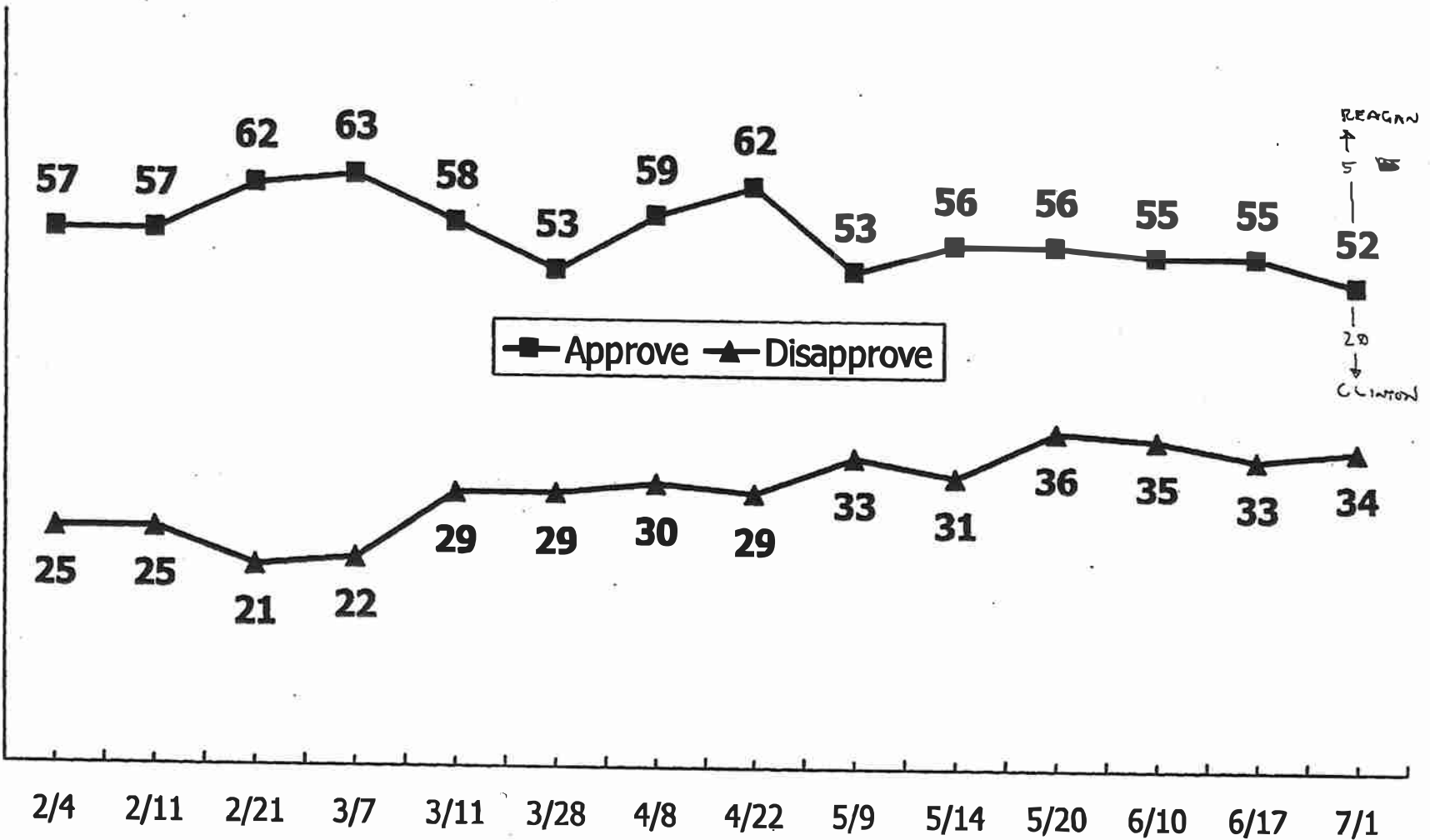
July 12, 2001



**Ken Mehlman**  
**Director of Political Affairs &**  
**Deputy Assistant to the President**  
**456-5240**

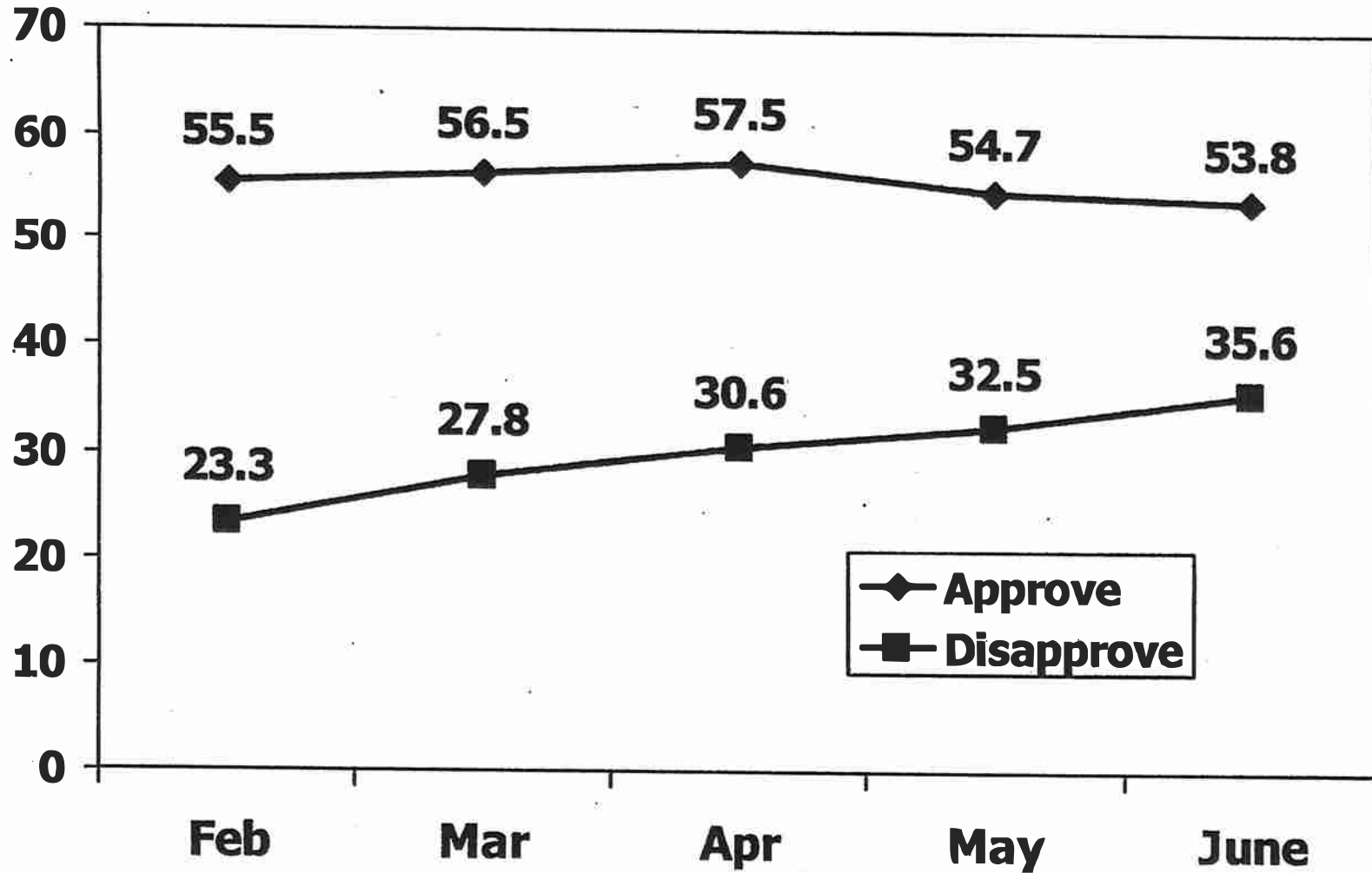


# Gallup Presidential Job Approval



# Bush Job Approval in Public Polls

Average by Month

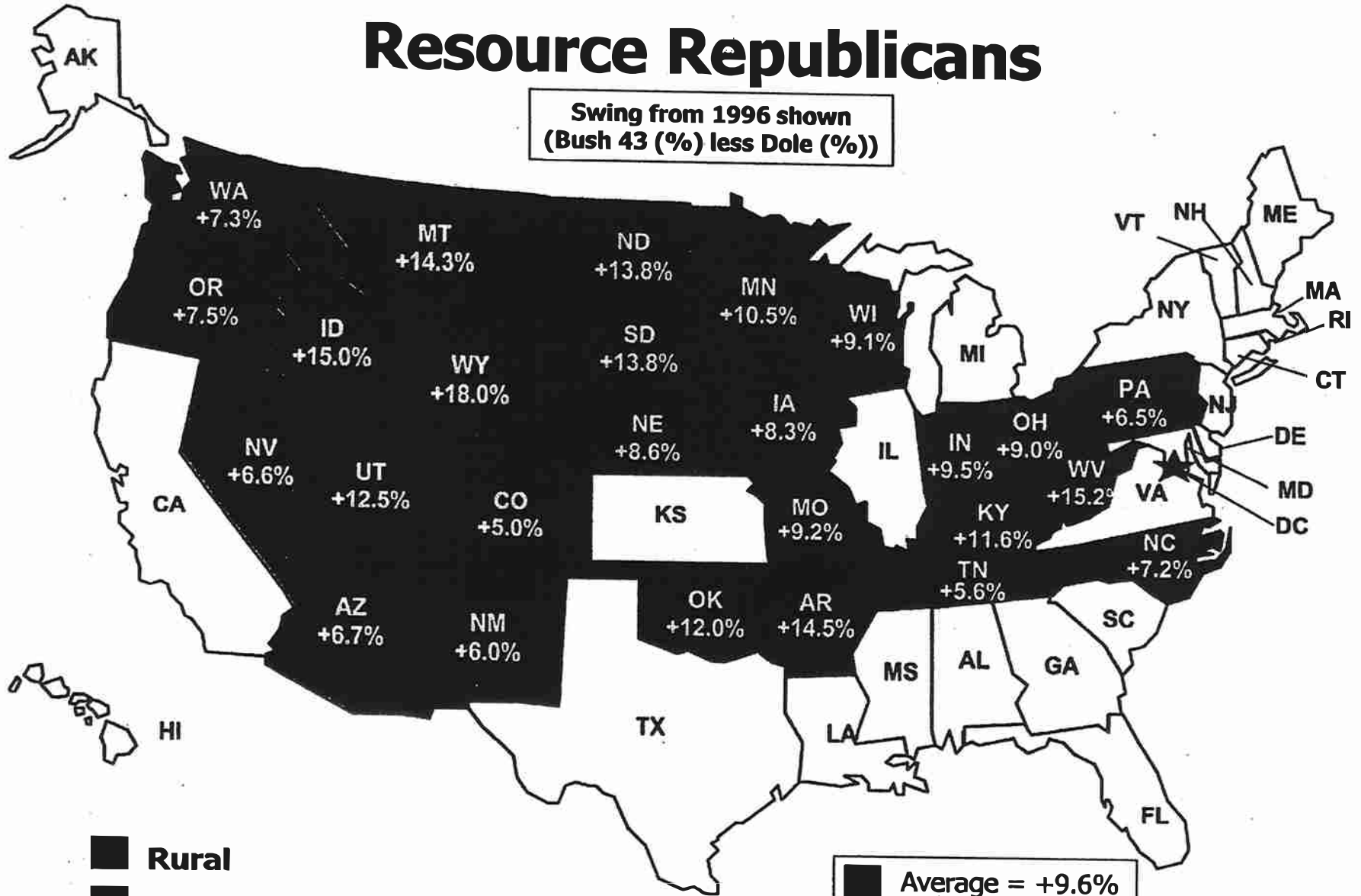


# Competitive Presidential States



# Resource Republicans

Swing from 1996 shown  
(Bush 43 (%) less Dole (%))



- Rural
- Coal, Steel, Tobacco, Endangered Species
- Sagebrush Rebellion States

■ Average = +9.6%  
 ■ Average = +9.1%  
 ■ Average = +10.5%

## Key Media Markets

States	Media Markets
<b><i>Tier One</i></b>	
Florida	Tampa/St. Pete, Orlando/Daytona Beach, Miami
<b><i>Tier Two</i></b>	
New Mexico	Albuquerque
Nevada	Las Vegas, Reno
Arkansas	Little Rock, Fort Smith
Tennessee	Nashville, Memphis, Knoxville
West Virginia	Charleston, Clarksburg, Bluefield
New Hampshire	Manchester (Boston)
Missouri	St. Louis, Kansas City, Springfield
Ohio	Cleveland, Cincinnati, Columbus, Dayton
<b><i>Tier Three</i></b>	
Wisconsin	Milwaukee, Green Bay, Madison
Oregon	Portland, Eugene
Michigan	Detroit, Grand Rapids/Kalamazoo, Flint/Saginaw/Bay City
Pennsylvania	Philadelphia, Pittsburg, Harrisburg, Wilkes Barre/Scranton
Maine	Portland, Bangor
Iowa	Des Moines, Cedar Rapids/Waterloo, Davenport
Minnesota	Minneapolis

# Competitive House Districts

CD	Member
<b>107th Congress</b>	
CA-03	Ose
CA-04	Doolittle
CA-23	Gallely
CA-38	Hom
CO-06	Tancredo
CT-02	Simmons
CT-06	Johnson (redistricting)
FL-08	Keller
FL-22	Shaw
GA-07	Barr
GA-08	Chambliss
IA-02	Leach
IA-04	Ganske
IA-05	Latham
IL-10	Kirk
IL-15	Johnson
IL-20	Shimkus
IN-02	Pence
IN-08	Hostettler
KY-01	Whitfield
KY-03	Northup
KY-06	Fletcher
LA-06	Baker
MD-08	Morella
ME-02	OPEN
MI-07	Smith
MI-08	Rogers

CD	Member
MN-01	Gutknecht
MN-02	Kennedy
MO-02	Akin
MO-06	Graves
MS-03	Pickering
MT-al	Rehberg
NC-08	Hayes
NH-01	Sununu
NH-02	Skeen
NJ-07	Ferguson
NM-01	Wilson
NY-01	Grucci
OH-01	Chabot
OH-12	Tiberi
OK-02	Carson
PA-04	Hart
PA-10	Sherwood
PA-15	Toomey
SC-04	DeMint
SD-al	Thune
TN-04	Hillary(open seat)
TX-05	Sessions
TX-14	Paul
VA-02	Schrock
VA-04	Forbes
WA-02	Larsen
WA-05	Nethercutt
WV-02	Capito

## Payment of Expenses Associated with Travel by the President and Vice President

Funds appropriated for the official functioning of the offices of the President and the Vice President may be used for travel expenses only if the travel is reasonably related to an official purpose; and, official activities may be funded only from funds appropriated for such purposes. Thus appropriated funds should not be used to pay for political travel and political funds should not be used to pay for official travel.

Whether an event is official or political for purposes of paying its expenses must be determined on a case-by-case basis, and both the nature of the event and the nature of the individual involved should be considered.

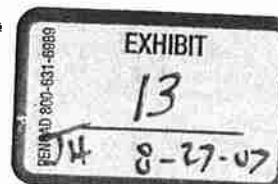
Where both official and political activities occur on the same trip, the expenses of individuals on the trip for both political and official reasons can be apportioned between the government and a political committee on a basis which reflects the time spent on the respective activities. During the period of a presidential election campaign, Federal Election Commission regulations may require a different rule of allocation.

March 24, 1982

### MEMORANDUM OPINION FOR THE COUNSEL TO THE PRESIDENT

This memorandum responds to your request for our advice about the payment of expenses associated with travel by the President or Vice President. We are to assume that travel by the President or Vice President may often include both official events, undertaken as part of the President's or Vice President's official roles as governmental leaders, and purely political events, undertaken for partisan purposes in order to advance the interests of the President's and Vice President's political party. This mixed character of much presidential and vice presidential travel follows naturally from their dual roles as governmental officials and leaders of their party. You have asked us to articulate the legal principles governing the allocation and payment of costs associated with such travel.

Several caveats must be noted at the outset. First, our opinion should not be read as a declaration that the generally applicable principles will necessarily lead to an inflexible result in a particular case. In fact, the principles are of such generality that they often will generate few determinate results. They thus must be viewed as general guides to decisionmaking. Second, the principles should be applied to a particular trip by the officials most familiar with the facts of the trip. Each case may present unique circumstances that will need to be taken into





account in determining, for instance, whether an event is "official" or "political" in character. As we will indicate, there is considerable room in this context for the careful use of informed discretion. Third, this opinion focuses on broadly applicable legal principles, not on the specific rules adopted by the Federal Election Commission for election activity. See 11 C.F.R. Chapter 1 (1981). If, in light of this opinion, particular questions arise, we will, of course, be glad to address them.

Furthermore, the principles discussed in this opinion may be fully understood only with an appreciation of the unique context presented by the peculiar functions and responsibilities of the President and Vice President in our system of government. They are the senior officials of the Executive Branch of government. Their official roles are necessarily political in the broad sense that they must formulate, explain, advocate, and defend policies. To the extent that the President and Vice President generate support for their policies and programs, they are also executing and fulfilling their official responsibilities. Even the most clearly partisan activity is not without some impact on the official activities of the President and Vice President.

By the same token, official success or failure by the President and Vice President has an inevitable and unavoidable impact on the standing of their political party, members of their party, and their party's candidates for public office. Thus, it is simply not possible to divide many of the actions of the President and Vice President into utterly official or purely political categories. To attempt to do so in most cases would ignore the nature of our political system and the structure of our government. Accordingly, efforts to establish such divisions must be approached with common sense and a good faith effort to apply the spirit of the principles we discuss in this memorandum, and they must be judged with considerable deference to the decisions of the persons directly involved in making the determinations.

With this background, our discussion will focus on three major questions. First, what are the basic legal principles to be applied, putting aside specialized restrictions formulated by the Federal Election Commission with regard to election activities? Second, how does one determine whether an event giving rise to an expense is "official" or "non-official" in character? Third, assuming that a trip involves events that are both official and non-official (or political) in character, may certain of the expenses for such a mixed trip be apportioned between the government, on the one hand, and a political committee, on the other hand? In the fourth section, we will discuss other considerations that bear on the issues discussed herein.

## I. Two Basic Norms

When considering payment of expenses associated with presidential and vice presidential travel, two major principles governing the use of appropriated funds must be borne in mind. First, appropriated funds may be spent only for the purposes for which they have been appropriated. 31 U.S.C. § 628; 52 Comp.

Gen. 504 (1973); 50 Comp. Gen. 534 (1971). Thus, funds appropriated for the official functioning of the offices of the President and the Vice President may be used for travel expenses only if the travel is reasonably related to an official purpose. If, however, there is no reasonable connection between the expense incurred and the official purposes to be served by an appropriation—as, generally speaking, there would not be when an expense is incurred purely for partisan political purposes—official funds may not be used to pay the expense.

The second basic principle is that, in general, official activities should be paid for only from funds appropriated for such purposes, unless Congress has authorized the support of such activities by other means. Stated another way, although appropriated funds should not be used for non-official purposes, it is equally true that outside sources of funds may not be used to pay for official activities. This latter principle, which prevents the unauthorized augmentation of appropriations, has been recognized by the Comptroller General on numerous occasions.<sup>1</sup> A problem concerning an unauthorized augmentation of an appropriation does not arise when a trip is purely non-official in character and non-official funds are used to pay for it. Rather, the issue arises only where an official activity is supported by non-appropriated funds and where there is no authority for that to occur.

In short, appropriated funds should not be used to pay for political events, and absent authority to the contrary, political funds should not be used to pay for official events. The difficulties of applying these principles arise because both types of activities may occur on the same trip and because it is exceedingly difficult in many instances to determine what is official and what is political.

## **II. What Tests Should Be Used for Determining Whether an Expense Should Be Considered “Political” or “Official?”**

Because officials will wish to ensure that appropriated funds are used only to pay for expenses associated with official events and are not used to pay for political expenses, it will be necessary to determine on a case-by-case basis whether an expense is official or political in character. As discussed generally above, there is unfortunately no single litmus test for making such judgments. Indeed, many events could be characterized properly as either political or official or both. Therefore, in making this determination the persons most familiar with the facts of a particular trip will have to assess all of the circumstances involved and apply a large measure of common sense. There are, however, two major variables concerning the source of the expense to be borne in mind: the nature of the event involved, and the nature of the individual involved. Either, or both, of these indicia may be useful in a particular case in determining whether a particular expense should be considered official or political.

With respect to the nature of the event giving rise to an expense, an earlier opinion of this Office, entitled “Political Trips” and transmitted to the Counsel to the President on March 15, 1977, stated the following guidelines:

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<sup>1</sup> See, e.g., 23 Comp. Gen. 694 (1944); 46 Comp. Gen. 689 (1967). See also 9 Comp. Dec. 174 (1902); 17 Comp. Dec. 712 (1911).

As a general rule, Presidential and Vice Presidential travel should be considered 'political' if its primary purpose involves their positions as leaders of their political party. Appearing at party functions, fundraising, and campaigning for specific candidates are the principal examples of travel which should be considered political. On the other hand, travel for inspections, meetings, non-partisan addresses, and the like ordinarily should not be considered 'political' travel even though they [sic] may have partisan consequences or concern questions on which opinion is politically divided. The President cannot perform his official duties effectively without the understanding, confidence, and support of the public. Travel and appearances by the President and Vice President to present, explain, and secure public support for the Administration's measures are therefore an inherent part of the President's and Vice President's official duties (pages 11-12).

We concur with the foregoing rules of thumb, which are based largely on a common sense understanding of the nature of political and official activities.<sup>2</sup>

While we would hope that the foregoing generalities may be useful guides for the future, they should not be viewed as inflexible. There clearly is much room for discretion in determining whether an event giving rise to an expense is political or official. At bottom, the question is a factual one that can only be answered by those most familiar with the particular facts of a given situation. Nonetheless, in general, if the purpose of an event on a trip is to promote the partisan aims of the President's or Vice President's party or candidates of that party, then expenses incurred in performing the event would generally be political in character. Should particular questions arise about specific events, we would be glad to provide more concrete advice concerning them.

The second variable that may, in some circumstances, determine the character of a particular expense incurred on a trip is the nature of the individual whose activity generates the expense. There are some individuals who, in particular situations, are on a trip for inherently official or political purposes. Expenses incurred by them should generally be viewed as either official or political depending on their particular role. For instance, there are some persons whose official duties require them to be with the President, whether or not the President himself is on official business.<sup>3</sup> This group includes the President's doctor, his military aide, and the Secret Service agents responsible for his protection.<sup>4</sup> A similar group would exist for the Vice President. Expenses incurred during travel with the President or Vice President by this group of individuals should be

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<sup>2</sup> Although we generally agree with this earlier opinion of this Office, we would note that much of its advice is of a prudential, not strictly legal, character. In the present memorandum, we do not undertake to specify rules that are not legally mandated. Moreover, the earlier opinion itself takes pains to stress the flexibility that exists in determining whether, in a particular case, travel by the President is official or political (see page 7).

<sup>3</sup> This point is the same as stated in the March 15, 1977, opinion of this Office, entitled "Political Trips" (pages 9, 15-16).

<sup>4</sup> This list is not intended to be exhaustive. The President may, in his discretion, determine that others are necessary members of his official party whenever he travels.

considered official regardless of the character of the event that may be involved in a given trip.

Similarly, on an otherwise entirely official trip, an individual may accompany the group for purely political reasons. As a rule, any expenses specifically incurred by such individuals should be considered political expenses, regardless of the events involved in the trip.

In short, as we noted at the outset of this section, there is no single test for determining whether an expense is political or official in character. Viewed generally, expenses of individuals whose official duties require them to travel with the President or Vice President should normally be considered official. Expenses of individuals who are on a trip for purely political reasons should normally be considered political. Expenses associated with individuals who are not necessarily serving in either a wholly official or wholly political capacity—such as the President or Vice President or other individuals in the White House who may, consistent with their official duties, perform political functions—should normally be judged to be official or political depending on the character of the event giving rise to the expense.

### **III. On a Mixed Trip Including Both Official and Political Activities, Can Certain Expenses Be Apportioned Between the Government and a Political Committee?**

Based on what we have said thus far, the following conclusions may be stated. First, if all events during a trip are political in character, the only official expenses on the trip would be those associated specifically with the group of individuals whose official duties require them to accompany the President and Vice President. Second, if all events on a trip are official in character, the only political expenses would be those associated specifically with individuals who accompany the President and Vice President on the trip for purely political reasons. This means that on a trip that is entirely official, any expenses associated with the President or Vice President or others who are not necessarily on the trip for purely official or purely political reasons should be considered official. Conversely, on a trip that is entirely political, expenses associated with persons who are not necessarily on the trip for wholly official or wholly political reasons should be considered political.

A question remains, however, concerning expenses associated with individuals whose purpose for being on a trip is not necessarily only political or only official, when the trip itself is for both official and political purposes. Specifically, on a mixed trip involving a substantial official element and a substantial political element, can the expenses associated with the President or Vice President or others who are on the trip for both reasons be apportioned between the government and a political committee? There are several possible views on this question.

It might be argued, for example, that the performance of an official event during a trip could not have been accomplished without incurring certain expend-

itures and that, therefore, the entire cost of the trip should be treated as official and should be paid out of appropriated funds, with the sole exception being incremental expenses associated specifically with a political activity (e.g., a hotel bill for an extra night's lodging necessitated entirely by a political event on the following day). This approach is grounded on the assumption that to permit any other apportionment of the cost of a trip to a political committee would allow the official budget to benefit from an unauthorized augmentation of appropriations. Since the expenses incurred were necessary to accomplish an official purpose, on this view they must be paid for in full with appropriated funds.

The opposite theory could also be advanced. That is, if there is any political activity on a trip, a political committee could theoretically be required to pay for the trip's entire cost (except for incremental expenses specifically attributable to an official event). This theory proceeds on the assumption that any other approach would allow the President's or Vice President's political activities to be subsidized by their official appropriations.

A third approach, which in effect combines the first two, is suggested by a prior opinion of this Office, transmitted to the Counsel to the President on September 17, 1980, and entitled "Reimbursement of Travel Expenses Incurred by Government Officials on Mixed Official and Campaign Trips." That opinion responded to a question about the operation of a Federal Election Commission (FEC) rule under which a campaign committee's share of the costs of a mixed official-political trip is the full cost of the trip from the point of origin through each campaign-related stop and back to the point of origin. 11 C.F.R. § 9004.F.<sup>3</sup> After the FEC adopted this rule, the White House Counsel's Office assumed that the expense to the government for such a trip would be the difference between the trip's actual cost and the amount reimbursed by the campaign committee. However, the Counsel's Office was concerned that such diminishment of the actual expense to the government could constitute an unauthorized augmentation of appropriations. For that reason, it sought an opinion of this Office.

The September 17, 1980, opinion concluded that, if the government were to pay only the difference between the actual cost of a trip and the amount reimbursed by the campaign committee under the FEC rule, there would be an unauthorized augmentation of appropriations (assuming no authority to accept contributions) so long as the government were allowed to "reap the benefit" of the enhanced payment of expenses by the campaign committee under the FEC rule. To cure this problem, the opinion stated that an accounting system should be devised to charge "the full allocated travel costs to *both* the Campaign Committee and the government agency," with a deposit of any excess funds in the Treasury (page 4, emphasis added).

While we express no view regarding the correctness of this third approach during the period of a presidential election campaign when the Federal Election

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<sup>3</sup> For instance, if a trip from Washington, D.C., to Chicago were taken for official purposes, and then a trip from Chicago to Denver were taken for campaign purposes (with a return from Denver to Washington, D.C.), under the FEC rule the campaign committee would have to make reimbursement for the cost of travel from Washington, D.C., to Denver and back to Washington, D.C.

Commission's regulations would be applicable, we do not believe that the approach correctly reflects the requirements that apply outside the campaign period. We believe that the first two approaches are unreasonable solutions to the problem because each tilts the scales completely toward one of the two conflicting guiding principles and results either in an inappropriate augmentation of appropriated funds or the subsidization of political activity with appropriated funds. The approach of the September 17, 1980, Office of Legal Counsel opinion attempts to address these problems in, we believe, an unrealistic and unnecessary way by requiring one trip to be paid for twice—both with official funds *and* with political funds.

In our view, a fourth approach which attempts in good faith to apportion the costs of such a trip on the basis of a reasonable division between the time spent on political activities and the time spent on official activities is a more reasonable and a legal resolution of the underlying problems. For example, if 50 percent of a single day's events are political and 50 percent are official, approximately 50 percent of the costs associated with participants whose roles are not necessarily either official or political should be reimbursed by the political committee and 50 percent should be paid from appropriated funds, unless such an apportionment, under the particular circumstances, would on some basis be unreasonable or inequitable. We believe that such an approach faithfully accommodates both of the basic norms discussed in part I.

Thus, when there is a mixed trip involving the President or Vice President, the purpose of which is both substantially political and substantially official, expenses should be paid in the following manner: first, expenses for individuals who are necessarily official (Secret Service, etc.) should be paid for with appropriated funds; second, expenses for individuals who are necessarily political (campaign officials) should be reimbursed by a political committee; third, incremental expenses specifically attributable to an official event should be paid from appropriated funds, and incremental expenses specifically attributable to a political event should be paid from political funds; and finally, expenses for individuals whose official roles permit them to perform political activity should be reasonably and equitably apportioned so that a share reflecting the amount of a trip that is political in character should be paid by a political committee. If these general guidelines are followed, then the purposes of using appropriated funds for official purposes but not using such funds for political purposes will be achieved.

We must reaffirm the limited nature of our conclusion about apportionment. As we have indicated, some categories of expenses may have to be treated as entirely official or entirely political, and thus they would not be subject to apportionment. Apportionment would be appropriate only with respect to expenses associated with individuals whose official roles permit them to perform political functions, and only when those individuals are on a trip that itself is not entirely political or wholly official in nature.<sup>6</sup> In such circumstances, to accom-

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<sup>6</sup> We are not suggesting any specific formula for apportionment. For several formulae may be equally reasonable.

modate both of the guiding norms noted in part I, we believe that an apportionment of expenses between appropriated funds and the funds of a political committee which reflects the relationship between official and political activities may be made. We urge caution in applying such an approach, particularly in retaining records to substantiate any characterization of an event or trip as political or official that could be used in the future if, for instance, there should be an audit by the General Accounting Office.<sup>7</sup>

#### IV. Other Considerations

We would add one qualification to the preceding discussion. As noted in part I, official expenses, including expenses incurred during the President's and the Vice President's travel for official purposes, may not be paid for by funds other than those appropriated for official purposes unless there is authority to the contrary. An acceptable source of such authority would be a congressional authorization, in the form of a statute, for the President and the Vice President (or their respective offices) to accept gifts to defray their official expenses. This Office has concluded in the past that the White House Office and the Office of the Vice President do not have statutory authority to accept contributions or gifts. This legal premise provides the basis for the conclusion that the payment by a political committee of official travel expenses incurred by the President or Vice President would be an impermissible augmentation of the appropriations for these offices.

However, in the course of our research for this opinion, we reviewed a provision of law, 2 U.S.C. § 439a (1982), not considered in any of the prior opinions on this subject by this Office or by the Comptroller General, which appears to grant the President and Vice President gift authority, at least to the extent of authorizing them to accept contributions to defray their ordinary and necessary official expenses. Section 439a states in full:

*Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to*

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and some may be particularly well suited to particular trips. For example, a formula may be predicated on the number of hours spent on each event, the number of hours on the entire trip (including travel time) devoted to official or political affairs, the number of events devoted to each, or if a trip is devoted to one type of event in a distant city and another type in a nearby city on the return flight, on the relative distances travelled to each. While some general guidelines within these limits should be established for consistency in application, the overriding factor is the reasonableness of the apportionment in a specific situation. We would not exclude the possibility of creating an exception for de minimis involvement in official activity during a trip that would be treated as entirely political, and vice versa. We note that previous Administrations have made use of such a de minimis exception, as indicated in the background materials supplied to us by your office.

<sup>7</sup> In two opinions to several Senators, dated October 6, 1980, and March 6, 1981, the Comptroller General discussed the apportionment of travel expenses for purposes of their payment by official and political funds under the Carter Administration (B-196862). Apportionment was not objected to by the Comptroller General. The Comptroller General expressly noted, as we have observed here, that there are "no guidelines of a legally binding nature [which] have been established by legislation, judicial decision, or otherwise" (page 2 of March 6, 1981, opinion). These opinions, coupled with prior practice by the White House, buttress our conclusion that a reasonable apportionment may be made in the circumstances we have described.

*defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, may be contributed to any organization described in section 170(c) of . . . [the Internal Revenue Code of 1954], or may be used for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party; except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress on January 8, 1980, no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office. (Emphasis added.)*

The foregoing provision authorizes "amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office" to be used by such individual "to defray any ordinary and necessary expenses incurred in connection with his or her duties. . . ." The term "Federal office" is defined separately as including the Offices of the President, the Vice President, and Members of Congress. 2 U.S.C. § 431(c). Accordingly, on its face, this provision would appear to authorize use by the President and Vice President of amounts contributed to such individuals for the purpose of supporting their activities as President or Vice President. This would include expenses incurred in the course of official travel.<sup>8</sup>

We have consulted the legislative history of 2 U.S.C. § 439a, first adopted as part of the Federal Election Campaign Act Amendments of 1974, Pub. L. No. 93-443, 88 Stat. 1289, and have found nothing that would be inconsistent with such an interpretation. However, in the limited time available, we similarly have found nothing to indicate that Congress specifically considered the provision's application to the Office of the President or Vice President. The brief floor discussion of this provision<sup>9</sup> and of a similar provision in a predecessor bill<sup>10</sup> merely focused on its application to Members of Congress, who traditionally have been permitted to accept gifts to defray the expenses of their offices.<sup>11</sup> A regulation promulgated by the Federal Election Commission under this provision repeats the language of the statute. See 11 C.F.R. §§ 113.1 & 113.2. Thus, we are aware of no indication that Congress intended it to mean anything other than what it clearly says: that elected officials including the President and the Vice President may accept gifts to defray expenses incurred in connection with the performance of their duties.

<sup>8</sup> Of course, any applicable conflict of interest provisions would have to be borne in mind if § 439a were to be used as authority for the receipt of contributions for the President's or Vice President's travel expenses.

<sup>9</sup> See 120 Cong. Rec. 35139 (1974).

<sup>10</sup> See 119 Cong. Rec. 26606-07 (1973).

<sup>11</sup> Congress amended the provision in 1980, Pub. L. No. 96-187, §§ 105(4), 113, 93 Stat. 1354, 1366 (1980), generally to prohibit a federal official from converting contributed funds for his or her personal use. A specific exemption to this provision also was added for individuals who were Senators and Representatives on January 8, 1980.



Nevertheless, we would caution against complete reliance on § 439a until further consideration has been given to the authority under that statute for political committees to make contributions, and until the matter has been coordinated with the Federal Election Commission. In this connection, the Federal Election Commission has authority to render advisory opinions to federal officeholders about "the application of a general rule of law stated in" the Federal Election Commission Act, of which § 439a is a part. *See* 2 U.S.C. § 437(b). To our knowledge, the Commission has not been called upon to and thus has not formally addressed the application of § 439a to gifts made to the President or the Vice President to defray the expenses of their offices.

Moreover, even if § 439a ultimately is to be relied upon to grant gift authority for the President and Vice President, we would advise that guidelines be established for the receipt of contributions under the provision. This will be necessary since the Standards of Conduct regulations applicable to agencies in the Executive Office of the President, 3 C.F.R. §§ 100.735-(1)-(32), were not drafted with the intent of regulating contributions to meet the official expenses of the President and Vice President. Those regulations as currently drafted might not be consistent with full implementation of § 439a if that were desired.

THEODORE B. OLSON  
*Assistant Attorney General*  
*Office of Legal Counsel*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:27-JAN-2003 17:32:35.00

SUBJECT:: Re: Sched. C political briefing and morale booster

TO:"McCutcheon, John" <John.McCutcheon@HQ.DOE.GOV> ( "McCutcheon, John" <John.McCutc  
READ:UNKNOWN

CC:ken mehlman ( CN=ken mehlman/OU=who/O=eop@eop [ WHO ] )  
READ:UNKNOWN

TEXT:

Yes, check with Shaw and have him call. Great idea

"McCutcheon, John" <John.McCutcheon@HQ.DOE.GOV>

01/27/2003 05:34:00 PM

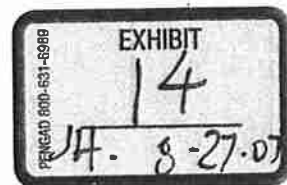
Record Type: Record

To: Ken Mehlman/WHO/EOP@EOP, Matthew A. Schlapp/WHO/EOP@EOP

cc:

Subject: Sched. C political briefing and morale booster

Gentlemen:



Given the major personnel changes over here, the influx of new political hires, etc., is there any chance of getting one or both of you over here to discuss what the '02 results mean going into '04, the makeup of Congress and

what we need to do as politicals to ensure success in '04. And, to remind

18

everyone for whom they work.

McCutch

- att1.htm

===== ATTACHMENT 1 =====  
 ATT CREATION TIME/DATE: 0'00:00:00.00

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<meta name=Originator content="Microsoft Word 10">

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</xml><![endif]--><!--[if gte mso 9]><xml>

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19

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**m:** Israelite, David  
**Sent:** Friday, March 23, 2001 1:39 PM  
**To:** Higbee, David  
**Subject:** RE: White House political affairs Schedule C briefing

OK - let's just make sure the briefing is policy in nature and not elective politics. Pls let me know if it is confirmed. Thanks.

—Original Message—

**From:** Higbee, David  
**Sent:** Friday, March 23, 2001 9:06 AM  
**To:** Israelite, David  
**Subject:** White House political affairs Schedule C briefing

White House Political Affairs left me a message yesterday about setting up a briefing for Sched. Cs. What specific instructions would you like me to give them regarding the limitations on the political nature of a briefing that can be given to Justice Department employees? They are considering Wed., April 4, 4:00 pm.



**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

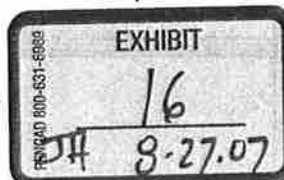
The next face-to-face Chief of Staff meeting has been scheduled for Friday, March 1 at 3pm in room 180 of the EEOB.

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  
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robert.wood@hhs.gov @ inet  
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john.flaherty@ost.dot.gov @ inet



4

MEMORANDUM

October 17, 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



August 4	Drug Event w/ Cong. Mike Sodrel (TBD, IN)	Completed
August 21	Meth Event w/ Cong. Shelley Moore Capito (Charleston, WV)	Completed
August 21	Drug Task Force Event w/ Cong. Geoff Davis (Ashland, KY)	Completed
August 24	Tour and Drug Event w/ Cong. Chris Chocola (South Bend, IN)	Completed
August 28	Synthetic Drug Control Strategy Event w/ Sen. Jon Kyl (Tucson, AZ)	Completed
August 29	Drug Event w/ Cong. Jim Gibbons (TBD, NV)	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	Drug Event w/ Senator Jim Talent (Union, MO)	Completed
October 3	Conference Call w/ members of the Montana Press (DC)	Completed
October 11	Drug Event w/ Cong. Jon Porter (Henderson, NV)	Completed
October 16	Meth Town Hall w/ Sen. Conrad Burns (Great Falls, MT)	Completed
October 23	Drug Event w/ Cong. Mike Fitzpatrick (Quakerstown, PA)	Scheduled
October 27	Drug Event w/ Cong. Ric Keller (Orlando, FL)	Scheduled

**Regretted/Retracted/Cancelled Events:**

TBD October	Drug Event w/ Cong. Jeb Bradley (TBD, NH) (may send Deputy Director)	Retracted
TBD 2006	Drug Event w/ Gov. Sonny Perdue (Atlanta, GA)	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