

GOVERNMENT
EXHIBIT

2

05 Cr. 394 (ID)

UNCLASSIFIED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

1

2

3

4 IN RE: JOHN DOE

5

6

~~SECRET~~

7

8

Grand Jury No. 03-3
3rd & Constitution, N.W.
Washington, D.C. 20001

9

Wednesday, March 24, 2004

10

11 The testimony of I. LEWIS LIBBY was taken in the
12 presence of a full quorum of the Grand Jury, commencing at
13 9:29 a.m., before:

14

15 RON ROOS
16 Deputy Special Counsel
United States Department of Justice

17 PETER R. ZEIDENBERG
18 Deputy Special Counsel
United States Department of Justice

19 KATHLEEN M. KEDIAN
20 Deputy Special Counsel
United States Department of Justice

21 PATRICK J. FITZGERALD
22 Special Counsel
U.S. Attorney's Office, Chicago

23

24

25

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1

PROCEEDINGS

2 | Whereupon,

I. LEWIS LIBBY

4 was called as a witness and, after first being duly sworn by
5 the Foreperson of the Grand Jury, was examined and testified
6 as follows:

EXAMINATION

8 BY MR. FITZGERALD:

9 Q. Good morning, Mr. Libby.

10 A. Good morning.

11 Q. And we're going to go -- the first break will be at
12 10:45, but if you need a break sooner than that, let us know.
13 I'd just like to briefly re-advise you of all your
14 constitutional rights, which is that, again, you have the
15 right to refuse to answer any question to which a truthful
16 answer would tend to incriminate you. Do you understand that
17 right? You just have to say yes or no.

A. Oh, yes, sir. I'm sorry. Yes, sir.

19 Q. And secondly, obviously even though you answered
20 questions the last time, you still have the right to refuse to
21 answer questions this time or change your mind at any time.
22 Do you understand that?

22 | Do you understand that?

23 A. Yes, sir.

24 Q. And obviously, you still have a right to counsel.
25 And in fact, you are represented by Mr. Tate, the same

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1 attorney as last time. Correct?

2 A. Correct, sir.

3 Q. And you understand that you have a right to ask for
4 a reasonable break, to step out of the room and consult with
5 Mr. Tate if you'd like. Correct?

6 A. Yes, sir.

7 Q. And you also understand that your testimony is under
8 oath and further that based upon your conduct, in particular
9 contact with reporters, your conduct is the subject of
10 investigation by this Grand Jury, as it was last time. Do you
11 understand that?

12 A. Yes, sir.

13 Q. And as we confirmed prior to you appearing --
14 reappearing here this morning with your attorney, you remain
15 the same status as a subject. You understand that?

16 A. Yes, sir.

17 Q. Okay. And are you ready to proceed?

18 A. Yes, sir.

19 Q. Okay. And is it fair to say, sir, that following
20 your last Grand Jury appearance which I believe was March 5th
21 of this year, just earlier this month, that you had a
22 conversation with your attorney and relayed to your attorney
23 that there were certain things that you wanted to correct or
24 amend following your testimony?

25 A. Yes, sir. I had additional recollections based on

1 some of the questions you asked me.

2 Q. And is it your understanding that your attorney then
3 called me and told -- advised me, my office, that in fact you
4 had two things you wanted to clarify, and that again this
5 morning we met briefly and you clarified those two matters?

6 A. Yes, sir.

7 Q. Okay. And now what I'd simply like to do is forget
8 you talked to me before and just explain to the Grand Jury the
9 two different areas you wanted to clarify.

10 A. Yes, sir. You asked me about conversations with
11 Undersecretary Marc Grossman, and at the time I couldn't
12 remember any such discussion because I was trying to remember
13 a serious discussion with him about this topic. One of your
14 questions though had to do with whether I thought State had
15 sent Under -- had sent Ambassador Wilson on this mission which
16 was so far off the mark in terms of what I thought at the time
17 that it stuck in my mind and I couldn't think about how -- I
18 couldn't understand how that misunderstanding could come
19 about. And then I -- in the middle of the night I remembered
20 that I had joked with Undersecretary Grossman about this, not
21 a serious discussion but a joke, and I can relay for you, if
22 you wish, how that joke came about and what it was.

23 Q. Sure.

24 A. Ribbing is probably a better word.

25 Q. Okay.

1 A. In the -- I have to go back in times to -- so that
2 you understand how it began. In, in the summer of 2002,
3 before President Bush went to the U.N. and challenged the U.N.
4 to respond seriously to the threat posed by Saddam Hussein and
5 his unwillingness to -- at that point admit inspectors and
6 abide by his obligation to turn over weapons of mass
7 destruction, there was a debate within the interagency,
8 meaning State Department, Pentagon, White House, about what,
9 what type of resolution -- what resolution and what type of
10 resolution we would need from the U.N. And one of the issues
11 was if we were going to go the U.N. and ask the U.N. to get
12 inspectors to Iraq readmitted, what sort of rights would we
13 need? And the Vice President asked me to get the interagency
14 together to determine, if you're going to go into Iraq and
15 inspect for weapons, as difficult as that is, what is -- what
16 are the rights that you would want, what are the authorities
17 you would want the inspectors, the U.N. inspectors, to have,
18 to have a reasonable shot at finding something given how
19 difficult it would be since he had hidden all his weapons.
20 This was the belief, the understanding at the time, that he
21 had made great efforts to hide things.

22 So I went to the interagency, to the NSC, and they
23 went out to the interagency and said, we would like to get a
24 study going of what are the types of rights you would need if
25 you were a U.N. inspector. What would you most want to have

1 if you could have the best set of rights you could possibly
2 have? I received word back from some people on the NSC that
3 Undersecretary Grossman had refused to participate, and he --
4 his view was that we couldn't get an ideal set of rights and
5 that he told the NSC that I was asking for this solely in an
6 attempt to get a long list that couldn't be achieved and then
7 to leak it, give it to the press to embarrass Secretary
8 Powell. That was not true and it was not why the Vice
9 President had asked me to go develop this list. It was in
10 order to get the best possible rights for the U.N. But it was
11 bothersome that he was not only not just calling me and
12 saying, hey, what's this about, but talking to people in the
13 NSC and accusing us, in effect, of, of putting this request in
14 bad faith when it was a request in good faith to find out what
15 does the U.N. need.

16 Eventually we went ahead with the study as best we
17 could. The State Department participated only up to the point
18 of what they thought the Secretary was likely to get, or
19 something like that.

20 That was, as I said, the fall of '02. Now, let me
21 skip forward to spring, or whenever it was that we were -- I
22 was in the SIT room. I recall now being in the SIT room with
23 Undersecretary Grossman. We were waiting for a DC to begin,
24 or we were waiting for them to change out between an old one
25 and a new one.

1 Q. Let me just stop you there. When you say "DC", do
2 you mean Deputies Committee Meeting?

3 A. I'm sorry, yes, sir.

4 Q. Okay.

5 A. A Deputies Committee. And we were standing there
6 and just waiting for it to go. And I -- to fill the time, I
7 ribbed Undersecretary Grossman by saying something like this
8 guy who went out to Niger was one of yours. And he smiled and
9 said, no, not one of ours, one of theirs, and pointed down the
10 table towards where the CIA officer usually sits in the
11 Interagency Meeting. And I said, but he was an ambassador,
12 meaning he was, you know, formerly at least at one point a
13 State Department person, and I was ribbing him about basically
14 that a State Department person had been leaking something when
15 he had been nine months before accusing us. And then, then I
16 said something about it's a, it's a sad state of affairs when
17 the CIA -- again, this was another ribbing again or -- it's a
18 sad state of affairs when the CIA has to get their own
19 ambassador to send to a country to ask questions about what
20 our embassy could be asking about, in effect. Again, it was
21 just a joke. And Grossman -- Undersecretary Grossman said
22 something or other. The ambassador in Niger was a woman. I
23 don't recall her name. But I said something else to him,
24 like, did she know that he had been sent out there, or
25 something like that. And that's what I recall from the, from

1 the conversation. It was mostly, you know, filling time
2 getting ready for another meeting, and none of it was I
3 thinking of a serious discussion since the one thing that was
4 clear was that the CIA had sent, had sent this ambassador out
5 there. So that was my -- that's my recollection.

6 Q. Do you know when this was in terms of the -- there
7 was a Pincus article that came out on May 6th, and which
8 referred to a former ambassador, but not by name. And then
9 later on there was a June 12th Pincus article. Do you know
10 where in this time frame this, this conversation would have
11 occurred with Undersecretary Grossman?

12 A. I don't. I think it was a Kristof article on May
13 6th. You may have --

14 Q. Oh, I'm sorry. Thank you. I meant to say Kristof.

15 A. I don't know, I thought you said Pincus. But in any
16 case, the May 6th article referred to an ambassador. I don't
17 recall, I don't recall where it was. I, I remember that it
18 was a session and standing next to him in the SIT room.

19 Q. Would you place this conversation in May or June as
20 opposed to July of 2003? And, and I mis-spoke. It was
21 Kristof in May and Pincus on June 12th, and obviously you had
22 the Wilson op-ed on July 6th. Do you know if it was before or
23 after Wilson himself had come out by name?

24 A. I think it was before Wilson had come out. I think
25 it was in the first half of June I would say.

1 Q. And was this a single conversation with Mr. Grossman
2 about this?

3 A. Yes, that's all I remember.

4 Q. Do you know if you ever had a conversation about the
5 topic of this ambassador, whether you mentioned his name as
6 Wilson or not, where you asked him to find something out and
7 then he got back to you?

8 A. No. No, I don't remember anything about that. And
9 I don't think I mentioned his name in that conversation
10 because I don't think I knew it at that point.

11 Q. And was there any discussion during that
12 conversation as you recall it about whether or not this
13 ambassador's wife had worked at the CIA?

14 A. Not that I recall.

15 Q. And when you had this conversation how did Mr.
16 Grossman appear to take your comment? Seriously or lightly?

17 A. I thought he understood it lightly.

18 Q. And is that the only conversation you recall about
19 the topic of the ambassador traveling to Niger with Mr.
20 Grossman during May, June and July of 2003?

21 A. It's the only one that I recall, yeah.

22 Q. So we're clear, you had no conversation with Mr.
23 Grossman ever telling you that the ambassador had a wife who
24 worked at the CIA, at any time?

25 A. I don't recall him ever telling me that.

1 Q. Now, you also -- there was a second part of your
2 testimony you wanted to clarify or amplify?

3 A. Yes. You asked me about a lunch with Ari Fleischer
4 on July 7, the day after Ambassador Wilson's column came out.
5 And you also asked me about the gaggle in the morning, and I
6 had sort of forgotten that our lunch followed the morning -- a
7 morning gaggle where he had made points about the Vice
8 President. And I recall that somewhere in the course of that
9 lunch, the first portion of it, as I recall, I thanked him for
10 having covered the points in the gaggle, so I did discuss that
11 part of it.

12 Q. Okay. And is it still your recollection that you
13 also discussed his future employment at that time, on July
14 7th --

15 A. Yes, sir.

16 Q. -- with Ari Fleischer?

17 A. Yeah.

18 Q. And that you discussed the Miami Dolphins with Ari
19 Fleischer on July 7?

20 A. Yes, sir.

21 Q. Still no recollection at all of ever discussing the
22 fact that Wilson's wife worked at the CIA with Mr. Fleischer?

23 A. I don't think so, sir. I have no more -- I had no
24 more recollection after our discussion. The only thing that I
25 recalled anew was the bit about the gaggle.

1 Q. You have no recollection of ever telling Mr.
2 Fleischer that this is either hush-hush, or q.t. or words to
3 that effect, that Wilson's wife works out at the CIA?

4 A. No, sir, I don't.

5 Q. And no discussion that you recall where either one
6 of you implied with Wilson had obtained the assignment to go
7 to Niger as a result of perceived nepotism?

8 A. No, sir, not that I recall.

9 Q. And -- now, you also testified -- well, let me go
10 back to June 6th, and we did not ask you about this last time,
11 but your calendar reflected that you had a meeting on June 6th
12 with Richard Armitage. And do you recall if you ever
13 discussed the topic of Mr. Wilson's wife's employment at the
14 CIA with Richard Armitage?

15 A. Is this June 6th a meeting at the State Department
16 with him?

17 Q. I'm not sure where the meeting was. And forget the
18 June 6th date. Did you at any time ever discuss Wilson's
19 wife's employment with Mr. Armitage?

20 A. Not that I recall.

21 Q. And how close are you to Mr. Armitage?

22 A. I mean, I see him a lot. I'm not that -- you know,
23 we don't, we don't go out socially, but I see him in DCs,
24 Deputies Committee meetings, once every couple weeks. For a
25 while it was more frequent but we don't go as much as we used

1 to.

2 Q. And how long have you known Mr. Armitage?

3 A. I've known him for years, 1982, 1983, 1984 I knew
4 him.

5 Q. Did you represent Mr. Armitage at one time?

6 A. I did, when I was practicing law I represented him
7 with regard to a libel matter, he was being libeled.

8 Q. Would that be in or about 1989? Was that a dispute
9 with Ross Perot on something?

10 A. Yes, it was. The libel was separate from Ross
11 Perot. Yes, there was also a dispute in that same time period
12 with Ross Perot. Yes, sir.

13 Q. And do you know if there ever came a time if you
14 ever discussed with Mr. Armitage any outstanding requests for
15 information with -- from, from Mr. Grossman when Mr. Grossman
16 was on vacation?

17 A. Not that I recall.

18 Q. And do you recall in the June time frame ever
19 receiving a document from the White House Situation Room, a
20 fax that was to be hand-delivered to you and to John Hannah
21 which contained a document that the CIA had prepared in
22 earlier 2003? Does that ring a bell with you at all?

23 A. I don't know about the Hannah being on a document.
24 I did receive documents from the CIA, you know, that came
25 through the SIT room, and those -- if I retained them, they

1 would be in my documents.

2 Q. Okay. And by the way, I think that's the first time
3 I mentioned the name John Hannah. Can you tell us what John
4 Hannah's role is in the Office of Vice President?

5 A. John Hannah works in the National Security Affairs
6 Office of the Office of the Vice President, and he's a
7 specialist on greater Middle Eastern Affairs.

8 Q. Okay. And in the reporting chain, who does he
9 report to?

10 A. He reports to my Deputy and then to me, I suppose.

11 Q. And who -- what's the name of your Deputy that Mr.
12 Hannah reports to?

13 A. It varied. Prior to June of '03 it was Eric
14 Edelman, now Ambassador, Ambassador Eric Edelman. And since
15 about that time Toria Nuland is my new Deputy.

16 Q. How would you spell --

17 A. Victoria.

18 Q. Oh, Victoria?

19 A. Victoria Nuland.

20 Q. Okay.

21 A. Nuland is N-u-l-a-n-d; Victoria is the traditional
22 spelling.

23 Q. Okay. And why don't I show you some documents
24 that -- what we'll do is we won't mark them as exhibits.
25 We'll refer to the Bates Stamp Numbers so we have it for the

1 record, but this way we can deal with declassification issues
2 at a later time.

3 A. Okay. And they will be a series beginning 1456
4 forward, Katie, which would include page 1538, 1552. Okay,
5 show you a document.

6 MS. KEDIAN. 1538.

7 BY MR. FITZGERALD:

8 Q. Let me start with 1456. In the meantime, I'll show
9 you 1445. Let me show you what's a document -- it's Bates
10 Stamped 1445 and without getting into the contents it's from,
11 from John Hannah to the Vice President and concerning a CIA
12 paper on the Iraq/Niger/uranium deal. Do you recognize that?

13 A. I do, sir.

14 Q. Okay. And do you recall receiving it on or about
15 June 9th?

16 A. Yes, sir.

17 Q. And do you recall what it was that occasioned Mr.
18 Hannah to prepare this?

19 A. We had gotten a paper from the CIA. It was a very
20 long paper. I think it's attached here, eight single-spaced
21 pages with a lot of data in it, and a lot of dates and
22 meetings and discussions, and he undertook to summarize some
23 of the things that were in the CIA paper down to, I guess, two
24 and a half pages.

25 Q. Okay. And looking at page 1449, does that appear to

1 be a cover sheet of what the CIA transmitted to Congress in
2 April, 2003, regarding Iraq and Niger, and then the document
3 you described as an eight-page single-spaced document followed
4 behind it?

5 A. Yes, sir.

6 Q. And then the document that Mr. Hannah prepared is a
7 summary of what was contained in the transmission from CIA to
8 Congress which included the eight page single-spaced
9 statement?

10 A. Yes, sir. This was a document not, not prepared for
11 us, but one they had prepared for Congress and we were getting
12 a copy of it.

13 Q. Right. So in, in early 2003, and specifically on
14 the date reflected on page 1449, April 3rd, the CIA gives
15 something to Congress, and if you look at the fax header on
16 1449 and 1450 it sounds like on June 9th you get a copy sent,
17 and the fax header seems to come from the Op Center to the
18 Vice President's Office, and then John Hannah, on June 9th
19 prepares this summary of the document?

20 A. I don't see the fax cover. I don't know what --

21 Q. We'll, we'll produce that later, I think. But
22 there's a June 9th fax sheet that says --

23 A. Okay.

24 Q. -- please hand-deliver to yourself and Mr. Hannah.
25 So in other words, this was not something you received, to

1 | your knowledge, in March when it was sent to Congress, this
2 | was something you received on June 9th?

3 | A. I did not -- my, my recollection is I did not
4 | receive it when it went to, to Congress.

5 | Q. Let me show you a transmittal sheet. Actually,
6 | that's a three page one -- we'll show you -- okay. If looking
7 | at page 1450 -- the handwriting on page 1456, the upper left
8 | corner. Does that read, "Did CIA have it in their document?"
9 | The handwriting?

10 | A. Yes, sir.

11 | Q. Do you know whose hand -- whose printing that is?

12 | A. I, I don't. It could be Hannah, but I don't know.

13 | Q. Okay. Now, once Mr. Hannah prepared the summary
14 | memo and attached the CIA memo from earlier that year, what
15 | happened with this document? Were there any meetings
16 | concerning it or discussions that you attended?

17 | A. I don't recall any meetings about -- specifically
18 | about the document. I recall reading the document and
19 | referring to it subsequently when I was, you know, talking
20 | about this issue.

21 | Q. Okay. And when you say subsequently, when would
22 | that be?

23 | A. In, in the weeks and months that followed as we were
24 | looking at the uranium issue. There was some interest --
25 | there were some interesting points that I didn't know.

1 Q. Okay. And showing you what we'll mark by the Bates
2 Stamp Numbers 1472, does that appear to be a cover sheet --

3 A. Yes.

4 Q. -- for Monday, June 9th, 2003?

5 A. Yes, sir.

6 Q. To Jenny Mayfield. And does it say, "Please pass to
7 Mr. Hannah and Mr. Libby ASAP?"

8 A. Yes.

9 Q. And does that appear to include the CIA transmittal
10 sheet to Congress from earlier that year, and then that eight
11 page document you referenced?

12 A. Yes, sir.

13 Q. And do you know if you discussed this with the Vice
14 President on or about June 9th when this was prepared?

15 A. I did discuss points in that memorandum with the
16 Vice President. I don't recall exactly when it was.

17 Q. Okay. And do you know if you discussed the identity
18 of the envoy who had gone from -- who had been sent from the
19 United States, or the source, who had gone to Niger in 2002 to
20 investigate the yellowcake claims with Vice President?

21 A. Yes.

22 Q. Okay. And do you know when you discussed that?

23 A. At various times it was discussed. I don't know if
24 it came up specifically with regard to this fax or not. The
25 fax refers to the envoy having gone in a paragraph, in the

1 course of the eight pages they talk about it, but I don't
2 recall whether this occasioned one of the discussions about,
3 you know, who is this envoy and how did he come to be sent and
4 that sort of thing.

5 Q. Okay. Let me show you a different but similar
6 document that is Bates Stamped 1537 in the lower right corner.
7 And do you recognize that document?

8 A. Yes, sir.

9 Q. Okay. And what is this document?

10 A. I'm not as familiar with this document as I am with
11 this one. I studied this one more closely than this document.
12 I think I recognize this document from having seen something
13 like it in my files. There's a writing at the top which says,
14 "prepared by CIA," and I haven't read it just sitting here. I
15 don't recall when I last read it, if I ever read it fully, but
16 I see that it looks to be sort of like the document that you
17 showed me before where they're going through paragraph by
18 paragraph, different chronological events seemingly in order,
19 chronological order.

20 Q. And on 1537 there's handwriting that says, "prepared
21 by CIA" in the upper right corner, "received July 12th, '03,"
22 do you know whose handwriting that is?

23 A. I don't. It looks a little bit like the Vice
24 President's but I don't know whose handwriting it is.

25 Q. Okay. And if you turn to the second page, page

1 | 1538, and next to paragraph number six there's a handwriting
2 | that says, "Wilson" with an underlining and a question mark.
3 | And do you know whose handwriting that is?

4 | A. I, I don't. Again, it might be the Vice President's
5 | but I'm not sure.

6 | Q. And looking at the cover sheet that had shown on
7 | June 9th that said, "please pass to Mr. Hannah and Mr. Libby
8 | ASAP," do you know if there's a particular event on June 9th
9 | which I -- which I'm referring to 1472, I've taken that away
10 | from you. Seeing that the CIA sent a document over to the
11 | office ASAP on June 9th, Mr. Hannah the same day prepared a
12 | summary, do you know what it was that occasioned this ASAP
13 | delivery of this CIA report of uranium and Niger?

14 | A. I, I do not know. It is around the time that we
15 | were doing the Pincus article, you know, preparing to talk to
16 | Pincus, so it could be in relation to that, or it could just
17 | be an inquiry, but I don't know. ASAP is not a particularly,
18 | you know, hair on fire type marking, but I don't, I don't
19 | know.

20 | Q. You understand ASAP stands for "as soon as
21 | possible"?

22 | A. Yes.

23 | Q. Okay. And whatever time it got to -- over to the --
24 | it says it was delivered at -- it appears to be June 9, 2003.
25 | I don't know if it has a -- it doesn't appear to have a time.

1 A. It says 9:00 p.m. --

2 Q. At 9:00 p.m. And then the memo from John Hannah
3 that describes the information, CIA paper, and referring to
4 page 1445 again, is dated June 9th, 2003. And that would be a
5 two and a half page summary. So if in fact it got to -- over
6 to the office at 9:00 p.m. on a Monday night in June, if Mr.
7 Hannah dated it correctly, he created a summary sometime
8 thereafter. So --

9 A. Yes, sir.

10 Q. And that was during the time frame when you were
11 talking with the Vice President and others about how to
12 respond to Mr. Pincus' inquiries for an article he would
13 eventually publish on June 12th. Correct?

14 A. Yes, sir.

15 Q. And at the time did you know the name of the envoy
16 who had gone to Niger as being Mr. Wilson?

17 A. No, sir. Not the best I recall.

18 Q. And looking at -- if we could pull out 1552. And do
19 you recall if you had a meeting, sat down with Vice President
20 Cheney and with Mr. Hannah concerning this between June 9th
21 and the time you spoke to Mr. Pincus?

22 A. I don't recall.

23 Q. And let me show you what's been marked as Bates
24 Stamps 1552, 1553. And again, we'll just mark it for the
25 record without admitting it so we can deal with classification

1 issues later. Is that a CIA cable concerning the trip that
2 Ambassador Wilson took to Niger --

3 A. Yes, sir.

4 Q. -- in 2002? And is there handwriting on the first
5 page?

6 A. Yes, sir.

7 Q. And does it say the word "Wilson"?

8 A. Yes, sir.

9 Q. And do you know whose handwriting that is?

10 A. Again, it looks to me like it might be the Vice
11 President's.

12 Q. And do you recall ever discussing this cable with
13 the Vice President where he would have written down the name
14 Wilson?

15 A. I recall discussing the cable with the Vice
16 President. I don't recall him having written the name Wilson
17 on the cable while we talked about it, if that's what the --
18 if that's what your question means. I recall discussing the
19 Wilson cable, cable about Mr. -- Ambassador Wilson with him.

20 Q. And what were the circumstances under which you
21 discussed the Wilson cable with the Vice President?

22 A. It probably came up -- it came up multiple times.
23 Part of what came up about it is in this paragraph two which
24 is underlined by whoever wrote this where they say that Myoki,
25 the former Nigerian Prime Minister, related that an Iraqi

1 delegation had tried to make contact with the government of
2 Niger to open discussions for, I think what's called
3 "commercial relations" in here, which they understood to mean
4 uranium. You know, they don't make C.D. players in Niger.
5 "Commercial relations" was meant -- they understood to mean to
6 purchase uranium.

7 Q. And so is it fair to say when the allegations came
8 out in the Kristof column and later in the Wilson piece, that
9 Wilson's trip had sort of debunked the sixteen words contained
10 in the State of the Union that one of the points the Vice
11 President and yourself wanted to make was that you believed
12 that Wilson's trip had sort of corroborated the sixteen words
13 to the extent that he had reported back that there had been
14 prior efforts to open commercial -- or establish commercial
15 relations between Iraq and Niger?

16 A. Yes, sir. That's what we understood the Agency took
17 this -- the Agency took that to mean, and from this it looks
18 that way to us too.

19 Q. Let me show you 1588. And is that another copy of a
20 cable containing information concerning a trip, the trip to
21 Niger by Ambassador Wilson even if it does not name -- even
22 though it doesn't name Mr. Wilson in the text?

23 A. Yes, sir. I think it's the same cable, just a
24 different format.

25 Q. If you look at 1588, does that have some handwriting

1 in the upper right corner?

2 A. Yes, sir.

3 Q. And does that say "Joe Wilson"?

4 A. Yes, sir.

5 Q. Do you know whose handwriting that is?

6 A. It looks like it could be the Vice President's. I
7 don't recognize the "J" but, you know, it could be the Vice
8 President's.

9 Q. Does the "Wilson" part look like the Vice
10 President's?

11 A. It looks more similar to the other writing we've
12 seen. Yes, sir.

13 Q. And let me show you what's been marked as 1784 Bates
14 Stamp. And if you look at 1784, does the text -- if you're
15 looking at the text, does that appear to mirror page two of
16 the document we've been talking about? And I'll give you a
17 page to compare it to. Does the text appear to match 1475
18 which is the page two of that eight page single-spaced
19 document which the CIA had prepared in March of 2003, shared
20 with Congress and then was forwarded to the Office of Vice
21 President on June 9th?

22 A. Yes, sir. It looks like a different version of the
23 same thing.

24 Q. Okay. And does page 1784 in your right hand have
25 printing and handwriting in the left column?

1 A. Yes, sir.

2 Q. And does it say "Joe Wilson" in print, and then
3 underneath "Wilson" in script?

4 A. Yes, sir.

5 Q. And do you recognize the printing?

6 A. No, sir.

7 Q. Do you recognize the script?

8 A. It looks like me.

9 Q. Okay. And do you know --

10 A. It looks like my writing.

11 Q. Looks like -- okay, looks like your handwriting.
12 And the printing, does that look like your printing?

13 A. Does not.

14 Q. Okay.

15 A. It's too neat.

16 Q. Okay. So it would look like someone else printed
17 "Joe Wilson" and you handwrote "Wilson" underneath?

18 A. Yes, sir.

19 Q. Okay. And does that look like anyone you
20 recognize -- does the printing look like the printing of
21 anyone you recognize or familiar with?

22 A. No, sir --

23 Q. Okay. Does it look like the printing of either the
24 Vice President or Cathie Martin, or anyone else you work
25 closely with?

1 A. I don't know. We -- I don't think it looks like
2 Cathie Martin, but I'm not really that familiar -- we do have
3 some documents that have her writing on it. It's not mine.

4 Q. Okay.

5 A. It's too neat.

6 Q. So the printing on 1784 is not yours and you don't
7 know whose it is. The handwriting on 1784, "Wilson" appears
8 to be you?

9 A. Yes, sir.

10 Q. And then the other ones we've shown before say
11 "Wilson", a number of them look similar and appear that they
12 could be the Vice President?

13 A. Correct, sir.

14 Q. And seeing the various documents and various
15 iterations with a number of references to "Wilson" or "Joe
16 Wilson," does that refresh your recollection as to discussions
17 you may have had in the June time frame with the Vice
18 President about Mr. Wilson's trip to Niger?

19 A. Not more than the others. I don't know that the
20 writing happened -- at least my writing happened -- I don't
21 think happened in the June time frame.

22 Q. How often did you refer back to the June cables to
23 refresh what was in the cables and make notes as to what it --
24 you know, about, for example, Wilson?

25 A. Fairly frequently if I was about to engage about it

1 with someone. I would have to go look at it, or I would try
2 to go look at it to make sure that I was fresh on the
3 document.

4 Q. And who would you be engaging with that would cause
5 you to go back and refresh the document?

6 A. When I was -- if I was going to go talk to a
7 reporter about it, or if I was getting ready to talk to a
8 reporter about it, about the Wilson trip, or if I was going to
9 go talk to the Vice President about it or anyone where we're
10 talking about the substance.

11 Q. And the last time we showed you a document that you
12 had dated as approximately June 12th which indicated a
13 discussion at that time with the Vice President where you
14 noted that he had indicated to you that the ambassador's wife
15 had worked at the functional office at the CIA, referred to as
16 CPD, the Counterproliferation Division. Do you recall that?

17 A. Yes, sir.

18 Q. And do you know if you had reviewed some -- any of
19 these documents, the Wilson cable or the June 9th report, with
20 Vice President Cheney at or about the time of the conversation
21 where he told you that the ambassador's wife worked at the
22 functional office in Counterproliferation?

23 A. Did I review the CIA document that's dated June 9
24 and the cover memo?

25 Q. Yes.

1 A. I mean, the transmittal dated June 9? Yes, that
2 would be at or about the time of that note which I was
3 guessing was some time around June 12. Before June 12
4 actually.

5 Q. And is it fair to say that before June 12 there was
6 a fair amount of discussion of the envoy's trip to Niger and,
7 and that discussion included the comments you recall where the
8 Vice President told you that this envoy's wife worked at the
9 CIA?

10 A. I'm sorry, I missed it. I didn't get --

11 Q. There was conversation during the early June time
12 frame between yourself and the Vice President where you were
13 discussing this envoy's trip to Niger. Correct?

14 A. Yes.

15 Q. And during that -- those conversations you learned
16 from the Vice President that the envoy's wife worked at the
17 functional office concerning Counterproliferation at the CIA.
18 Correct?

19 A. I think I only learned that in, in one telephone
20 conversation from -- I only had one -- that I recall, I only
21 had one conversation about that point with the Vice President.
22 It was not a fuller discussion of the substance like this
23 cable. It was a very short discussion which was relaying to
24 me something he had learned. So, so not in the course of a
25 discussion about the cables particularly. It was a short

1 conversation and I only recall one on that.

2 Q. And is it fair to say that during the time frame you
3 were having discussions with the Vice President in preparation
4 for your speaking to Mr. Pincus who was going to write an
5 article for the Washington Post?

6 A. I think that was the discussion prior to my talking
7 to Pincus.

8 Q. Okay. And when you say that was the discussion, the
9 discussion --

10 A. The one, the one where I wrote the notes that you're
11 referring to.

12 Q. Okay. So the conversation reflected in the notes
13 where the Vice President advised you that the envoy's wife
14 worked at the CIA in Counterproliferation was a discussion you
15 had with the Vice President in preparation for your speaking
16 to Mr. Pincus?

17 A. Yes. There were two parts to that conversation.
18 There was a background session and then there were the points
19 that I was supposed to raise with Pincus. The point about the
20 wife was in the first part, physically on the paper anyway.
21 And the points for the -- to raise with Pincus were at the
22 bottom of the page.

23 Q. And do you recall if your notes distinguished
24 between background and what to raise with Mr. Pincus when you
25 wrote them down?

1 A. Yes, they do to me.

2 Q. And did you ever have a discussion with Mr. -- where
3 the Vice President told you either that you should or should
4 not tell Mr. Pincus about the envoy's wife's employment at the
5 CIA?

6 A. No.

7 Q. Did you ask the Vice President whether it was
8 appropriate if you could tell Mr. Pincus this fact?

9 A. No.

10 Q. And is it possible that you told Mr. Pincus that
11 fact?

12 A. No, I don't think I did.

13 Q. You don't recall doing so?

14 A. I don't recall doing so and I don't -- I do not
15 recall doing so.

16 Q. And did you understand at the time that you were
17 legally prohibited from doing so?

18 A. No.

19 Q. And the last time we spoke you indicated that you
20 had a conversation with Judith Miller on July 8th. Is that
21 fair to say?

22 A. Correct, sir.

23 Q. About how long was that conversation?

24 A. An hour perhaps, maybe, maybe a little over.

25 Q. And you mentioned that prior to having that

1 conversation you had a discussion with Vice President Cheney
2 as to what you could discuss with Judith Miller?

3 A. Correct, sir.

4 Q. And can you tell us when you had the conversation
5 with the Vice President and what concerns you raised, and what
6 he told you in response?

7 A. The Vice President and I discussed the need to get
8 into the public domain that the CIA National Intelligence
9 Estimate made it clear to recipients of the National
10 Intelligence Estimate that Iraq had been attempting to procure
11 uranium. This was similar to the point that the President
12 raised in the State of the Union in the famous sixteen words.
13 And despite the fact that there had been a lot of talk about
14 particular documents having been forged, the Vice President's
15 point was that the policy makers, he, had seen and had relied
16 upon the National Intelligence Estimate, which is sort of the
17 gold standard of the consensus view of all the intelligence
18 community, that Iraq was attempting to procure uranium. And
19 he felt that that point should get out because that's what he
20 understood at the time when the President gave his State of
21 the Union.

22 The National Intelligence Estimate was a classified
23 document at that point. It's a very -- it's a long document.
24 The portion about uranium is short and there's some key
25 judgments at the front that were short, which are short

1 compared to the length of the document. And the problem in
2 letting people know what the National Intelligence Estimate
3 said on that was that it's a classified document. So we could
4 not talk to the press about it until it was declassified, and
5 I discussed that with the Vice President. It was -- it's
6 within the purview of the President, as I understand, and I
7 was informed by the General Counsel to the Vice President's
8 Office, that the National Intelligence Estimate, or any other
9 document that's classified, can be declassified by the
10 President if he wishes. And so the Vice President thought we
11 should get some of these facts out to the press, but before it
12 could be done, the document had to be declassified. I had had
13 a conversation with David Addington that we talked about in
14 our last session when he relayed that. He had mentioned to me
15 a legal case. I had written down the name of the legal case.
16 I'd forgotten it the first time. I came back to him, had a
17 second conversation, wrote it down in my notes, reported to
18 the Vice President. I reconfirmed with David Addington about
19 this. And he then undertook to get, to get permission from
20 the President to talk about this to a reporter. He got the
21 permission. Told me to go off and talk to the reporter. My
22 recollection is that I did not accomplish it right away, and
23 he told me at one point to hold up, and then he came back and
24 said to go ahead. And so at that point I went ahead and
25 scheduled the meeting and had the discussion.

1 Q. Okay. Now, can you fix the date when you first
2 spoke to the Vice President about trying to get the facts out
3 from the NIE, the National Intelligence Estimate, and then you
4 in that conversation expressed your reservations because it
5 was a classified document?

6 A. No. I think there were several over a period of
7 time, none of them being long. It was not a long debate. But
8 there was several times it was talked about that, you know,
9 the NIE was clear, this cable was actually not persuasive even
10 to Director Tenet or the CIA as Director Tenet made clear in
11 his July 11th statement. When the entire NIE was
12 declassified, these portions of the NIE were declassified by
13 the Agency and then provided to the press on July 18, it was
14 clear from that text that it was all declassified. So there
15 were discussions about that. There were discussions about
16 getting the Agency to declassify it separately. There were
17 discussions with the Vice President all -- for some time as I
18 recall. But again, not, not developed discussions. It was a
19 point that, you know, it would be good to have this out, but
20 it would have to be declassified. And I can't give you a
21 precise date for those.

22 Q. Okay. Let's walk backwards. July 18th was the date
23 that it became publicly available and declassified, is it your
24 understanding, of the NIE?

25 A. It became -- these sections. Not the entire NIE.

1 Sections -- the CIA declassified sections of the NIE in
2 advance of July 18. On July 18 it was passed out, I think.
3 So some time before that, the CIA did. The President had
4 already declassified some of it.

5 Q. And, and when you say the President had already
6 declassified it, you're referring to what you had been told by
7 Vice President Cheney as to the fact that the President gave
8 you permission to talk about parts of the NIE with Judith
9 Miller?

10 A. Yes, sir. I don't think the President knew Judith
11 Miller, but the -- with, with the press. Yes, sir.

12 Q. And did the Vice President know Judith Miller at the
13 time he authorized you to discuss it?

14 A. Yes, I think -- at one of the -- before the final --
15 before I actually went and talked to Judith Miller I think he
16 knew it was Judith Miller I was going to talk to. Yes, sir.

17 Q. Focusing on your meeting on July 8th with Judith
18 Miller. How long before -- was that a conversation you had
19 the day before with the Vice President where he asked you to
20 share the -- some of the relevant materials from the NIE and
21 then you brought to his attention the classification issue?

22 A. There was a discussion with him the day before,
23 roughly the day before. It was not the first time we had
24 discussed the declassification issue, and I think by that
25 point the declassification issue, I think, was resolved. But,

1 but -- if, if that's complete.

2 Q. Okay. When was it -- was Judith Miller the first
3 reporter you, you discussed the NIE with?

4 A. The first reporter that I discussed the text of the
5 NIE with. Con -- National Security Advisor Rice in mid-June
6 or so had been talking about the NIE having statements about,
7 you know, that it was the source and it was, you know, it was
8 clear that Iraq was seeking uranium or something like that.
9 She had been discussing that in June to the press and it was
10 reported in the press about the NIE. In terms of the first
11 discussion I ever had about, you know, the language of the
12 text, yes.

13 Q. Okay.

14 A. And the only, I think --

15 Q. Okay.

16 A. -- prior to after the 18th.

17 Q. Okay. And with, with -- was it your understanding
18 that you would show the text of the relevant portions of the
19 NIE to Judith Miller when you discussed it with the Vice
20 President?

21 A. Yes, sir.

22 Q. And did you in fact show those relevant portions of
23 the text?

24 A. Talked it through with her and I think I gave it to
25 her, showed it to her, an excerpt.

1 Q. Okay. And when you showed it to her did you let her
2 read the relevant portions of the whole document or did you
3 have a redacted version?

4 A. Oh, no, redacted.

5 Q. And did she get to keep the redacted copy?

6 A. I think I gave her a page which had bullets from it,
7 not a xerox of it but bullets of it, I think, where it was
8 redacted and I think, I think what I showed her had country
9 names omitted. It was less than what I had been authorized to
10 share with her.

11 Q. Okay. Who created that document?

12 A. I did.

13 Q. Personally?

14 A. Yes. Well, you know, I, I didn't type it I don't
15 suppose, but I directed it to be done.

16 Q. Okay. So do you know who would have typed it?

17 A. Well, if I didn't type it, then I assume it would
18 have been Jenny Mayfield, my assistant.

19 Q. Do you type?

20 A. I do type.

21 Q. You're not big on e-mail I take it?

22 A. No. Not in this job. I was in my prior job.

23 Q. Okay. And when you type, do you type at a word
24 processor and print it out?

25 A. Yeah.

1 Q. In reviewing the documents for production for
2 discovery or compliance with the subpoenas, have you ever seen
3 a copy of the redacted document that you shared with Ms.
4 Miller?

5 A. Yes, sir.

6 Q. Okay.

7 A. Well, I'm not sure exactly what I shared but I think
8 I have.

9 Q. And how long was the document in terms of pages?

10 A. A third of a page.

11 Q. And did you share that document with the Vice
12 President prior to sharing it with Judith Miller?

13 A. No, sir.

14 Q. So what was your understanding? What did the Vice
15 President tell you the limits were on what you could share
16 with Judith Miller from what was contained in the NIE?

17 A. I could talk to her about the uranium section of the
18 NIE and about some of the key judgments from the NIE which
19 made it clear that Iraq was seeking weapons of mass
20 destruction.

21 Q. And what was it that you understood was new in what
22 you could share with Judith Miller that hadn't been in the
23 public domain yet, hadn't been discussed by other government
24 officials?

25 A. The language of the NIE which was -- which is quoted

1 in Director Tenet's statement on July 11th, was that Iraq had
2 begun to vigorously pursue, something like this, very close to
3 it. Iraq had begun to vigorously pursue the acquisition of
4 uranium or the procurement of uranium, something like that.

5 Q. So the phrase including, including the word
6 "vigorously" trying to obtain or procure uranium was what the
7 Vice President wanted you to get into the public domain
8 through Judith Miller?

9 A. Yes. Flat declarative statement that it was so.
10 And that there were other instances, I guess. There were
11 several countries mentioned. There were countries mentioned
12 in addition to Niger.

13 Q. And had anyone asked you, any other reporters asked
14 you, about the NIE prior to your July 8th conversation with
15 Judith Miller?

16 A. I don't recall any.

17 Q. You met with David Sanger from the New York Times on
18 July 2nd. Correct?

19 A. Uh-hum.

20 Q. Do you know if you discussed the NIE with David
21 Sanger at that time?

22 A. I don't recall. There are notes of that
23 conversation. I don't recall discussing it as I sit here. If
24 I did, it was in the general sense that Dr. Rice had discussed
25 it without reference to the particular language.

1 Q. And do you know if you had a conversation with the
2 Vice President before you talked to Mr. Sanger about whether
3 or not he wanted you to share some of the contents of the NIE
4 concerning Niger and uranium with David Sanger?

5 A. I probably alerted the Vice President that I would
6 be meeting with Sanger, but I don't think we discussed
7 anything about the specific language of the NIE at that point.

8 Q. And the fact that you're meeting with David Sanger
9 that did not trigger a conversation with the Vice President
10 about what your authority was to discuss classified documents.
11 Is that fair to say?

12 A. I don't know. We would have been discussing it in
13 that period. I don't know that the meeting with Sanger, with
14 David Sanger, was critical for that.

15 Q. Was it the meeting with Judith Miller, with a
16 reporter that would turn out to be Judith Miller, was that the
17 event that triggered your conversation with the Vice President
18 about sharing the content of a classified document and your
19 conversation with David Addington, the Counsel for the Office
20 of Vice President?

21 A. Again, I don't think so. I think more the other way
22 around. There, there was this controversy about the famous
23 sixteen words and uranium, and the implication that people
24 were drawing is that because the IAEA in March had discovered
25 that the documents were forged, somehow the President didn't

1 have a good faith belief that -- and the people who put the
2 statement in the speech, which was not us, did not have a good
3 faith belief on -- that Iraq was in fact seeking the -- to
4 obtain uranium. And the NIE and other documents made it clear
5 that in fact the Agency was advising the policy makers that
6 Iraq had sought to procure uranium from Niger and so there was
7 a general discussion which went on during that week separate
8 and apart from the Judith Miller discussions with Director
9 Tenet to try and get the CIA to make a statement, you know, as
10 soon as possible that would lay out what was in the NIE and
11 the other documents that had been put forward, some of which
12 are detailed in this memorandum that you showed me earlier.

13 Q. Your conversations with the Vice President about
14 wanting to get information from the NIE out into the public
15 domain but having concerns about the classification issue, did
16 those take place in person with the Vice President?

17 A. Yes.

18 Q. Okay. And is it fair to say that the whole issue of
19 the sixteen words took on an entirely different dimension
20 after the July 6th op-ed piece by Mr. Wilson, the July 6th
21 Meet the Press appearance, and then the July 7th statement
22 that appeared to step back from the sixteen words by Ari
23 Fleischer?

24 A. The statement from Ari Fleischer definitely changed
25 the atmosphere. It added to the heat. I mean, it was a lot

1 of heat to begin with which was what led Ari Fleischer to, to
2 make his statement.

3 Q. The, the discussions that led to sharing information
4 with Judith Miller, did they come as a result or did they come
5 after the July 6th op-ed by Wilson and the July 6th appearance
6 by Meet the Press -- on Meet the Press by Mr. Wilson?

7 A. I think they preceded and followed the discussion,
8 the Wilson op-ed piece.

9 Q. And do you know when the Vice President eventually
10 told you that he had gotten permission from the President for
11 you to share this information with Ms. Miller? Was that after
12 July 6th?

13 A. I don't recall. I think it, I think it may have --
14 remember, I had this is recollection that there were -- a
15 period when he said go ahead, and then a period when he said
16 stop, and go ahead. I don't recall how compressed that was.

17 Q. Did he give you a reason why he told you to stop
18 after he had first told you to go ahead?

19 A. No, I think he probably just -- his sense of when
20 the right timing was. And then again, as I say, he then told
21 me to proceed again.

22 Q. Let me show you what we'll refer to in the record as
23 a document Bates Stamped 1746, which I believe are some of
24 your handwritten notes. Would you take a look at that page?
25 And as you'll see, there's an entry -- I'll point to it,

1 three-quarters of the way down the page that appears to be
2 your symbol for the Vice President, a Y with the line over it.
3 And can you tell us what the rest of that entry says?
4 A. It's his instruction to me to telephone Judith
5 Miller --
6 Q. Okay.
7 A. -- is how I read it.
8 Q. Is it the Vice President colon -- and is the next
9 reference S.L. --
10 A. Yes.
11 Q. -- meaning "Scooter" Libby?
12 A. Yes, sir.
13 Q. And then there's a symbol which I'll skip past in a
14 moment, and it says "Miller"?
15 A. Yes, sir.
16 Q. And is the symbol a "T" with an arrow under, under
17 it?
18 A. Yes, sir.
19 Q. And is that your instruction to "telephone"?
20 A. Yes.
21 Q. And what do you recall that means? It's dated in
22 the upper left corner, as I understand, "July 8th, '02," but I
23 think, it's our understanding is that the '02 might be a typo,
24 and it's July 8th, '03.
25 A. Yes. I don't think that's my handwriting actually.

1 I think that may be Jenny's.

2 Q. Okay.

3 A. Jenny Mayfield. I'm sorry, but I lost the question
4 when I was thinking about the handwriting.

5 Q. Okay. And what did that reference mean?

6 A. It was the Vice President telling me to go ahead and
7 talk to Judith Miller.

8 Q. Okay, and is that, is that -- as far as you
9 understand it, is that the final instruction to speak with
10 her?

11 A. I don't know that from this. It looks like it based
12 on the date at the top of the page, if the date's accurate.

13 Q. And do you know when you arranged to have -- where
14 does Ms. Miller work?

15 A. She works in, I think, Washington and New York. But
16 I'm not sure.

17 Q. Do you know where she spends most of her time?

18 A. I don't. I would guess New York but I'm not sure.

19 Q. And do you know when you spoke with her if she was
20 in town or if she made a trip down from New York to come see
21 you?

22 A. I think it was set up the day before and I think she
23 was either in Washington or going to be in Washington, so I
24 don't think it was a special trip, but I'm not sure. I mean,
25 this is what I think she told me.

1 Q. And so was the, the meeting being set up the day
2 before, July 7th, and with your note being July 8th that the
3 Vice President told you to telephone Judith Miller, is it your
4 understanding that the initial decision to tell her would have
5 been on July 7th and it would have been reaffirmed again on
6 July 8th?

7 A. That could be.

8 Q. And do you know if you spoke to Judith Miller on
9 July 7th in advance of this meeting yourself?

10 A. I think I spoke to her on the phone to set up the
11 meeting. I recall my having spoken to her not the same day,
12 the day before, but it's possible it was the same day. Just a
13 recollection.

14 Q. And this meeting did not happen at the Office of the
15 Vice President. Is that correct?

16 A. Correct.

17 Q. Where did you meet?

18 A. We met at the St. Regis Hotel which is, you know --
19 I think it's the closest hotel to the -- in the, in the coffee
20 shop of the hotel, or the restaurant.

21 Q. And is there a reason you met at her hotel rather
22 than at the -- at your office?

23 A. I think I wanted to meet with her at lunch, over
24 lunch, but my schedule or her schedule couldn't do the lunch
25 so we met for coffee instead.

1 Q. And isn't it fair to say, it's easier usually for
2 you if the people come to your office and you sit in your
3 office and meet and take less time out of your day than for
4 you to go out to see a reporter outside the building?

5 A. It's easier but I often go out. Yes, it is easier.

6 Q. And when you meet with reporters, would you say you
7 more often meet them inside your building versus you going to
8 meet them at a hotel or restaurant?

9 A. It depends on the purpose really. Many times
10 reporters want to come to see me to get -- say they're doing a
11 profile piece on the, on the Vice President, meaning a piece
12 about his background or what he does every day type, you know,
13 one of these soft news stories. Often those people, we'll
14 have them come in, I see them in the office. When I want to
15 discuss sort of more of how the administration is approaching
16 an issue, some type of an off-record discussion, I often
17 choose to do that over lunch. It's part of my job to talk to
18 the press about different sorts of things and one of the types
19 of things we do when we talk to them is, you know, here's how
20 the administration generally is thinking about Iraq. We'll
21 have a discussion like that, or about China. I'll have that
22 usually as an off-the-record discussion over lunch just to
23 orient them to how we think about a problem. And it was that
24 type of atmosphere that I thought was the right atmosphere for
25 this.

1 Q. But you didn't have lunch. Correct?

2 A. We couldn't. That's why we had coffee.

3 Q. And that was 8 o'clock in the morning?

4 A. I've forgotten the time. I thought it was a little
5 later but it could be 8:00.

6 Q. Okay. Was there any -- was the fact that you were
7 meeting with her and sharing information with her exclusively
8 one of the factors that wanted you to meet with her outside of
9 the building?

10 A. It could have been. It was also consistent with
11 that.

12 Q. And the fact that you were sharing a document with
13 her that you were not sharing with others, did you -- did that
14 factor into your meeting with her at the hotel and not in your
15 building?

16 A. I could do that in the office also, but it was also
17 useful to do it -- it had the right atmosphere to do it at the
18 St. Regis or someplace other than the office. So it would be
19 a more relaxed sort of setting was the primary reason. But
20 since I was going to be sharing this declassified document
21 with her, it was also useful to do it outside the building,
22 although I could have done it inside.

23 Q. And is it your understanding the document had been
24 declassified or is it your understanding that it was a
25 classified document but that you were authorized to share it

1 with Ms. Miller?

2 A. No, declassified.

3 Q. You understood it to be declassified because the
4 Vice President had told you that the President had authorized
5 you to talk about it?

6 A. Yes, sir. Because the President -- there's no magic
7 process that I -- according to counsel that has to be gone
8 through. If the President says to talk about this document,
9 it is then a declassified document. And that was the
10 understanding that I had with the Vice President when he went
11 to talk to the President about it.

12 Q. And in your career had you ever been authorized
13 before to talk about a document that you knew to be classified
14 with the press and therefore understood that the direction to
15 talk about the document with the press had in effect
16 declassified it?

17 A. I think this may be the first time I've ever talked
18 about a classified document in this fashion, getting it
19 declassified first.

20 Q. And has that happened since, since your conversation
21 with Judith Miller?

22 A. No, sir.

23 Q. So this would be the only time in your career that
24 you were told that you were authorized to discuss a document
25 that you had known to be classified but for the fact that you

1 | were told that the President authorized you to discuss it?

2 | A. Yes, sir. I think so.

3 | Q. And how clear were you when you spoke to Mr.
4 | Addington about whether this was appropriate to do? Did you
5 | tell him that you wished to discuss a classified document with
6 | a reporter but you had been authorized by the President
7 | through the Vice President to do so?

8 | A. I was very -- I didn't use those words, but I was
9 | very clear. Can the, can the Vice President -- can the
10 | President declassify a document just by telling us to talk --
11 | and that's how he put it. If the President tells you to talk
12 | about a document, it's declassified.

13 | Q. And through your conversation with Addington you
14 | made it clear that you were going to be talking about a
15 | document with someone outside the government without a
16 | security clearance. Correct?

17 | A. It was not a -- it was not specific to a document
18 | but it was clearly asking him, could that be done? And he
19 | explained how it could be done. Yes, sir.

20 | Q. And so he understood, you made it clear to Mr.
21 | Addington, that you were going to be talking about classified
22 | material with the press or to the public, but you had been
23 | authorized to do so?

24 | A. Yes, sir.

25 | Q. And did he express any reservations, Mr. Addington,

1 with your talking to the press or the public about a
2 classified document?

3 A. I may have answered the previous question a little
4 too fast. You said, you had been authorized to do so. I
5 don't think I said to him -- it was in the context of, if I
6 have been authorized to do so. I don't think I said to him
7 explicitly the President had authorized, that sort of thing.

8 Q. But you made it clear that what you were asking him
9 was whether or not a fact otherwise classified could be
10 discussed with the press or the public if the President
11 authorized you to do so?

12 A. Yes, sir.

13 Q. And you did not have a conversation with Mr.
14 Addington where you asked him, could the President overrule
15 the Director of Central Intelligence, if the Director of
16 Central Intelligence refused to declassify a document?

17 A. My discussion with David Addington was that -- David
18 Addington telling me that the President had it in his
19 authority to declassify a document.

20 Q. And my question is, did you make it clear to him
21 that your question wasn't whether the President had the
22 abstract authority to declassify a document, but whether the
23 President could in effect declassify a document by authorizing
24 an official to discuss classified material, otherwise
25 classified material, with the press or the public?

1 A. Yes.

2 Q. And did he indicate any reservations about that?

3 A. No, sir.

4 Q. And do you know when the Vice President talked to
5 the President to get the permission for you to discuss this
6 with the press and in effect in your mind declassify the
7 document?

8 A. No, sir.

9 Q. And were you present for that conversation?

10 A. No, sir.

11 Q. What did the Vice President tell you about that
12 conversation?

13 A. He told me he had talked to the President and we
14 should go ahead and, you know, talk to the press about the
15 NIE.

16 Q. And do you know if the Vice President told the
17 President what the legal issue was in terms of sharing
18 classified information?

19 A. I don't know what happened in that conversation.
20 But the Vice President knew that we needed to have the
21 President's authority to talk about the document, or that
22 section of the document.

23 Q. And was anyone else present with you when you
24 discussed with the Vice President the issue of whether or not
25 you could be authorized to discuss classified material with

1 | the press or the public?

2 | A. No, sir, but I referred him to the conversation with
3 | David Addington.

4 | Q. So as far as you know, did the Vice President and
5 | David Addington discuss that issue?

6 | A. I don't know.

7 | Q. And do you know if the Vice President and the
8 | President talked about it in person or by telephone?

9 | A. I don't know.

10 | Q. And do you know how long before your July 8th
11 | meeting with Judith Miller that conversation took place?

12 | A. I don't. My sense was that it was within a few
13 | days, but I don't really know.

14 | Q. Could it have been the day before, July 7th, as far
15 | as you know?

16 | A. Could have been, or it could have been some time at
17 | the end of the previous weekend. I mean, excuse me, I mis-
18 | spoke. End of the previous week, before the weekend. It
19 | could have been any day in that period.

20 | Q. And who else in the administration was told, as far
21 | as you know, that you were authorized to discuss the relevant
22 | portions of the NIE with Judith Miller?

23 | A. Nobody as far as I know.

24 | Q. So as far you know, the only three people who knew
25 | about this would be the President, the Vice President and

1 yourself?

2 A. Correct, sir.

3 Q. And going up to July 18th, is it fair to say that
4 there were a number of different conversations within the
5 administration about declassifying the NIE?

6 A. Yes, sir.

7 Q. And during those conversations did you ever tell any
8 of the other people that in fact the President had already
9 declassified the NIE in your mind?

10 A. No, sir.

11 Q. And in your presence did the Vice President ever
12 tell these other people that you understood that the NIE had
13 already been declassified?

14 A. No, sir.

15 Q. And as far as you know, was the CIA or Director
16 Tenet ever notified that the NIE had been declassified in your
17 mind as of July 8th with regard to those portions concerning
18 uranium?

19 A. No, sir.

20 Q. And were there conversations in which Mr. Hadley
21 discussed declassification of the NIE?

22 A. Yes, sir.

23 Q. Were there conversations where Dr. Rice discussed
24 declassification of the NIE?

25 A. Yes, sir.

1 Q. Were there conversations in which Andrew Card, the
2 Chief of Staff, discussed declassification of the NIE?

3 A. Yes, sir.

4 Q. And during all those conversations it remained
5 unknown to them that in fact you understood that the NIE had
6 already been declassified?

7 A. By the President. Yes, sir.

8 Q. And is it fair to say that on July 10th the Vice
9 President, according to your notes, indicated that he would
10 recommend to the President declassification of the relevant
11 parts of the NIE?

12 A. My recollection is that's what he was telling Steve
13 Hadley should pass on to Director Tenet, that they wanted to
14 get those portions declassified and then they were
15 declassified.

16 Q. And so in your mind, the Vice President was telling
17 Steve Hadley to tell George Tenet that we, the Office of Vice
18 President, would recommend declassification even though at the
19 time, according to your account, both he and you knew that the
20 NIE had already been declassified?

21 A. Yes, sir.

22 Q. And is it fair to say that in the following
23 conversations during that week there are a number of
24 conversations where people discussed declassification where
25 you and the Vice President knew that in your mind the

1 President had already authorized you to discuss this with the
2 press? Correct?

3 A. Yes, sir.

4 Q. Was that unusual for you to have the National
5 Security Advisor, Director of Central Intelligence and the
6 White House Chief of Staff, among others, in the dark as to
7 something that you had done regarding declassification?

8 A. It is not unusual for the Vice President to tell me
9 something which I am not allowed to share with others. And
10 it's so -- it doesn't happen very often -- well, it happens
11 often that the Vice President will tell me something that I
12 cannot share with other people and I will sit in the room with
13 them while they talk about something. I think that many times
14 when they know something and I know something, but neither of
15 us know that the other person knows it or is supposed to know
16 and we don't talk about it, that happens quite frequently
17 actually.

18 Q. And with regard to declassification issues, are
19 there any other times that you're aware of that you knew that
20 something had been declassified by the President and other
21 members of the national security community were in the dark?

22 A. Yes, sir. There are numbers of times when the
23 President intends to make a statement about something, for
24 example. He's going to announce an initiative or he's going
25 to reveal in a speech that some -- you know, that we have

1 intelligence on a certain point, and the fact that he is going
2 to do so is often closely held among a certain number of
3 people. And you can be in other people -- be in meetings with
4 other people who don't know that you're about to give a speech
5 on that topic or unveil that initiative who are still treating
6 it as a classified matter and still believe it to be a
7 classified matter. So that happens not, not infrequently.

8 Q. Was there any other occasion where you knew the
9 press -- a member of the press to have a document that had
10 been given to the press by the administration where others in
11 the administration still thought the information contained
12 therein was, was classified?

13 A. There are numbers of occasions where I understand,
14 usually not with me, usually with Director -- with National
15 Security Advisor Rice, will be assigned to go background the
16 press about some initiative or something which the President
17 is going to do where other people that I talk to do not know
18 that in fact she is backgrounding people about it. There are
19 many occasions where she has backgrounded reporters about some
20 event and I'm in the room and I don't know that it's been
21 done. This happens a fair amount.

22 Q. How long have you known Judith Miller?

23 A. Not very long. I've known of Judith Miller from her
24 writings, and particularly from a book that she wrote, for
25 some time. But I had actually only met her, I think, once

1 before July 8th.

2 Q. And what was the occasion before July 8th that you
3 had met Ms. Miller?

4 A. I had, I think, contacted Ms. Miller because I
5 wanted to meet her. I under -- I believe her to be a serious
6 reporter who cares about the substance of, of the issues. She
7 had written a book called "Germs", if I recall, which is about
8 biological warfare with another reporter who is a friend of
9 mine. I think it's -- well, Steve Engleberg, I think is the
10 co-author. And he had interviewed me for the book. I had
11 never spoken to her in connection with the book. But the book
12 is a serious attempt to go through at great length how the
13 administrations, administrations, not just this one, or
14 actually not this one, the Clinton administration, the Bush
15 administration, others had looked at the threat of biological
16 warfare and I considered her from this and from other things
17 the sort of reporter who actually cares about the substance of
18 it and wants to get it right so they're doing the best at --
19 the highest function of the press which is to alert the public
20 as to, you know, a serious issue as a compliment to when the
21 administrations talk about a serious issue. And she had
22 obviously spent a lot of time on this issue and cared about
23 it, so I wanted to meet her to get to know her and so I called
24 her and she was glad to come in, and we had a -- my
25 recollection is we had a meeting in my office some weeks

1 before July 8th.

2 Q. And when you met her, and when you say some weeks
3 before, we are talking May, June, spring of 2003?

4 A. I don't recall. It would be on my schedule. And
5 that would be the first time I met her, as I recall.

6 Q. Okay. And that was the first time you recall
7 meeting her even on a social occasion?

8 A. I don't recall ever meeting her before that. It's
9 possible.

10 Q. And did anyone go with you to the meeting with
11 Judith Miller on July 8th?

12 A. On July 8? No. No, sir.

13 Q. Okay. And did you bring anything else besides the
14 redacted portion of the NIE with you?

15 A. I may have had some notes, something like that.

16 Q. Do you know if you brought any talking points?

17 A. I think I had talking points -- I think I had other
18 notes that I'm not sure if I used or not, which were of the
19 same nature. Things -- you know, statements from the NIE from
20 the first part, from the judgments part, but I'm not -- I
21 think I had those with me, but I don't, I don't think I -- I
22 don't know if I used them all.

23 Q. Did you bring the NIE itself?

24 A. No, sir, I don't think so.

25 Q. And did Judith Miller ever write a piece as a result

1 of your meeting with her?

2 A. No.

3 Q. Why not?

4 A. I don't know. It was a totally failed effort to get
5 the NIE out as far as I could tell.

6 Q. And we'll go forward -- the last time you told us
7 about a conversation you had with Judith Miller, you believe
8 on a Saturday where you discussed Wilson's wife working at the
9 CIA. Do you recall that testimony?

10 A. It was on the weekend of the aircraft carrier trip,
11 July 12th, 13. Yes, sir.

12 Q. And how certain are you that you had a conversation
13 with Judith Miller about Wilson's wife working at the CIA on
14 the weekend as opposed to being part of the July 8th meeting?

15 A. I'm certain I talked to her about it from my home
16 because I remember where I was.

17 Q. And where were you?

18 A. In my little office, cluttered.

19 Q. Okay. And what phone did you use?

20 A. I think either the government -- there are two
21 phones in that office and I don't know which one I used. One
22 is my personal home phone and the other is -- I think I used
23 my personal home phone.

24 Q. And you also have a government phone there?

25 A. There's also a government phone there.

1 Q. Do you know what the phone number is to the
2 government phone?

3 A. I don't.

4 Q. Okay. Is that -- that's not the same number as your
5 government office, I take it?

6 A. Correct, it is not.

7 Q. And the phone bills, I presume since it's a
8 government phone, go to the government, not to you?

9 A. I certainly hope so. I've never been quite clear,
10 but I'm hoping I'm not paying for that phone.

11 Q. Okay. So there are two phones. One is your
12 personal phone and if you, if you think about it when you make
13 calls, you make personal calls on your personal phone and
14 business calls on your government phone?

15 A. It's not quite that rigorous. I make many business
16 calls on my personal phone. In fact, this one was a business
17 call on my personal phone.

18 Q. Okay. So you believe you used your personal phone?

19 A. I think so.

20 Q. Okay. And on your personal phone, what's your long
21 distance service?

22 A. AT&T, I guess.

23 Q. Okay. Are they all -- do you get two separate bills
24 at the end of every month, for local service and a separate
25 one for long-distance or are they one bill?

1 A. I, I think my wife pays the phone bills. I think
2 there are two bills, but I'm not sure.

3 Q. And do you use a phone card for long-distance? Is
4 it your practice to dial one of those numbers that --

5 A. No, I think on this -- well, from my home I would
6 just use my own -- I could have used the government card and
7 probably should have, but I think I just paid for it myself.

8 Q. Okay. And do you have a personal long-distance
9 service that you use, a personal phone card that you employ?

10 A. Yes --

11 Q. And what --

12 A. -- it's one -- you mean a phone card that goes to my
13 person -- that goes to my home phone, just my home phone?

14 Yes.

15 Q. And what company is that with?

16 A. It would be -- I guess it's the same. I assume it's
17 the same.

18 Q. Is it your practice when you make calls from your
19 home just to dial 1, the area code and the number?

20 A. Unfortunately sir, yes.

21 Q. Okay, so you don't do the 10 cents a minute service?

22 A. No, sir. And I, and I don't charge it to the
23 government usually, although I suppose I should.

24 Q. Okay. And your recollection is that when you spoke
25 to Ms. Miller on that weekend you were using your personal

1 phone at your home, but possibly your government phone at your
2 home?

3 A. Yes, sir. I think it was my personal phone.

4 Q. Okay. Any chance you used your cell phone, your
5 government cell phone?

6 A. My recollection of the call to Judith Miller is that
7 it, it was interrupted and I think I did all of them on my,
8 all of them on my home desk phone.

9 Q. Okay. And how many cell phones do you have?

10 A. Just the one.

11 MR. FITZGERALD. The government cell phone. Okay,
12 why don't we break at 10:45 and come back --

13 GRAND JUROR. At 1100 hours, please.

14 MR. FITZGERALD. 1100 hours, military time. That's
15 fine. Thank you.

16 WITNESS. Thank you.

17 (Whereupon, the witness was excused at 10:45 a.m.)

18 (Whereupon, the witness was recalled at 11:17 a.m.)

19 GRAND JUROR. And we'll just remind you, you're
20 still under oath.

21 WITNESS. Thank you.

22 GRAND JUROR. Thank you.

23 BY MR. FITZGERALD:

24 Q. And clarifying two points on the conversation with
25 Judith Miller. Do you recall whether or not you discussed Mr.

1 Wilson's wife at all during your conversation on July 8th with
2 Ms. Miller?

3 A. I don't recall. I don't recall any discussion --

4 Q. And do you recall if you discussed Mr. Wilson at all
5 during your conversation with Judith Miller on July 8th?

6 A. I don't recall any discussion of it, but it's -- in
7 connection with the statement by the NI -- in the NIE that
8 Iraq had vigorous -- the flat statement that Iraq had
9 vigorously begun, that statement is six months after his
10 report and it's possible that I said something about that.

11 Q. And is it fair to say that the, the part of the NIE
12 that made that statement, that talked about Iraq, quote,
13 vigorously, close quote, trying to procure uranium was the
14 heart of what you wanted to get out to Judith Miller that day?

15 A. Yes.

16 Q. And that's what the Vice President wanted out in the
17 public domain because it rebutted the claim that the efforts
18 to get uranium had been debunked. Fair to say?

19 A. Correct.

20 Q. And that's -- but the fact that the "vigorously
21 trying to get uranium" was in a classified document is what
22 prompted the whole discussion you had with the Vice President
23 and with Mr. Addington to make sure that it was okay for you
24 to discuss that statement about vigorously trying to get
25 uranium for the report. Correct?

1 A. Yes, if I could just amend this yes and the previous
2 one. There were other parts of the NIE. That was the section
3 on uranium. There were other statements in the front of the
4 NIE that were also declassified by the President and then
5 later by Tenet which talk about more in general that they had
6 a nuclear program and that sort of thing. They were also --
7 it's not just that one sentence. It was also the, the more
8 generic statements from the key judgment section that were,
9 that were important. But yes, the -- yes.

10 Q. Okay. It's fair to say that if you could get Judith
11 Miller to write one sentence about the NIE, you'd want her to
12 quote the part that said "vigorously trying to procure uranium
13 as a conclusion of the NIE"?

14 A. I don't know about that. I think there's some
15 statements up front that were even more useful, about that
16 Iraq was pursuing chemical, biological and nuclear programs.
17 You know, the uranium bit was just one small piece, one bit of
18 evidence of the bigger issue which was whether they were
19 pursuing a nuclear program. But it was certainly a useful
20 statement. I don't mean to --

21 Q. And certainly after July 6th, when the efforts to
22 try to acquire uranium were in dispute following Mr. Wilson's
23 piece, quoting to the vigorous efforts -- quote, vigorously,
24 close quote, trying to procure uranium as a description in the
25 NIE was, was helpful. Correct?

1 A. I would, I would say no, sir. I would say it was
2 important since the IAEA had in March declared the -- certain
3 documents forgeries and that was when the controversy began
4 about whether the President had properly said something about,
5 about, about uranium at all. And the July 7 statement that,
6 that, that it was a mistake to say it was really with regard
7 to a lot of discussion prior to that by -- or prior and
8 subsequent to that by National Security Advisor Rice which was
9 about the fact that there were these forged documents that we
10 had mistakenly relied upon and that was only -- but that was
11 only part of the case about uranium. So I would say that the
12 sentence about uranium was -- and the statements in the front
13 about the nuclear program were important for the general
14 broader picture of whether the President was right to say
15 something about uranium.

16 Q. Okay. And it's fair to say with regard to the
17 statement that there were -- that Iraq was quote, vigorously,
18 close quote, trying to obtain uranium, that was one of the
19 issues that you understood to be classified that you needed
20 the authority of the President to discuss it with the press.
21 Correct?

22 A. Yes, sir. It was -- yes, sir. It was also in the
23 July 11 statement by George Tenet.

24 Q. But prior to July 11th, prior to the July 8th
25 meeting with Judith Miller, your concern was, I can't go to

1 Judith Miller on July 8 and discuss with her that the NIE says
2 that Iraq is, quote, vigorously, close quote, trying to
3 procure uranium because that's coming from a classified
4 document, and unless I know that the President had authorized
5 me to do that, you felt barred from discussing it?

6 A. Exactly right.

7 Q. Okay. And the conversation where the Vice President
8 obtained the permission from the President for you to discuss
9 it with the press you believe occurred before July 8th.
10 Whether it was July 7th, or at the end of the prior week,
11 that's when the Vice President had the authority, you
12 understood, from the President to authorize you to discuss the
13 reference in the NIE that Iraq was, quote, vigorously, close
14 quote, trying to procure uranium?

15 A. Yes, sir. I don't know when that discussion
16 occurred between the President and the Vice President. I do
17 know that there were these, you know -- he told me to go, and
18 then he told me to hold, and then he told me to go. And those
19 discussions were after he had gone off to have these
20 discussions.

21 Q. And it was when you finally got the go-ahead, you
22 spoke to -- on July 8th to Judith Miller and then you told her
23 about, quote, about the efforts described in the NIE as quote,
24 vigorously, close quote, trying to procure uranium by Iraq.
25 Is that fair to say? Let me rephrase --

1 A. It was a long question. Sorry.

2 Q. After you got the final go-ahead, you then told
3 Judith Miller that the NIE said that Iraq was, quote,
4 vigorously, close quote, trying to procure uranium?

5 A. Yes, sir.

6 Q. And you also, I take it, included that reference to
7 the NIE's language about, quote, vigorously, close quote,
8 trying to procure uranium in the redacted document you
9 provided Judith Miller?

10 A. Yes, sir.

11 Q. And to your understanding is that the first time you
12 disclosed to a member of the press that the NIE contained a
13 reference that Iraq was, quote, vigorously, close quote,
14 trying to procure uranium?

15 A. Yes, sir. I think so.

16 Q. Let me, let me show you what's been -- what we'll
17 mark as 2881, or refer to as 2881 to 2884, for the record.
18 And these are notes, I believe they look like Cathie Martin's
19 handwriting. Does that look to be Cathie Martin's handwriting
20 to you?

21 A. Yes, sir.

22 Q. And is that the July, the July 2nd meeting where
23 David Sanger interview with Scooter for WMD?

24 A. Yes, sir.

25 Q. Does it also indicate that a Risen, R-i-s-e-n, and a

1 Shanger were present?

2 A. Yes, sir.

3 Q. Were there three reporters present or is "Shanger" a
4 mis-spelling of Sanger?

5 A. It's weird. I don't know, sir.

6 Q. Okay.

7 A. No, I don't believe there were two present.

8 Q. Okay. And does it indicate in the underlined
9 section, "OTR but Sanger will clear background quotes"? At
10 the top.

11 A. Yes, sir. Yes, uh-hum.

12 Q. Is that your understanding means off-the-record, but
13 Sanger will clear background quotes?

14 A. Yes, sir.

15 Q. And does then it talk about the Powell presentation
16 and indicate "D.S." making some statements, meaning David
17 Sanger, and then S.L. responding, "Scooter" Libby?

18 A. Yes, sir.

19 Q. And does it indicate from the first page, "meant to
20 be Chinese menu"? The first statement you made. Is that a
21 reference to the fact that you gave some material to Secretary
22 of State Powell that he could use in making his presentation
23 but it was a Chinese menu from which he could draw what he
24 wanted and ignore what he wanted?

25 A. Yes, sir.

1 Q. And is that a conversation you had with David Sanger
2 that day?

3 A. Yes, sir.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1 Q. And do you know if you ever discussed with either
2 the Vice President or whether he discussed with anyone else
3 whether you could share with Judith Miller the fact that
4 Wilson's wife worked at the CIA?

5 A. I don't recall any discussion with the Vice
6 President about Wilson's wife working at the CIA, about
7 sharing that with the press. Now, after July 14, after the
8 Novak article came out, in that time frame I may have asked
9 him, you know, "Do you want me to refer to that?" And it's
10 possible I may have asked him that after even Russert --
11 although I don't know -- don't recall anything about it.

12 Q. And what is it that makes you think you might have
13 asked the Vice President about referring other reporters to
14 what you had learned either in writing from the Novak column
15 or on the telephone from Mr. Russert?

16 A. I'm sorry --

17 Q. You say that it's possible that you talked to the
18 Vice President after you spoke to Mr. Russert to ask him
19 whether you could share with other reporters what you had
20 learned about Wilson's wife from Russert. And do you have a
21 recollection of, of having that conversation?

22 A. No, sir. No recollection.

23 Q. And you say it's possible that you may have talked
24 to the Vice President after the Novak column appeared asking
25 him whether it was appropriate for you to share with other

1 reporters, call their attention to Novak's column. Do you
2 have a recollection of that conversation happening?

3 A. I have recollections of talking to the Vice
4 President at times about does he want me to share some point
5 of fact with reporters, or talk about some point of fact with
6 reporters. About, you know, many things over three years. I
7 don't recall specifically having a conversation with him about
8 sharing with -- about Wilson's wife. But it's possible. I
9 just don't recall it.

10 Q. And is it fair to say you had, in a prior FBI
11 interview, you indicated it was possible that you may have
12 talked to the Vice President on Air Force Two coming back from
13 the ceremony involving the U.S.S. Reagan about whether you
14 should share the information with the press about Wilson's
15 wife?

16 A. It's possible that would have been one of the times
17 I could have talked to him about what I had learned from
18 Russert and what Karl Rove had told me about Novak, Mr. Novak.

19 Q. And as you sit here today, do you recall whether you
20 had such a conversation with the Vice President on Air Force
21 Two on July 12th?

22 A. No, sir. My, my best recollection of that
23 conversation was what I had on my note card which we have
24 produced which doesn't reflect anything about that.

25 Q. And other than the fact -- strike that.

1 Do you know if you spoke to the Wall Street Journal
2 prior to July 18th about the NIE contents before the July 18th
3 date came around and made the NIE publicly available?

4 A. I did not.

5 Q. Do you know who did?

6 A. Secretary Wolfowitz did.

7 Q. Okay. And how do you know that?

8 A. Because I discussed with the Vice President whether
9 we should -- the Tenet statement, which came out on July
10 11th -- can I start this paragraph again?

11 Q. Sure.

12 A. The Tenet statement came out on July 11 and referred
13 to some of the documents but not to one of the -- some of the
14 more important documents, including the document that came out
15 on January -- that was sent to the White House on January
16 24th, 2003. And that document had the same content as the NIE
17 word-for-word in the relevant portions. And it came very
18 close to the State of the Union, very close to Secretary
19 Powell's presentation, and it also said that Iraq had
20 vigorously begun to pursue the procurement of uranium. That
21 document had not been included in Secretary -- excuse me,
22 Director Tenet's July 11 statement. And so during the week,
23 you know, after July 14, in that week, the Vice President
24 thought we should still try and get the fact of that document
25 out. And so he asked me to talk to the Wall Street Journal.

1 We discussed the possibility of talking to the Wall Street
2 Journal, to get that out. I don't have as good a relationship
3 with the Wall Street Journal as Secretary Wolfowitz did, and
4 so we talked to Secretary Wolfowitz about -- I talked to
5 Secretary Wolfowitz about trying to get that point across, and
6 he undertook to do so.

7 Q. And do you know when that week, when following July
8 11th that you spoke to Secretary Wolfowitz, and if you know,
9 when Secretary Wolfowitz spoke to the Wall Street Journal?

10 A. I don't. It was some time Monday, Tuesday, and I
11 think it came out in the Thursday Wall Street Journal with the
12 same language which Secretary -- Director Tenet had had in
13 Director Tenet's July 11th statement. And so he talked to
14 them some time before the 17th.

15 Q. And I'll show you next 3644 to 3645. Do you know if
16 Secretary Wolfowitz sent anything, in terms of actual written
17 material, to the Wall Street Journal?

18 A. I don't know.

19 Q. Do you know if you sent anything to Secretary
20 Wolfowitz that he could either use to talk with the Wall
21 Street Journal or could share with them?

22 A. I don't think so.

23 Q. Do you know if you would have sent Secretary
24 Wolfowitz the redacted version of the NIE that you would have
25 shared with Judith Miller?

1 A. I don't think so.

2 Q. Did you ever hear if Secretary Wolfowitz sending a
3 fax to the editor at the Wall Street Journal of talking points
4 regarding Mr. Wilson?

5 A. No, I didn't know -- I did not know about that.

6 Q. And let me show you first 3644 and 3645. And that's
7 a fax -- an e-mail from Hannah Seemers. And just for the
8 Grand Jury's benefit, who's Hannah Seemers (ph.)?

9 A. I believe she's someone who works for Cathie Martin
10 in the Press Shop for the Office of Vice President.

11 Q. Does this show, in the text of the July 17th Wall
12 Street Journal, does it quote from different portions of the,
13 quote, now famous NIE, close quote, in that editorial? For
14 example, the second paragraph, does it says, the section on
15 Iraq's hunt for uranium, for example, asserts bluntly that,
16 quote, Iraq also began vigorously trying to procure uranium
17 ore and yellowcake, close quote, and that quote, "acquiring
18 either would shorten the time Baghdad needed to produce
19 nuclear weapons," close quote?

20 A. Yes, sir. The -- it does. I mean, this is --
21 "vigorously trying to procure" is the same thing that's in
22 Director Tenet's July 11th statement.

23 Q. But it says here that "We're reliably told that the
24 now famous NIE, which is meant to be the best summary judgment
25 of the intelligence community, isn't nearly as full of doubt

1 about that yellowcake story as the critics assert or as even
2 CIA Director George Tenet has suggested." Is that correct?

3 A. Yes, sir, it says that.

4 Q. And so, it indicates then it quotes the NIE, so it's
5 not quoting Director Tenet's statements, it's quoting the text
6 of the NIE. Correct?

7 A. Yeah.

8 Q. And is it your --

9 A. Yes.

10 Q. -- and then it goes on to say, regarding the
11 supposedly discredited Niger story, the NIE says that, quote,
12 and it gives you a paragraph quoted from the NIE, and
13 continues throughout the editorial to quote sections of the
14 NIE. Is that fair to say?

15 A. Yes, sir. It looks like the NIE -- it quotes -- it
16 purports to be a quote from the NIE and it looks like the NIE
17 to me.

18 Q. Okay. And does the article -- editorial also state
19 that this information, by the way, does not come from the
20 White House which, which has handled this story in a ham-
21 handed fashion. Correct?

22 A. Yes, sir.

23 Q. And is it fair to say that you understand that the
24 information did not come from the White House, it came from
25 Secretary Wolfowitz?

1 A. It's my understanding that Secretary Wolfowitz was
2 going to talk to the Wall Street Journal.

3 Q. At the direction of the White House?

4 A. No, at -- he -- I talked to him about it and he said
5 he was going to do it, yes, sir.

6 Q. And so as a result of that conversation you
7 understand that the contents of the NIE were shared with the
8 Wall Street Journal the day before they became publicly
9 available, on July 18th. Correct?

10 A. Yes, sir.

11 Q. Okay. And do you know if Secretary Wolfowitz had
12 been told that the President had, in your view, declassified
13 the NIE prior to it being officially declassified on July
14 18th?

15 A. I don't know, I may have told him, but I don't know.
16 I don't recall.

17 Q. Do you know if he knew that fact before you told him
18 that he should reach out to the Wall Street Journal?

19 A. I don't know that.

20 Q. And do you know if you shared with him any text that
21 you might wish to share with the Wall Street Journal?

22 A. No, I don't think I shared text with him, but I know
23 that it was covered in the -- well, all I know is the -- what
24 he had available was he had the NIE and the Wall Street
25 Journal -- I'm sorry, the July 11 piece from Tenet, talked

1 about the sentence that as you say was the most important to
2 us which was the vigorously trying to procure --

3 Q. Now, did there come a time when there was a lunch
4 hosted by the Vice President with conservative columnists?

5 A. Yes, sir.

6 Q. And was that on July 17th? On July 18th?

7 A. One of those two days. Yes, sir.

8 Q. And was that in part an effort by the Vice President
9 to sort of get the story out more, more fully in light of his
10 frustration that Director Tenet's statement hadn't been as
11 complete as he would like?

12 A. I think it was an attempt to get the story out more
13 fully about many issues, including the full statement on what
14 we understood about the NIE.

15 Q. And do you recall, did you attend the lunch that he
16 had with those columnists?

17 A. Yes, sir.

18 Q. Okay. And I'll show you 2761 and 2767. Did Cathie
19 Martin attend that lunch?

20 A. I think she did, sir.

21 Q. Okay. Did anyone else from your office, besides the
22 Vice President himself, yourself and Cathie Martin?

23 A. I don't think so.

24 Q. Okay. Do you know if Mary Matalin attended that
25 lunch?

1 A. She might have. She was not of our office at that
2 point. You know, she had left our office, I think, at that
3 point.

4 Q. Do you remember her being there?

5 A. She may have been. She's been at some of these.
6 Yes, sir.

7 Q. And during that luncheon with these columnists, do
8 you recall if there was discussion about Mr. Wilson?

9 A. I think there probably was, sir.

10 Q. And do you recall what was said about Mr. Wilson at
11 this luncheon?

12 A. I don't recall in -- I don't recall. But I, I
13 believe at this luncheon -- again, I believe at this luncheon
14 we were able to pass out the declassified NIE, the sections of
15 the NIE that had been declassified at this point by the
16 Director of Central Intelligence in hard copy, and that
17 includes the language about vigorously trying to pursue, and I
18 think they probably talked about that at that point.

19 Q. And what was your view of Ambassador Wilson at this
20 point, on July 18th?

21 A. My view was that his -- the story that he was
22 presenting should by this point be pretty soundly refuted to
23 anyone who was willing to pay attention to the facts. That
24 is, it was now clear that as opposed to his sort of four part
25 argument that the Vice President did not ask for the mission

1 for him to go off, or anyone to go off to Niger; that report
2 did not reach -- that the report about his trip did not reach
3 the Vice President; that the NIE -- and the intelligence
4 community in fact did not regard his trip as definitive and in
5 fact regarded it as having some evidence that was supportive
6 of the claim that Iraq tried to procure uranium and that
7 therefore nobody was twisting intelligence when the President,
8 you know, intended intelligence to be twisted when the
9 President went out and made the statement.

10 Q. Did you think that Ambassador Wilson was making an
11 honest portrayal of the facts in his public statement?

12 A. I thought that by that point -- in his July 6th
13 column he had -- July 6th column, he had said that, you know,
14 if my view of this is wrong, if somebody thought my, my
15 presentation was not persuasive on this, then I understand,
16 although I'd like to know why they didn't think what I found
17 was persuasive. And I thought at this point there was enough
18 to indicate to him that the intelligence community had not
19 found it to be persuasive and I sort of hoped that at that
20 point he would rescind his complaints and not be making more
21 complaints.

22 Q. Did you think he was qualified to have gone on the
23 mission that he went on back in 2002?

24 A. Yes, sir, given -- I mean, his mission as I
25 understood, he went and he talked to a former Nigerian Prime

1 Minister and a former Nigerian Economic Minister, maybe some
2 others. But that's what the cable reports on. And he was --
3 as an ambassador he was perfectly capable to conduct those
4 missions.

5 Q. And did you think that -- putting aside what was
6 characterized about the trip, that it was appropriate for him
7 to go on that mission back in 2002?

8 A. It's not really for me to say what's appropriate for
9 him to -- you know, what type of mission is appropriate and
10 who is the appropriate person to do it. That's a Central
11 Intelligence Agency matter. I thought that he was qualified
12 to go talk to foreign government ministers. That's something
13 he had done as an ambassador presumably many times.

14 Q. Hadn't your reaction been, as you told us earlier
15 this morning with Undersecretary Grossman, even in jest that,
16 you know, isn't it a strange world when the CIA is sending
17 people out to do a job that the State Department could do?

18 A. Yes, sir. That was -- back in June that was my
19 reaction. Now it may be that -- again, that was in jest. But
20 it may be that he knew these people personally somehow in a
21 way that the current ambassador didn't know them. There's
22 some suggestion to that, I think, in his column. Again,
23 whether that's the right way to go about finding out the truth
24 here is an issue for the, for the CIA. As the CIA itself has
25 said, and as Director Tenet said, he went and he talked to

1 officials there and asked them in the name of the U.S.
2 government, saying he was going to get back to the U.S.
3 government, did you trade -- did you do a deal with Iraq for
4 uranium? The people who he was talking to knew that that
5 would be against U.N. sanctions and against the interest of
6 the United States and would be providing the makings for
7 nuclear weapons to one of our -- an enemy that was -- a
8 country that was a great enemy of ours. So it would be
9 surprising if they admitted to that. But he was perfectly
10 capable to go have those conversations in my view.

11 Q. In your opinion did you think at that time in, in
12 July, that he had gone as a result of nepotism?

13 A. I didn't know why he had gone, sir.

14 Q. But do you have an opinion one way or the other as
15 to whether or not Ambassador Wilson had been selected because
16 of nepotism?

17 A. I didn't know whether he had been selected because
18 of nepotism. Again, I, I thought he was fully qualified to do
19 the mission that he went -- that I understood he had
20 performed. There was a suggestion in the Novak column that
21 his wife had been the one who suggested him to go, but I
22 thought he was qualified to do what he went to do.

23 Q. My only question to you is, in your state of mind
24 were you thinking that he went on this mission because of
25 nepotism?

1 A. Nepotism has two meanings to me. One is of a person
2 who is unqualified to do something but he gets the job because
3 he's somebody's nephew. I didn't think he was unqualified to
4 do the job that he was given. I suspected, having seen the
5 Novak column, that if he had not been her husband they may not
6 have picked him for this mission or they might not have done
7 this mission, but I thought he was qualified to do the
8 mission.

9 Q. And next question, did you think prior to the Novak
10 column, when you had heard that Wilson's wife worked at the
11 CIA and, and by your own recollection you heard that from Vice
12 President Cheney, did you think then that he might have been
13 selected for the job because of his marital relationship?

14 A. No, sir. That -- I don't think that is -- that was
15 not one of the things I was thinking about at that point.

16 Q. Did you at any time think it was abnormal for the
17 CIA to send Former Ambassador Wilson to Niger to investigate
18 this claim?

19 A. Yes, I thought it was abnormal only because we have
20 an ambassador there and he's coming in -- abnormal may be too
21 strong a word. I didn't understand why it would be useful,
22 given that we had an ambassador there who could go talk to
23 people. Again, as you look at his column I think he says
24 there were some people that he had a personal relationship
25 with and that would make some difference, although, you know,

1 walking in the front door and saying, "I'm from the United
2 States government, I want to know if you traded nuclear -- the
3 materials for nuclear weapons with our great enemy, Iraq," did
4 not seem to me a definitive way of going about and trying to
5 test the proposition which is in fact how -- and Director
6 Tenet cast the same doubt upon it in his statement of July
7 11th.

8 Q. Did it -- did you think it undercut the credibility
9 of the arguments being made as a result of the Wilson column
10 that Wilson was actually someone who wasn't on the United
11 States' payroll?

12 A. I didn't know whether he was on the, on the United
13 States' payroll until his column where he says he got his
14 expenses. And I was not familiar enough with the practices of
15 the Agency to know whether that's a common way or not a common
16 way of doing it. I don't, I don't think that payroll makes
17 the difference.

18 Q. You didn't think the issue of whether he was on or
19 off the payroll was significant?

20 A. I thought it was a factor in trying to figure out
21 exactly how the Agency viewed this mission, but -- so it may
22 have had some importance. I didn't think it was definitive of
23 any way.

24 Q. And why would it be important with how the Agency
25 viewed the mission if he was on the payroll or not?

1 A. I don't know how they normally do their -- how the
2 Agency normally pulls people for missions like this. I would
3 have thought in the normal course, if somebody goes on a
4 mission like this, they might be paid for their time, but I
5 didn't know.

6 Q. Did you think that might be a factor in, in how
7 people should view how much weight the Agency put on his
8 services, whether or not he was paid?

9 A. It's possible if they paid him it would indicate
10 even more seriousness about it, but it didn't seem to me to --
11 doesn't seem to me as I sit here today definitive.

12 Q. And do you know if Vice President Cheney in July of
13 2003 thought that Ambassador Wilson was qualified to do the
14 job that he was sent to do?

15 A. I, I don't know whether he thought he was -- I think
16 Vice President -- I don't, I don't know the answer to your
17 question. I think the Vice President thought he was qualified
18 to do what was reported in the cable. If, if he was sent to
19 somehow determine in a definitive way whether Niger had done
20 this, I don't know that the Vice President thought he was
21 qualified to do that. I think for what he did, I would think
22 the Vice President thought he was qualified.

23 Q. And did the Vice President ever indicate his belief
24 that Ambassador Wilson was selected to go on this mission
25 because of his marital relationship with someone who worked at

1 | the CIA?

2 | A. He -- I think he, at times, had suspicions about,
3 | you know, is that why he was selected for this mission?

4 | Q. And what makes you say that?

5 | A. You know, I think he made comments about it in
6 | connection with, well, his -- you know, his wife works there.
7 | It wasn't a full sentence, I don't think, but that's the sort
8 | of notion I took from it.

9 | Q. An implication that if his wife hadn't worked there,
10 | he wouldn't have been the one sent to do the job?

11 | A. Something like that. Yes, sir.

12 | Q. And when did the Vice President say that?

13 | A. Oh, these were in discussions, July, maybe -- late
14 | July, maybe September, things like that.

15 | Q. And what was the -- why was the Vice President
16 | discussing that in late July, early September?

17 | A. People would come through and talk about different
18 | issues and, you know, an issue might come up about the Wilson
19 | controversy which was in the news.

20 | Q. And why did the President -- Vice President not
21 | discuss this back in June, on or about June 9th, 10th, 11th,
22 | when you were preparing for the Pincus column and he noted
23 | that his wife works at the CIA? Did you take from that an
24 | observation that, oh, his wife works out there, he wouldn't
25 | have the job otherwise?

1 A. No, sir. The only, the only time I best recall
2 discussing it just then was that discussion. That's all I
3 recall.

4 Q. And when you --

5 A. I'm sorry, when I say that discussion, I, I, I want
6 to be clear, the discussion that I took the note about.

7 Q. And from July 6th, when the Novak -- July 6, when
8 the Wilson piece appears, until July 12, when you were talking
9 to reporters after Air Force Two, do you recall any
10 conversation during that week where Vice President Cheney
11 observed or had it brought to his attention that Wilson's wife
12 worked at the CIA?

13 A. I certainly don't recall any discussion about that
14 prior to the Russert/Novak conversations when I learned about
15 the wife, what I thought was the first time. And I don't
16 recall, as I told you before, whether we discussed that on the
17 plane that day.

18 Q. And do you --

19 A. But I don't, I don't recall any such discussion.

20 Q. -- and do you recall whether or not between July
21 12th and July 18th, when you had this lunch with the
22 conservative columnists, he had any discussion with you about
23 his -- any belief he might have that Wilson was picked because
24 of his wife working at the CIA?

25 A. I don't recall a discussion about that.

1 Q. Do you recall if it came up at the lunch on July
2 18th with the conservative columnists present?

3 A. I don't recall if it came up at that lunch.

4 Q. Do you recall if the Vice President had questions
5 about the credibility of Wilson in light of the fact that he
6 was not on the payroll of the U.S. government when he took the
7 trip?

8 A. It's possible. You know, we should have notes from
9 that lunch, but I don't recall it sitting here about that
10 lunch.

11 Q. And do you recall if he ever expressed to you at any
12 time an opinion that Wilson's credibility is less because he
13 was not a person on the government payroll at the time of the
14 trip?

15 A. He might have said that. I, I don't recall it
16 specifically, but it's consistent with the general sense -- an
17 uneasy -- had a general uneasy head about it.

18 Q. And did the Vice President at any time express to
19 you that he thought this trip was handled in an unusual or
20 other than normal fashion by the CIA?

21 A. Yes.

22 Q. When did he express that?

23 A. Back in -- I think there were times when he was
24 asking -- I think back in June when he was asking about how
25 did we end up -- how did this trip come about, this trip being

1 in the May Kristof column an ambassador was sent, he went on
2 this mission, and then he was talking about this mission which
3 we had only in a classified cable. He was sort of, you know,
4 asking about, oh, how did this mission come about that this
5 fellow went out and talked about it? And so there was some
6 unease at that point. And then I, as I say, I think I recall
7 after the, after the Wilson column came out he may have also
8 wondered about it.

9 Q. In what time frame? How, how long after the Wilson
10 column came out?

11 A. I don't recall, sir. I mean, I think -- it was not
12 just one discussion, there was some other discussions and I
13 just don't recall specifically on the point of irregularity of
14 CIA hiring practices, if you will, what -- when that came up.

15 Q. And why don't I show you the copy of the July 6th
16 column with some handwriting on it. If we could lay our hands
17 on that. And I believe we showed this document to you the
18 last time, or at least discussed it, and you indicated that
19 you had not seen this copy of the article with the handwriting
20 until the FBI showed it to you?

21 A. That's my recollection, sir.

22 Q. And showing you what has been already marked as
23 Grand Jury Exhibit 8, is that the copy of the Wilson column
24 with the handwriting that you recall first being shown by the
25 FBI?

1 A. Yes, it is.

2 Q. Okay. And have you ever seen the Vice President
3 with a paper copy of the Wilson column? And by paper copy I
4 mean one not printed off the internet, not printed off a
5 computer, but the actual physical newspaper column?

6 A. I don't recall.

7 Q. Did you often see him with the actual newspaper
8 column -- actual physical columns from newspapers?

9 A. Yes, he often will cut out from a newspaper an
10 article using a little pen knife that he has and put it on the
11 edge of his desk or put it in his desk and then pull it out
12 and look at it, think about it. That will often happen.

13 Q. Okay. And do you recall if he did that on this
14 occasion on July 6th?

15 A. Evidently he did, but I don't recall.

16 Q. Okay. And fair to say --

17 A. Once again, this, this column came out, I believe he
18 got this column when he was in Wyoming, not in Washington,
19 over the July 4 recess. And so it's -- I don't think it would
20 have been there the day I walked in the office, for example.

21 Q. Okay. How long does the Vice President keep the
22 columns that he cuts out with a pen knife and puts on the
23 corner of his desk?

24 A. Sometimes a long time.

25 Q. And if you walked in the Vice President's office,

1 would you see a stack of old newspaper articles on the corner
2 of his desk?

3 A. He doesn't necessarily always keep it on the corner
4 of his desk. He keeps it in, in -- underneath papers or in a
5 briefcase or something. I've seen him produce them from
6 different places. And since the FBI showed me this, I have on
7 occasion, noticed him still -- you know, having a document on
8 his desk which is a cut out newspaper article.

9 Q. Just to paint the picture for people who haven't
10 been to the office of the Vice President, if any of us would
11 walk into his office would we, would we see a stack of
12 newspaper clippings or are we talking about one or two columns
13 that might be on the desk if someone were to look?

14 A. Oh, one or two. I mean, you'd see stacks of paper
15 and you wouldn't know what was in the stack of paper. I --
16 I'd never seen bunches of them, but I have seen two or three.

17 Q. And the handwriting at the top, is it fair to say
18 that that appears to be the Vice President's handwriting?

19 A. Yes, sir. As I told you last time --

20 Q. Right.

21 A. -- I think that's right.

22 Q. And does one of the questions indicate at the top
23 here say, "Have they done this sort of thing before?"

24 A. Yes, sir.

25 Q. And do you recall the Vice President ever asking you

1 whether or not the CIA had ever done this sort of thing
2 before?

3 A. I think he did at one point.

4 Q. And do you know when that would have been?

5 A. No, sir.

6 Q. And it says here, underneath that, says, "send an
7 ambassador to answer a question"? Did, did he ever express to
8 you his disbelief that they would send an ambassador to answer
9 a question?

10 A. I don't recall him asking that specific question.

11 Q. Knowing the Vice President the way you do with daily
12 contact, would the question, "send an ambassador to answer a
13 question," indicate some sort of belief on his part that this
14 seems sort of silly to send an ambassador overseas to answer a
15 question?

16 A. It certainly seems like he thought it was an issue,
17 yes.

18 Q. And the next question written is, "do we ordinarily
19 send people out pro bono to work for us?" Do you recall the
20 Vice President asking you a question to the effect of, do we,
21 the United States government, send people unpaid to go work
22 for us?

23 A. Yes, sir. I think he asked something like that.

24 Q. And do you recall when he asked about that?

25 A. I, I don't.

1 Q. And lastly, it says, "or did his wife send him on a
2 junket?" Do you recall the Vice President indicating or
3 asking you or anyone in your presence whether or not
4 Ambassador Wilson's wife had arranged to have him sent on a
5 junket?

6 A. I think I recall him -- I don't recall him asking me
7 that particular question, but I think I recall him musing
8 about that.

9 Q. Okay. And do you recall when it was that he mused
10 about that?

11 A. I, I think, I think it was after the Wilson column.

12 Q. Okay, and obviously --

13 A. I'm sorry, I don't mean the Wilson column, I'm
14 sorry, I mis-spoke. I think, I think it was after the Novak
15 column.

16 Q. Okay. And you mentioned last time that you thought
17 that the questions written, handwritten here, may have been
18 discussed at a later date, like August or September by the
19 Vice President?

20 A. Yes, sir.

21 Q. And --

22 A. I don't know, later. I don't know when, but yes.

23 Q. Okay. And can you tell us why it would be that the
24 Vice President read the Novak column and had questions some of
25 which apparently seem to be answered by the Novak column, he

1 would go back and pull out an original July 6th op-ed piece
2 and write on that?

3 A. I -- I'm not sure I --

4 Q. Well, the Novak column --

5 A. -- followed your -- he, he often kept these columns
6 for awhile and keeps columns and will think on them. And I
7 think what may have happened here is he may have -- I don't
8 know when he wrote, he wrote the points down. But he might
9 have pulled out the column to think about the problem and
10 written on it, but I don't, I don't know. You'll have to ask
11 him.

12 Q. All right. As you sit here today are you telling us
13 that his concerns about Ambassador Wilson, his concerns that
14 he's working pro bono, his concerns that he's an ambassador
15 being sent to answer a single question, his concerns that his
16 wife may have sent him on a junket, would not have occurred
17 between July 6th and July 12th when you were focusing on
18 responding to the Wilson column but instead would have
19 occurred much later?

20 A. Only the part about the wife, sir, I think might not
21 have occurred in that week. The rest of it, I think, could
22 have occurred in that week because, you know, it's all there.
23 You say it's all in the column. The part about the wife I
24 don't recall discussing with him. It might have occurred to
25 him but I don't recall discussing it with him prior to

1 learning, again, about the wife.

2 Q. And when you say learning again, you mean your
3 conversation with Mr. Russert --

4 A. Yes.

5 Q. -- where he told you about the wife? And your
6 recollection is that you did not remember you knew about the
7 wife, even though your notes show that you discussed that with
8 Vice President Cheney in June?

9 A. Yes, sir, that's right. I had forgotten it by the
10 time -- my recollection is that I had forgotten it by the time
11 I heard it again from Tim Russert.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

23 Q. Now, you mentioned last time that when you had
24 called Tim Russert one of the things you had called him about
25 was to complain about Andrea Mitchell, but then you explained

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1 | that that really wasn't the reason you had called, you called
2 | to complain about Chris Matthews. Correct?

3 | A. Yes, sir.

4 | Q. What was your complaint about Andrea Mitchell when
5 | you spoke to him?

6 | A. She had said something earlier in the week. My
7 | recollection is there had been twice in recent times prior to
8 | that she had said something in her reports which I thought was
9 | inaccurate or unfair. I -- and I think this one -- one of
10 | them had to do with Andrea Mitchell had said that the White
11 | House was angry at the CIA because the CIA did not include in
12 | the NIE Ambassador Wilson's concerns. And that actually was,
13 | was quite backwards. It wasn't, it wasn't true. And so I was
14 | concerned about that. But it wasn't the purpose of my phone
15 | call to Tim Russert that day. My purpose was to discuss the
16 | Chris Matthews issue.

17 | Q. Let me show you the documents marked 1528 and
18 | looking ahead, the next document will be 1801. And my first
19 | question is, do you recognize that document?

20 | A. It's a document I've seen before.

21 | Q. Do you know who prepared it?

22 | A. I'm not sure who did the main work. It looks like
23 | the type of document, the style of documents, that, that we do
24 | and that I might have worked on, but I don't recall whether --
25 | who did the first -- you know, the basic drafting of it.

1 Q. Okay. And do you recall when you saw this document?

2 A. I don't. There is a note at the bottom about
3 when the staff secretary received it, but I don't know when I
4 saw it.

5 Q. Okay. And that note indicates in handwriting, July
6 18th, '03, beneath the stamp, "OVP staff secretary received"?

7 A. Yes, sir.

8 Q. Is it your system that as things go through your
9 offices they get routed to the staff secretary to file so that
10 if it says July 18th, '03 is when the staff secretary received
11 it that it's in circulation or the people working on this
12 document are discussing it July 18th or before?

13 A. Yes, sir.

14 Q. So it could be July 18th, but it could be several
15 days before if they don't send it to the secretary before
16 that. Is that fair to say?

17 A. Could be, sir.

18 Q. Now, above, in the summary paragraph -- and there's
19 also a stamp at the top which says "the Vice President has
20 seen"?

21 A. Yes, sir.

22 Q. Is that, is that where it appears to be an
23 indication that the Vice President had seen the document?

24 A. Yes, sir.

25 Q. Okay. And then the third paragraph, does that

1 state -- the second paragraph, does that end in the sentence,
2 "In addition, the report of Ambassador Joe Wilson has been
3 distorted by the press and Mr. Wilson"?

4 A. Yes, sir.

5 Q. Is that an indication that whoever wrote this
6 document believed that Ambassador Wilson himself was
7 distorting his report?

8 A. It's an indication that the, that the person who
9 wrote the document thinks that that is a way the issue could
10 be presented, sir. I don't know what the person who wrote it
11 thinks, but they, they indicated this is a way that the issue
12 could be presented.

13 Q. Well, doesn't it say, the report of Ambassador
14 Wilson has been distorted by the press and Mr. Wilson --

15 A. It does, sir.

16 Q. -- period?

17 A. Yes, sir. It says that.

18 Q. So, they're not talking about presenting it.

19 They're saying Mr. Wilson has distorted this. Correct?

20 A. I don't know what the person writing it thought. It
21 indicates that how -- that is how, they thought it could be
22 presented in a summary analyzing the statement. So they may
23 have thought it. They may have thought it was a fair way to
24 put it. I can't be -- I don't know the mind of the person who
25 drove -- who wrote it.

1 Q. Forgetting the mind of who wrote it --

2 A. It says it.

3 Q. -- the language written on it says that Joe Wilson
4 has distorted this?

5 A. Yes, sir.

6 Q. Okay. And do you know if anyone objected when they
7 read it, said, wait a minute, this is not about Joe Wilson.
8 He's not the story, things are wrong, but we think he's a
9 qualified, capable guy. We object to the comment that he's
10 distorting this. Was there any conversation to that effect?

11 A. No.

12 Q. Looking at 1801. And again, you don't know who
13 drafted that document?

14 A. I don't. I think I may have edited on this
15 document, but I'm not sure.

16 Q. And what makes you think you may have edited it?

17 A. It just looks like my type of -- the formatting
18 looks like something -- and it could be that people are used
19 to me at this point.

20 Q. Okay. And if you did edit it, you didn't change
21 or -- the edited form left in the, the belief that Joe Wilson
22 was distorting things. Correct?

23 A. Yes, sir. The statement remains.

24 Q. And showing you 1801. Can you look at that document
25 and tell us if -- and then we'll finish. Sorry. Tell us if

1 | you recognize it and what it is?

2 | A. I recognize the document.

3 | Q. Okay. What is it?

4 | A. It, it purports to be, I guess, a -- well, it is a
5 | draft of a statement that I might issue or talking points that
6 | I might use in talking about the uranium -- the sixteen words
7 | and Ambassador -- the two controversies, the sixteen words and
8 | Ambassador Wilson and his, his trip.

9 | Q. And do you know who prepared this?

10 | A. It's written in the first person. But I -- my -- I
11 | have a recollection that I did not write this, that someone
12 | else wrote it for me as a proposed talking point for me.

13 | Q. And who were you speaking with that, that you would
14 | use this as a talking point for?

15 | A. It may have -- I don't recall it being specifically
16 | for anybody. It might have been generic, how I might, you
17 | know -- taking a look at how I might present the issue when I
18 | talk to people.

19 | Q. And do you know who drafted this?

20 | A. I don't know. There are some people who it could
21 | be, but I don't know.

22 | Q. And did you ever use this talking point as far as
23 | you know?

24 | A. My recollection is I did not use this.

25 | Q. And any reason why?

1 A. No, it just -- I didn't get around to using it. I'd
2 have to read it more carefully to see. There's a typo (sic)
3 in it. It's National Security Advisor Hadley, not Tenet, sort
4 of in the third paragraph.

5 MR. FITZGERALD. Why don't we -- we can take that
6 up after lunch. Promised people we'd break at 12:00. We'll
7 come back -- want to make it 1:05 or 1:00? You tell me.

8 GRAND JUROR. 1:05 is good.

9 MR. FITZGERALD. 1:05 and then we'll finish this
10 afternoon.

11 WITNESS. Thank you.

12 (Whereupon, the witness was excused at 12:02 p.m.)

13 (Whereupon, the witness was recalled at 1:10 p.m.)

14 GRAND JUROR. Just want to remind you that you're
15 still under oath.

16 WITNESS. Thank you.

17 GRAND JUROR. Thank you.

18 BY MR. FITZGERALD:

19 Q. Good afternoon again, Mr. Libby.

20 A. Good afternoon.

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1
2
3

4 Q. Let me show you what's been marked 1798 to 1799. Is
5 that a document with some handwriting on it?

6 A. Yes, sir.

7 Q. And whose hand -- it's titled "Talking Points". And
8 does it say "false allegation, Hardball, 7/14"?

9 A. Yes, sir.

10 Q. And we can mark that as an exhibit since we know
11 it's not classified and we'll give it an exhibit number in a
12 moment.

13 But while you're looking at it, the handwritten
14 portions, do you recognize whose handwriting that is?

15 A. It's my handwriting.

16 Q. Okay. Does that say "Neil Shapiro"?

17 A. Yes, sir.

18 Q. And what's underneath it?

19 A. "Adam Levine knows."

20 Q. Okay. And the next entry, do you know what that
21 says?

22 A. I think it says, "Eric Sorenson".

23 Q. Okay. And what does it say beneath that, if you
24 know?

25 A. I think it says, "or fax a station -- something

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1 station."

2 Q. Okay. And is that a, a talking point for
3 complaining in effect about the coverage on Hardball by Chris
4 Matthews on July 14th?

5 A. Yes, sir.

6 Q. And you mentioned at one point you talked to Chris
7 Matthews and that he had told you -- not Chris Matthews, Tim
8 Russert, and he had told you that there was nothing that you
9 could do, that he could do, that he didn't control Chris
10 Matthews in effect, that you needed to talk to Mr. Shapiro or
11 Mr. Sorenson. Is that --

12 A. Yes, sir.

13 Q. -- correct?

14 A. Yes, sir. Well, I don't, I don't remember him
15 mentioning Sorenson, but he may have.

16 Q. Okay. And do you know when you -- did you write
17 down the names that Mr. Russert gave you, name or names of
18 people you should talk to?

19 A. I don't remember if I wrote it down or not.

20 Q. And do you know if this document which we're going
21 to mark as a Grand Jury exhibit --

22 MS. KEDIAN. Sixty-nine.

23 BY MR. FITZGERALD:

24 Q. -- 69, do you know where you got the names in the
25 upper right-hand corner to write down? Is that from a

1 conversation with Mr. Russert or a conversation with someone
2 else?

3 A. I don't think it was with Mr. Russert. I think it
4 may have been with Cathie Martin or it may have been my making
5 notes about stuff that I remembered from hearing before.

6 Q. Okay. So that document, despite being dated July
7 14th, and having the names of the alternate contacts, isn't a
8 document that you would have been writing on at the time you
9 spoke to Mr. Russert?

10 A. I don't think so.

11 Q. Is it possible that under Sorenson it might say "fax
12 a statement"?

13 A. Oh, it may say, "or fax a statement --"

14 Q. Okay.

15 A. -- yeah.

16 Q. And does that indicate that you had five talking
17 points there? One, two, three, four and five, and one would
18 be that the Vice President's Office asked the CIA to send
19 someone down to Niger; two, that he obviously reported back to
20 the Vice President's Office which is headed by "Scooter"
21 Libby; and three -- and when I say talking points, these are
22 talking about what Matthews said, not that you agree with
23 those statements. And there are four, in fact, the point is
24 that you disagree with them. Correct?

25 A. Correct, yeah.

1 Q. And then the fourth point was not definitive. Is --

2 A. Correct.

3 Q. -- that in reference to the NIE?

4 A. Yes.

5 Q. And there's a fifth blank there. Do you know what
6 the blank was?

7 A. I think -- excuse me, I'm sorry.

8 Q. Okay.

9 A. It's probably not a reference to the NIE. It's
10 probably a reference to Ambassador Wilson -- the cable of
11 Ambassador Wilson's findings, they were not definitive --

12 Q. Okay.

13 A. -- as to whether or not Iraq had it which is what
14 Director Tenet had, had testified, sir.

15 Q. Okay. And then there's a fifth --

16 A. Had, had put in his statement. I'm sorry.

17 Q. Okay. So besides the three points in what Chris
18 Matthews says, and then the fourth point which is to make the
19 point that Ambassador Wilson's conclusions or findings were
20 not definitive, there's then a five that is a blank. Do you
21 recall what the fifth point was?

22 A. I don't. It's over the name of Stephen Hadley on
23 the sheet and I don't know if there was a fifth that I didn't
24 write or the fifth was that it was Hadley who was told by, by
25 George Tenet and not us.

1 Q. And did you actually, after this, writing these
2 notes, did you use those talking points as far as you can
3 recall, to talk to anyone about these five points?

4 A. I think I may have talked to Adam Levine about them.
5 Adam Levine is a person who works in the White House in the
6 Dan Bartlett Shop, I guess, the Communications Shop, and I may
7 have talked to Adam Levine about them so that he could then
8 talk to Shapiro if he made that call.

9 Q. But after that point did you ever talk to Mr.
10 Russert again about Chris Matthews' cover -- coverage of the
11 uranium/Niger situation?

12 A. No, I don't think so.

13 Q. And have you talked to Chris -- Tim Russert since
14 your -- since July 14th? Have you talked to him about either
15 Ambassador Wilson, or the leak, or the leak investigation?

16 A. Did you say Tim Russert in the previous question?

17 Q. Yes.

18 A. And then you just corrected -- okay. Did I talk to
19 Tim Russert about --

20 Q. Since, since July 14th when the Novak column
21 appeared, have you spoken to Tim Russert about the
22 uranium/Niger issue?

23 A. I -- no, I think not.

24 Q. Have you spoken to him about the leak investigation?

25 A. Not directly, but I did speak to him once.

1 Q. Okay. And, and what do you mean by not directly?

2 A. I mean, I spoke to him but not -- I didn't talk to
3 him about the content of the investigation. I did call him at
4 one point to ask if he would be willing to talk to my lawyer.

5 Q. Okay. And did you talk to him about -- besides
6 asking him if he would be willing to your lawyer, did you talk
7 about the substance of the leak investigation?

8 A. No.

9 Q. Did you indicate whether or not you thought you were
10 involved in the leak?

11 A. Whether I thought I was involved in the leak?

12 Q. Right, to Mr. Russert.

13 A. No.

14 Q. And did you ask him what his position would be about
15 whether he would testify or not if asked?

16 A. No.

17 Q. And do you know the time when you reached out to
18 talk to Mr. Russert?

19 A. A few weeks back.

20 Q. Okay. A few weeks back being in March of 2004 or --

21 A. February, March, somewhere in there.

22 Q. And have you spoken to Mr. Russert since?

23 A. No.

24 Q. And speaking of that, you mentioned at the end of
25 your first day of testimony that you haven't talked to people

1 to refresh your recollection because of the pending case.
2 Have you, have you talked to people about your -- other than
3 your lawyer, have you talked to other people about the content
4 of your interviews with the FBI on two occasions?

5 A. No, sir.

6 Q. Okay. Have you talked to people other than your
7 lawyer, Mr. Tate, about what transpired in the Grand Jury the
8 last time?

9 A. No, sir.

10 Q. Have you talked to the Vice President about the fact
11 that you were interviewed by the FBI?

12 A. I have told the Vice President each time I was
13 absent from duty, if you will, that, you know, he's used to
14 having me around. If I was not going to be around, I have
15 told him that I had to be absent for this matter.

16 Q. And have you told him when you returned from either
17 an interview or the Grand Jury appearance what it is that you
18 were asked or what documents that you were shown during the
19 interview or Grand Jury appearance?

20 A. No, sir.

21 Q. Has he asked you anything about that?

22 A. No, sir.

23 Q. Have you told anyone else besides your attorney what
24 you have been asked in interviews or by the Grand Jury?

25 A. No, sir.

1 Q. Have you shared with anybody any documents or
2 described documents that you were shown?

3 A. No, sir.

4 Q. And have you spoken to Karl Rove about the
5 investigation once the investigation began?

6 A. No, sir.

7 Q. Now, getting back to your conversation with Mr.
8 Russert, you said that when you spoke to Mr. Russert in July
9 that you remembered something that you, that you thought you
10 were hearing for the first time about Wilson's wife working at
11 the CIA. Correct?

12 A. That I remembered something that I thought I was --

13 Q. That you believed that what Mr. Russert was telling
14 you about Wilson's wife working at the CIA was something that
15 you were learning for the first time. Correct?

16 A. Yes, sir, that's my recollection.

17 Q. And that you have a recollection of that fact
18 striking you at the time as if being something new you'd
19 learned. Correct?

20 A. Yes, sir.

21 Q. Is there any reason why you wouldn't have shared
22 that with the Vice President after you learned that from Mr.
23 Russert?

24 A. No, sir.

25 Q. And do you have any recollection of letting the Vice

1 President know what you had learned from Russert at that time?

2 A. No. But if I can explain and maybe amend the
3 previous one. There's no reason that I would not share that
4 content with him. The question -- the only question is, did I
5 have a time with him when I had the time to go into that with
6 him. Remember, I, I think I learned this on the 11th, then I
7 met with -- I heard, you know -- I had the discussion with
8 Rove on the 11th. I don't know if I saw him that -- this was
9 sort of, I recalled, as being late in the day. I don't know
10 if I saw him that night. The next morning I didn't have any
11 private time with him until the airplane at which point he was
12 giving me discussion about the, the card that I wrote, the
13 talking points that he wanted me to use with the press. So
14 there's no reason I wouldn't have talked with him about it. I
15 do not know if in fact I did talk with him about it right
16 then.

17 Q. So you're trying to recall in your mind whether or
18 not, one, you had the opportunity to talk to him about it; and
19 two, whether during the opportunity on Air Force Two that you
20 discussed it?

21 A. That's correct.

22 Q. And you're certain that you talked to Mr. Rove after
23 you talked to Mr. Russert?

24 A. Yes, sir.

25 Q. Okay. And if Mr. Rove -- are you certain that that

1 happened on July 11th as opposed to July 10th that you spoke
2 to Mr. Rove?

3 A. I remember it as being the 11th.

4 Q. And what's your best recollection of the time of
5 day?

6 A. I recall it as being later in the day. The reason
7 is because I believe that when I went to see him I knew the
8 Tenet statement was locked down. It hadn't come out yet, you
9 know, but I thought it was coming out in a way which had a lot
10 of what we wanted but not everything that we wanted.

11 Q. And is it fair to say in trying to figure out
12 whether or not you spoke to the Vice President about what you
13 learned from Mr. Russert and from your conversation with Mr.
14 Rove, the fact that it's later in the day with Mr. Rove tends
15 to make it less likely that you talked to the Vice President
16 that day about the issue because you may have had less time?

17 A. Yeah. I mean, I often see him -- I often have
18 private time with him in the morning and then don't have
19 private time again with him all day. So it makes it less
20 likely in a chronological sense, there would be less
21 opportunity. But there's many days where I just don't see him
22 again after -- privately after 9:00 in the morning.

23 Q. And is there any reason why you would have to tell
24 him privately that Russert and Novak were saying that Wilson's
25 wife worked at the CIA?

1 A. No, it's just the sorts of things I usually discuss
2 with him when I have a meeting with him, and I don't think I
3 had a meeting with him. That's a better way to put it, I
4 guess.

5 Q. And if you were to find out that Karl Rove had left
6 the White House in the morning of July 11th to go on vacation,
7 and was actually driving to another state, would that make it
8 more likely in your mind that you may have spoken to Mr. Rove
9 about the conversation with Mr. Russert on the 10th?

10 A. Well, either on the 10th or in the morning, yeah.
11 The day tends to feel alike inside the West Wing. It's all
12 closed in, so --

13 Q. Now, when you spoke to Mr. Cooper on the 12th, and
14 you, you described to us a conversation in which you explained
15 to him that it would be unusual or not consistent with your
16 understanding that the Agency would tell someone who had sent
17 them on a trip. Correct?

18 A. Correct.

19 Q. Why would it be so odd if hypothetically speaking
20 the Vice President had called up and asked that someone take a
21 trip to Niger? What would be so wrong with telling the person
22 assigned that task that this is coming from the Vice
23 President?

24 A. The Vice President's discussions with his briefer
25 are supposed to be, you know, confidential between them, and I

1 wouldn't have thought -- and I think this is what I told to
2 Mr. Cooper, I wouldn't think that the Agency would tell
3 somebody, a non-agency person going on a mission like this,
4 that it was the Vice President who asked, particularly because
5 it wasn't just the Vice President who asked, and he hadn't
6 asked for this mission, he had asked generally, you know, a
7 question.

8 Q. Now, after you heard from -- going back a moment --
9 after you told -- learned, as you recall, from Mr. Russert
10 that Wilson's wife worked at the CIA, did you share that with
11 your press person, Cathie Martin?

12 A. I don't recall.

13 Q. Is there any reason why you wouldn't share with the
14 press person, or your communications person, the fact that
15 reporters seem to have this story?

16 A. No, I don't think there's a reason, but I don't
17 recall if I did or not.

18 Q. And when you told Mr. Cooper, as you say, that
19 reporters are saying that Wilson's wife worked at the CIA, who
20 were the reporters, in plural, that you were referring to?

21 A. I think what I said was reporters are telling us.
22 And I knew from Mr. Russert. He had told me all the reporters
23 are, are, you know -- all the reporters know it about the
24 wife. That I was referring, when I said the reporters are
25 telling us, I was referring to Russert having told me, and Mr.

1 Rove having told me that, that Mr. Novak had said it to him.

2 Q. Did Mr. Cooper indicate any surprise or -- back it
3 up. Did Mr. Cooper say, yeah, I've heard that too?

4 A. He did not say that.

5 Q. Did he give (sic) anything to indicate that he had
6 heard this before you mentioned it to him?

7 A. No. I don't know Mr. Cooper. This is my first
8 discussion that I ever had with Mr. Cooper, and he did not
9 indicate one way or the other and I didn't take anything from
10 his voice.

11 Q. And when you spoke to Ms. Miller over that weekend
12 and you told her that reporters were saying that Wilson's wife
13 worked at the CIA, did she indicate to you that she had heard
14 that already?

15 A. No, she did not.

16 Q. And you believe you spoke to Mr. Kessler at some
17 point and told him that reporters were saying that Wilson's
18 wife worked at the CIA. Did Mr. Kessler tell you that he had
19 heard that before?

20 A. I'm not sure when I talked to Mr. Kessler. It might
21 have been the following week after the -- about this point. I
22 talked to Mr. Kessler that weekend. On the point about the
23 wife, I'm not sure when I had that discussion with Mr.
24 Kessler, whether it was on the day he was at the zoo or during
25 the following week, and I don't recall him saying anything at

1 the time about whether he had heard it before or not.

2 Q. Did any reporter that you told about reporters were
3 saying that Wilson's wife worked at the CIA indicate to you
4 that they had already heard that account?

5 A. No.

6 Q. Now, after your conversation with Mr. Cooper, and --
7 do you have an approximation of how long the conversation with
8 Mr. Cooper lasted on the 12th?

9 A. Somewhere between five and 15 minutes or something,
10 I guess.

11 Q. Did you get off the phone and indicate to anyone at
12 any time that you had forgotten to tell something to Mr.
13 Cooper?

14 A. One of these phone calls I forgot to cover one of
15 the points on the card, a deep background point or one of the
16 things that the Vice President wanted me to cover. Not the
17 quote, that I covered, but one of the more general -- some of
18 the -- some -- something on the card that was more general. I
19 think the last thing on the card but I can't remember what it
20 was. And I may have said that to Cathie when I reported back
21 to her. I can't remember if it was Cooper or somebody else
22 that I forgot to --

23 Q. Whoever it was, whichever reporter it was that you
24 forgot to tell that point, did you call that reporter back to
25 give them that omitted point?

1 A. No, I don't think so.

2 Q. Did you instruct anyone else to call that person
3 back?

4 A. Not specifically for that. Cathie had to
5 eventually, in the early part of the following week, had to
6 call Cooper back, Mr. Cooper back, and I can't recall if when
7 she said that, I also said, well cover that point, if he was
8 the guy I didn't cover it with. It's a long way of saying I
9 don't recall, I guess.

10 Q. Do you know if you spoke to Cooper again after -- on
11 July 12th after you hung up the phone out at the Air Force
12 Base?

13 A. No, I don't think so.

14 Q. And you used a phone in an office near the Air Force
15 Base?

16 A. At -- in the, the lounge of the Air Force Base.
17 There's offices near it.

18 Q. And was Jennifer Mayfield present for the
19 conversation?

20 A. Yes, sir.

21 Q. And was she paying attention to the conversation or
22 doing something else as far as you can recall?

23 A. She was sitting across the desk from me. Cathie, I
24 thought, was paying attention to the conversation. She was
25 next to me. It was more Cathie's job to pay attention to the

1 conversation than, than Jenny's job to pay attention to it.
2 She may have been doing other things, but she might have been
3 paying attention.

4 Q. And your conversation with Kessler was in the van
5 going to your home?

6 A. I believe so, sir. Yes, well, yes, yes.

7 Q. And after you spoke to Mr. Kessler in the van did
8 you speak to him again that day or that weekend yourself?

9 A. I don't remember whether I had a second conversation
10 with him that day or not. I think I had a second conversation
11 with him the following week. I may have had a second
12 conversation with him that day.

13 Q. And where were you in the van when you were having
14 this conversation with Mr. Kessler?

15 A. You know, we've taken these van rides with people
16 from Andrews many times now, and I don't recall specifically.
17 I would say based on practice I was either in the second seat
18 after the -- you know, the row after the driver or up in the
19 front seat in the shotgun seat, as they call it, the one next
20 to the driver. You know, my family and kids -- I think Jenny
21 and Cathie were all there, I think.

22 Q. Okay. And were either Jenny or Cathie, being
23 Jennifer Mayfield or Cathie Martin, paying attention to your
24 conversation with Glen Kessler as far as you know?

25 A. Well, I hope Cathie was, but I don't know.

1 Q. And in, in the breakdown of responsibilities would
2 be it more Cathie Martin's job to pay attention to the
3 conversation than Jennifer Mayfield?

4 A. Yes. I mean, Jenny often does -- Jenny Mayfield
5 does often try and pay attention but it's, it's Cathie's job
6 to be paying attention.

7 Q. And again, you mention that when you spoke to Mr.
8 Kessler you thought he was at -- you recalled him being at the
9 zoo. Correct?

10 A. Yes, sir.

11 Q. So this was otherwise a day off for Mr. Kessler?

12 A. Well, I don't know. I don't know about -- he, he
13 had paper and pencil with him. I don't know how he does his
14 business. He was at the zoo. I remember that he had to -- he
15 needed a minute to get himself resituated and so there was a
16 minute where we waited while he sat down on a bench or
17 something, I guess, or moved his kids or something like that.

18 Q. Okay. And then any other reporters you recall
19 speaking to that day besides Mr. Cooper, Mr. Kessler and
20 speaking to Ms. Miller, Judith Miller, sometime that weekend?

21 A. Evan Thomas I think I talked to that day.

22 Q. And was that once or more than once as far as you
23 recall?

24 A. Evan Thomas?

25 Q. Yes.

1 A. I think just once.

2 Q. And let me show you what's -- as you sit here today
3 you recall talking to Mr. Kessler about the fact that
4 reporters were saying that Wilson's wife worked at the CIA.
5 Correct?

6 A. I recall talking to Kessler at some point about this
7 issue. I can't recall specifically whether I talked to him
8 after the Novak conversation -- I'm sorry, after the Novak
9 article came out, so in the following week or that day, on the
10 12th. I'm, I'm a little hazy on it I'm afraid, I'm sorry.
11 The -- if I talked to him on the 12th, then I'm certain I
12 would have said all the reporters are telling us that. I
13 think that's what I said, reporters told us that. I think
14 that's what I said to him, but -- sorry, it's less clear to me
15 if it was after the 14th.

16 Q. And let me show you what has been marked as -- a
17 column from October 12th from the Washington Post.

18 MS. KEDIAN. 4846.

19 BY MR. FITZGERALD:

20 Q. 4846. If we could just show Mr. Libby the column
21 that's 4846, 4847, 4848. And first of all, before you read
22 it, it's an article entitled, "FBI Agents Tracing Linkeage on
23 Envoy CIA Operative." Do you see that the -- it's underlined
24 at various portions in the article. I'll make that Grand Jury
25 Exhibit 70. Do you recognize -- does that underlining appear

1 to be your underlining?

2 A. I don't, I don't usually underline like this, but it
3 could be my underlining. But I don't, I don't usually do it
4 this way.

5 Q. Okay. And look -- this is an article written
6 October 12th describing the leak investigation. And if you
7 look at page -- the second page, page 4847, the last paragraph
8 carrying over to page 4848 says,

9 "Novak reported that Wilson's wife worked at the CIA on
10 weapons of mass destruction, that she was the person who
11 suggested Wilson for the job. Officials have said
12 Wilson, a former ambassador to Gabon and National
13 Security Council senior director for African Affairs was
14 not chosen because of his wife. On July 12th, two days
15 before Novak's column, a Post reporter was told by an
16 administration official that the White House had not
17 paid attention to the former ambassador's CIA sponsored
18 trip to Niger because it was set up as a boondoggle by
19 his wife, an analyst for the Agency working on weapons
20 of mass destruction. Plame's name was never mentioned
21 and the purpose of this disclosure did not appear to
22 generate -- to be to generate an article, but rather to
23 undermine Wilson's report, period."

24 Do you recall reading that in the Post, the Washington Post?

25 A. I recall reading it, probably on October 12th.

1 Q. Okay. And in essence, one Washington Post reporter
2 is saying that on July 12th a Washington Post reporter was
3 told about Wilson's wife by a senior administration official
4 but did not use her name but described what she did. Correct?

5 A. Yes.

6 Q. And you had talked to Glen Kessler, a Washington
7 Post reporter on July 12th. Correct?

8 A. Correct.

9 Q. When you read this on October 12th did you think
10 that that was describing your conversation with Glen Kessler
11 on July 12th?

12 A. No, sir.

13 Q. No, sir? Did it even dawn, dawn on you that reading
14 this on October 12th, that the conversation being described in
15 that article as occurring between a Washington Post reporter
16 and an administration official on July 12th was your
17 conversation?

18 A. I had had a conversation on July 12 with a
19 Washington Post reporter and that dawned on me, as you say.
20 But what this described was not my conversation.

21 Q. Well, let's go through it then. It says here, now
22 this was a conversation -- July 12th was on a Saturday.
23 Correct?

24 A. July 12 was Saturday, yes.

25 Q. So a non-work day. Correct?

1 A. Yes, sir.

2 Q. And Mr. Kessler, when you spoke to him, was at the
3 zoo. Correct?

4 A. Correct. Yes, sir.

5 Q. Not in his office. Correct?

6 A. Not by the time I spoke to him. That's right, sir.

7 Q. And so, as you sit here today are you aware of any
8 other administration official who called any Washington Post
9 reporter that Saturday?

10 A. No, sir.

11 Q. And it says here, on July 12th, a Post reporter was
12 told by an administration official that the White House had
13 not paid attention to the former ambassador's CIA sponsored
14 trip to Niger because it was set up as a boondoggle by his
15 wife, an analyst with the Agency working on weapons of mass
16 destruction, period. Did you indicate at any time to Mr.
17 Kessler that people weren't paying attention to the report, to
18 the report by Mr. Wilson, because it had been a boondoggle set
19 up by his wife?

20 A. Quite to the contrary. I had indicated to him, and
21 in talking to him I pointed out the George Tenet article which
22 made it clear that we had not been informed about the Wilson
23 mission nor did we receive his report. So I would not have
24 been saying, and did not say to him, that we didn't pay
25 attention to his trip because it was a boondoggle, I would say

1 we didn't know about his trip, we didn't know about the report
2 prior to the State of the Union -- yes, prior to the State of
3 the Union and the sixteen words, and that when we -- of
4 course, later when we do see it, we see that the CIA didn't
5 pay attention to it either in the sense of finding it
6 definitive, not because it was a boondoggle by his wife but
7 because it was -- because on its face it was not definitive
8 and on its face it actually had evidence within it that said
9 that Iraq may have been seeking uranium. So this is -- this
10 first half of the sentence is contra to what I would have been
11 saying to him.

12 Q. And you were speaking to Mr. Kessler and the other
13 reporters on July 12th at the direction of the Vice President,
14 correct?

15 A. That's correct, sir.

16 Q. And the Vice President had written notes on the
17 Novak column from July 6th that you see that says, "did his
18 wife send him on a junket"? Correct?

19 A. That's correct, sir.

20 Q. And there were times when the Vice President asked
21 questions like that, whether or not his wife had been sent on
22 a junket. Correct?

23 A. Correct, sir.

24 Q. As you're sitting here today you're saying it didn't
25 happen and the Vice President, who was concerned about why

1 Wilson was sent on this junket who then asked you to speak to
2 the reporters on July 12th, and you spoke to Mr. Kessler on
3 July 12th and you didn't relay a concern that the
4 administration, including your boss, didn't take this
5 seriously in part because this was viewed as a boondoggle or a
6 junket?

7 A. My presentation, which was based on the Tenet
8 presentation, was that we didn't know about the trip, and we,
9 and we didn't get his, we didn't get his report until months
10 after the State of the Union Address. And that when we did
11 see his report, we didn't find it definitive or probative
12 against the proposition in the President's speech, and that
13 the CIA, as Director Tenet said the day before -- the reason I
14 was calling him was because of the July 11, Director Tenet
15 statement. The July 11 Director Tenet statement made all of
16 these points which I made back to him. He, remember, was
17 calling me
18 about -- I shouldn't say remember. He, he called me. He had
19 a call into us which was about Secretary Powell's February 5th
20 presentation and that's sort of why I was talking to him.
21 That's why I was calling back to him. But my agenda was to go
22 through the Tenet statement. The Tenet statement makes
23 arguments very different from, from these arguments with
24 regard to the first half of the sentence.
25 Q. And -- but it's fair to say that he doesn't indicate

1 | that that's the only point made by the administration official
2 | that called him. The person could call up and say the Vice
3 | President didn't request the trip, the Vice President didn't
4 | know about the trip, the Vice President didn't learn about the
5 | trip until six months ago. The trip was not dispositive, the
6 | trip in fact corroborated what the Vice President believed.
7 | There's an NIE, there's a January 24th document, there are
8 | lots of points that could be made. What this article says is
9 | that the person made the point, at least this point, that
10 | Wilson's trip was given less weight because it was viewed as a
11 | boondoggle. I'm not asking you whether or not you made
12 | additional points to Mr. Kessler. I'm saying, is it possible
13 | that you told Mr. Kessler on July 12th that one of the things
14 | that makes this report by Mr. Wilson less credible is that it
15 | appeared to be a boondoggle set up by his wife?

16 | A. No, sir, I don't think so. Mr. Kessler said to me,
17 | "was this a boondoggle?" on whichever day I spoke to him.

18 | Q. And what did you say?

19 | A. He raised it with me. I said, my -- what I think is
20 | important about this is how he may have gotten the wrong
21 | information, not that it was a boondoggle.

22 | Q. Did you tell Mr. Kessler it was a boondoggle?

23 | A. No, I mean, it is a boondoggle in the sense that the
24 | guy got a trip where he did some work and he had, you know, he
25 | had a trip just like a lawyer goes to a conference. You know,

1 take -- conference about depositions, how you take
2 depositions. You know, you might have a conference in Hawaii.
3 You could have the same conference, you know, in your home
4 town but people go to Hawaii. They do a little bit of work
5 and they get some time on the beach. It's a boondoggle. So I
6 don't think it -- I wouldn't say it wasn't a boondoggle, but I
7 never thought that the boondoggle was what -- was the
8 important point here. The important point to me was that the
9 CIA didn't find it definitive and in fact had evidence in it
10 to the opposite.

11 Q. So in your mind, while it may not be important, the
12 trip that Wilson went on was in part a boondoggle. Correct?

13 A. Yes, not, not in a bad sense but it was a
14 boondoggle. But, but I didn't use the term, he used the term.

15 Q. So Mr. Kessler brought up boondoggle in the
16 conversation, whether it was one?

17 A. I tend to think he brought it up in a conversation,
18 not in the van, in a different conversation.

19 Q. How many conversations that week did you have with
20 Mr. Kessler?

21 A. Well, I think it was two.

22 Q. And do you believe the boondoggle was in the second
23 conversation, not on July 12th?

24 A. Yes, that's what I think. But I, I don't think it
25 was in the van because my recollection, you know, could be

1 | wrong, but my recollection is that when he raised it, I was
2 | standing.

3 | Q. You were standing?

4 | A. That's my recollection.

5 | Q. Standing where?

6 | A. I don't remember. But I remember sort of either
7 | sitting or leaning down after he said it because -- not that
8 | it was that startling but just to then address the point about
9 | why I thought it wasn't -- the key point was not whether it
10 | was a boondoggle or not, why I thought the key point with
11 | that -- on this part of it, that the -- how, how Ambassador
12 | Wilson might have gotten the wrong information.

13 | Q. And did you ever indicate to him that in fact
14 | Wilson's trip was not a boondoggle?

15 | A. No.

16 | Q. And in your conversation, is this the first time you
17 | described, either in the Grand Jury or to the FBI the fact
18 | that Mr. Kessler raised the topic of a boondoggle with you?

19 | A. I don't recall. It might be.

20 | Q. And in this conversation where he asked you whether
21 | or not it was a boondoggle, do you recall anything else that
22 | he brought up with you?

23 | A. Now, let me be clear. It is not the first time, as
24 | you said. I'm just remembering now, I'm sorry. What I've
25 | previously said, which I think is still true and maybe I've

1 been overly clear here, is that I recall a conversation with a
2 Washington Post reporter where the Washington Post reporter
3 talked to me about a boondoggle. I think it was Mr. Kessler
4 and I'm, I'm thinking that it was Kessler. I talked to
5 Kessler in the van. I'm thinking that the conversation was
6 Kessler, I'm pretty sure of it, but anyway that's what I said
7 before, and I did discuss boondoggle before, I think.

8 Q. And when you say before, in your first Grand Jury
9 appearance?

10 A. No, I mean with the FBI agents when they interviewed
11 me.

12 Q. And did you discuss -- is it fair to say that the
13 article continues that Plame's name was never mentioned. Is
14 it fair to say that in your conversation with Mr. Kessler you
15 never mentioned Valerie Plame's name?

16 A. Yes, I don't recall mentioning it with Mr. Kessler.
17 Can I -- excuse me, but may I finish the previous sentence
18 though because you had started to ask me about it.

19 Q. Sure.

20 A. I just don't want it to go unstated if it's okay.
21 The previous sentence, I said the first half. The second half
22 ends with, "an analyst with the Agency working on weapons of
23 mass destruction." I don't, I don't think I told him that
24 either because I don't think I knew she was an analyst.

25 Q. And you did know from the Vice President back in

1 June that she worked in the functional office of
2 counterproliferation. Correct?

3 A. True, but I don't think I remembered that when I had
4 this conversation. I think what I was remembering here was
5 what Tim Russert had told me and what Karl Rove had told me
6 that Bob Novak had told Karl Rove which was that she worked at
7 the CIA. I don't think I knew she was an analyst until after,
8 some time later. I'm not sure I know it today, but I think
9 the analyst part came out of either Novak or something after
10 that.

11 Q. It's possible, striking the word analyst, that there
12 was a discussion about the fact that she worked at the Agency
13 in weapons of mass destruction?

14 A. I don't think so. I think all I, I, I would have
15 discussed at that point was the same as what I would discuss
16 with Mr. Cooper was that she worked at the Agency. I don't
17 think I recalled at that point the weapons of mass destruction
18 point.

19 Q. And did you ever see this copy, this document here,
20 the article from October 12th that's underlined, do you recall
21 seeing this item, being pages 4846 through 4848, with the
22 underlines before?

23 A. I don't recall.

24 Q. Now, your conversation with Judith Miller on the
25 weekend, which would be July 12th or July 13, do you recall if

1 prior to the last, the last Grand Jury appearance whether you
2 had ever mentioned that telephone conversation with Judith
3 Miller to the FBI in your two prior interviews?

4 A. Yes, sir.

5 Q. And as you sit here today, are you certain that you
6 told the FBI about your conversations with Judith Miller on
7 July 12th or July 13 with the FBI?

8 A. Yes, sir. That's my recollection of it.

9 Q. Was there any reason not to tell the FBI about those
10 conversations?

11 A. No, I, I think I did talk to them. Well, only if
12 they didn't ask. But I think I did talk to them about it
13 and -- yeah, I think I did talk to them about it.

14 Q. Now, was there a -- on July 16th was there a
15 birthday party for former President Ford at the White House?

16 A. I've seen -- I don't, I don't really know. I know
17 that there was a -- at some point there was a birthday party
18 for -- I didn't go to it. It would have been on the Vice
19 President's schedule so I was aware of it at some point, and I
20 believe it was in one of your -- there was a reference to it
21 in one of the subpoenas or document requests from you all, so
22 I saw that there, but I don't know it as I sit here.

23 Q. Do you know if the Vice President attended that
24 party?

25 A. I think he would have and I think he did. You know,

1 President Ford was his employer at one point. He worked for
2 him and I'm pretty sure he would have gone to that if he was
3 in town. I think he did.

4 Q. And was Alan Greenspan an honored guest at President
5 Ford's 90th birthday party?

6 A. I don't know, sir, I didn't go.

7 Q. And is Andrea Mitchell married to Alan Greenspan?

8 A. That she is.

9 Q. And did you talk to the Vice President after the
10 party about whether or not he had any conversations with
11 Andrea Mitchell during that party?

12 A. Not, not that I recall.

13 Q. Do you know if anyone discussed with Andrea Mitchell
14 Wilson or his wife at that birthday party?

15 A. I don't know anything about that birthday party.

16 Q. Moving forward to September -- hold one second.

17 Let's direct your attention to September 28th when
18 the Washington Post comes out with an article that says
19 there's an investigation into the leak. Do you, do you recall
20 that event?

21 A. I do, sir.

22 Q. And when the article came out there were a number of
23 different stories that appeared in September or early October
24 about the leak and the leak investigation. Correct?

25 A. Yes, sir.

1 Q. Okay. Including the one we just went over on
2 October 12th describing a July 12th conversation involving an
3 administration official. Correct?

4 A. Yes, sir.

5 Q. There's also an article that talked about the -- for
6 lack of a better term, one by two by six, where it said that
7 one administration official said that two, two officials were
8 calling out to six reporters talking about Wilson's wife.

9 Correct?

10 A. Correct, sir.

11 Q. And there was also an article that appeared where
12 the Washington Post reported that Time magazine had also
13 reported in July that administration officials had told Time
14 reporters that Wilson's wife worked at the CIA. Correct?

15 A. Yes, sir.

16 Q. And in fact, in that Washington Post article about
17 the Time magazine the author pointed out that in the same Time
18 magazine article that indicated an administration official had
19 told Time that Wilson's wife worked at the CIA, that you had
20 been quoted by name?

21 A. Yes, sir.

22 Q. And the way the article was written in the
23 Washington Post it certainly seemed to imply that perhaps
24 "Scooter" Libby was a source for the Time magazine columns
25 since he's quoted there. Correct?

1 A. Yes, sir.

2 Q. And you took notice of that when you read it in the
3 paper I take it?

4 A. Yes, sir.

5 Q. And is it a fact that you shared that article with
6 your staff so they could see that the Washington Post was
7 writing that you had been quoted in a Time magazine column
8 that talked about Wilson's wife and implied that you were a
9 source. Correct?

10 A. I quite likely shared it with the staff. I don't
11 recall it but I quite likely did.

12 Q. Why don't I -- and so we're clear, that Time
13 magazine article was written in part by Mr. Cooper. Correct?

14 A. By Mr. Cooper I thought, yes. This was an e-mail --
15 what do you call it, an article on their website, not in the
16 magazine, and whatever the term is, article or story or
17 whatever it is.

18 Q. And we'll pull out 3754. Is it fair to say that the
19 article in the magazine had appeared with a partial quote from
20 you? And that then your staff had called Time magazine about
21 a quote, not pertaining to Wilson's wife, and complained that
22 since you had given them a verbatim quote, why didn't they run
23 the whole thing?

24 A. Yes, Cathie Martin did that, I believe.

25 Q. And then they basically said the way to remedy the

1 fact, that they hadn't quoted you in full, was that they might
2 amplify the column on the website version so that the, the
3 more complete quote would appear on the internet version of
4 Time magazine, not in a correction to the already printed
5 copies. Correct?

6 A. Yeah, Cathie had that conversation. But that, that
7 was the net result. I don't know about the conversation.

8 Q. And if you look at document 3754, and we can mark
9 that as Grand Jury Exhibit 71, is that an e-mail on September
10 30th from Jennifer Mayfield to Cathie Martin referencing from
11 the ABC note with a header that says, "Scooter" wanted to make
12 sure that you saw the below, and then it quoted from the
13 Washington Post column that indicated that the Time magazine
14 article that talked about Wilson's wife also cited you as a
15 source.

16 A. Also quoted me as the source for the wrong quote.
17 Yes, sir.

18 Q. And you wanted to make sure that your staff knew
19 that some press are pointing towards you as the source for the
20 Time problem?

21 A. Yes, sir.

22 Q. Now, when you look at the three articles, first,
23 there is a Washington Post article that talks about two
24 officials calling six reporters and talking about Wilson's
25 wife before July 14th. Correct?

1 A. The Washington Post column. Yes, sir.

2 Q. And you had spoken to Mr. Cooper about Wilson's wife
3 before July 14th. Correct?

4 A. Yes, sir.

5 Q. You had spoken to Ms. Miller about Wilson's wife
6 before July 14th. Correct?

7 A. Correct.

8 Q. And you had perhaps spoken to Mr. Kessler. You're
9 not sure of the date, spoke to him about Wilson's wife either
10 on the 12th or after the 14th?

11 A. Yes, sir.

12 Q. And you had spoken with Mr. Russert for which you
13 believe hearing from him about Wilson's wife. Correct?

14 A. I believe I had heard from him, yes, sir.

15 Q. And you had spoken to Mr. Rove, who said he had
16 spoken to Mr. Novak who talked about Wilson's wife. Correct?

17 A. Correct, sir.

18 Q. So when you read the article talking about two
19 officials having conversations with at least six, at least six
20 journalists prior to July 14th, did you think that those
21 articles were referring to you in part?

22 A. I thought it possible that they were misreferring to
23 me or referring to me but usually in these articles there was
24 some description of what the person had said which looked
25 different from what I had said, so I was not sure if they were

1 referring to me or not referring to me.

2 Q. So you at least saw the specter that it might be
3 referring to you in the articles, but you weren't sure?

4 A. Because I had spoken to some reporters on -- before
5 July 14th. That's correct, sir.

6 Q. And certainly the Washington Post column indicating
7 that you had spoken to Time magazine was referring to you and
8 implying, but not saying, that you were the source for Time
9 magazine's article indicating that Wilson's wife worked at the
10 CIA. Correct?

11 A. Correct.

12 Q. And at that time there was also a public statement
13 that came out where Scott McClellan indicated to the press at
14 a gaggle, I believe, that Karl Rove has nothing to do with
15 this leak, and that there is no White House involvement and no
16 involvement from Karl Rove. Correct?

17 A. Correct.

18 Q. And at the time he was then asked questions, I
19 believe, turning to you and to Mr. Abrams about whether you
20 were involved and he sort of drew the line and said, I'm
21 stopping at Mr. Rove. I'm not going to go down that road.
22 Correct?

23 A. Yes, sir.

24 Q. And you were not happy with him drawing the line
25 where he did. Correct?

1 A. Correct, sir.

2 Q. And where were you when you heard about Karl Rove,
3 or how did you learn that Scott McClellan had cleared Karl
4 Rove and then declined to clear anyone else including you?

5 A. If memory serves, and it doesn't always, I think I
6 was at the -- the, the first time this sort of came up, I was
7 at the -- at the White House, I think, and this came out and I
8 believe I went to talk to Andy Card and Scott McClellan about
9 the time it came out. I'd have to check the dates, but I'll
10 explain as best as I recall it, if that's okay. And Scott
11 said, well, we don't want to go down the whole list. And Andy
12 said something about the same. And I said, you know, I didn't
13 feel that was quite right since I didn't talk to Novak and I
14 didn't think it was fair that they were saying Karl Rove
15 didn't speak to Novak but not saying I wasn't the one who
16 spoke to Novak. But I accepted that. Then as time went on it
17 became clear that there was no list to go down. The only
18 people they were really talking about was me, and I guess you
19 reminded me, Elliott Abrams, but I don't think he got
20 discussed as much as I did. And so I, you know, I went -- I
21 felt it was unfair that they were saying that about Karl and
22 not about me when there was no long list, it was just -- as
23 far as I was concerned there were only two of us that were
24 getting a lot of attention in part because of this, you know,
25 the one time I had gone on the record at the Vice President's

1 request, put my name in something. So, so then I called back
2 to say, "hey, look, there is no list. There's not a long
3 list, there's just two of us and I think you ought to be
4 saying something about me too."

5 Q. Now, in your conversation with Mr. Card and Mr.
6 McClellan and Mr. Card is the Chief of Staff?

7 A. Correct. I'm sorry, Andy Card, Chief of Staff.

8 Q. And Mr. Scott McClellan was the press person at --

9 A. Press Spokesman I think it's called, uh-hum.

10 Q. Where did that conversation take place as you best
11 recall?

12 A. I think the conversation with Andy Card took place
13 in Andy Card's office. I think the conversation with
14 McClellan took place on the margins of a senior staff meeting
15 or in the corridor near the Roosevelt Room. In and around
16 some other meeting as best I recall. I mean, I have many
17 conversations along these lines.

18 Q. They were separate conversations then?

19 A. Yes.

20 Q. You spoke to Card alone and McClellan on the fringes
21 of a meeting and not together?

22 A. That's my recollection.

23 Q. And when you spoke about the fact that Mr. Rove had
24 been cleared did you indicate to either one of them that in
25 fact Mr. Rove had spoken to Mr. Novak some time prior to July

1 14th?

2 A. No, I don't think I did.

3 Q. Was there a reason you didn't share that fact with
4 them?

5 A. It wasn't what I was most concerned about. What I
6 was most concerned about was getting them to say something
7 about that I had not been the one that spoke to Novak.

8 Q. But when you heard about the investigation and heard
9 about the Rove clearing did you think to yourself, it's a
10 little odd that they're saying that Mr. Rove had nothing to do
11 with this when in fact I know that Mr. Rove spoke to Mr. Novak
12 and told me what was coming in the column before it ran?

13 A. You know, I didn't in those terms. But my -- what
14 Mr. Rove had told me was that Novak had told him about the
15 wife and had already knew it by the time he spoke to Karl
16 Rove. So I didn't, I didn't think that -- I didn't raise that
17 argument. I didn't think that Mr. Rove had spoken to Novak
18 and I knew that I hadn't spoken to Novak.

19 Q. In your conversations with Card and McClellan or
20 anyone else did -- as far as you know, did anyone else in the
21 White House know that Mr. Rove and Mr. Novak had spoken before
22 July 14th?

23 A. Not that I know of.

24 Q. As you sit here today do you know if anyone in the
25 White House besides you and Mr. Rove is aware of the

1 conversation that took place between Mr. Rove and Novak prior
2 to July 14th?

3 A. I don't think so.

4 Q. And where were you when you called back to say, hey,
5 wait a minute, the list is a lot shorter than they thought and
6 I'd like to become number two on the list?

7 A. I was in Wyoming. Well -- yes, Wyoming, I think.

8 Q. Were you with the Vice President?

9 A. Not with him physically. He was at his home, I was
10 in the condo that we rent.

11 Q. And did you talk this issue through with the Vice
12 President before you called back to revisit the question of
13 whether you should be cleared?

14 A. That's interesting. I, I probably did but I don't
15 recall. I don't, I don't recall. I probably did either
16 before -- you said, before? And I'm sure I talked to him, I
17 assume I talked to him about it before or after. I don't know
18 that I did before I called Andy Card.

19 Q. Did you seek the Vice President's help to make sure
20 that Andy Card got the message that this is something you'd
21 really like to have happen?

22 A. At some point I did.

23 Q. And what did you do?

24 A. Told him that I thought it was unfair that they
25 had -- Scott McClellan had said something about Karl Rove and

1 not something about me since I didn't talk to Novak either.
2 And -- or I shouldn't say either. Since I was not, I was not
3 the source of the leak to Novak, and told him that I, I
4 thought, you know, it should be fixed. What I can't remember
5 is whether I had this conversation with him the first time I
6 got rejected or the second time. I'm pretty sure I had that
7 conversation with him at some point. You know, it could be
8 that the second time they just did it without his, without his
9 intervening, and the first time they didn't. I just -- I
10 don't recall.

11 Q. Do you recall if the Vice President ever picked up
12 the phone and called back to Card or McClellan and let them
13 know that this was something he wanted to see happen?

14 A. I hope he did. I don't recall that I ever -- and he
15 may have told me that he had, I just don't recall whether it
16 was the first time and we failed or the second time and we
17 succeeded. I don't, I don't remember.

18 Q. But at this point in early October, it's front page
19 stories, it's going crazy about who the leak is. Correct?

20 A. Yeah.

21 Q. And everyone saw Rove get cleared. Correct?

22 A. Correct.

23 Q. And "Scooter" Libby is sitting out there alone as
24 someone whose named but not cleared. Correct?

25 A. Correct.

1 Q. So it was very important for you to have someone
2 come out and say it's not him. Correct?

3 A. Correct.

4 Q. And you wouldn't remember if the Vice President told
5 you, hey, I just picked up the phone and called Andrew Card or
6 Scott McClellan and you're being taken care of?

7 A. As I say, I think, I think he did do that at one
8 point and I just don't remember whether I actually tried with
9 him fruitlessly the first time when they didn't change it or
10 if it was the second time. You know, my -- the Vice
11 President, I think, would support me on either occasion, I
12 don't have any doubt about that. And so -- I'm just telling
13 you what I recall.

14 Q. Did you tell the Vice President that you had
15 actually spoken to Time magazine and Mr. Cooper and had
16 discussed Wilson's wife's work with Mr. Cooper?

17 A. I think this conversation was about whether -- the
18 leak to Novak. I don't know that I discussed that with the
19 Vice President. I did tell him, of course, that we had spoken
20 to the people who he had told us to speak to on the weekend.
21 I think at some point I told him that. But --

22 Q. At some point meaning in July or --

23 A. July, yeah. July 14, you know, the Monday or so
24 afterwards.

25 Q. Did you tell him in July 14th or afterwards that

1 when you had spoke to the people on the telephone you had
2 relayed to them this conversation about Wilson's wife working
3 at the CIA?

4 A. I don't recall.

5 Q. So as far as when October came around and the front
6 page headlines are saying that two officials may have called
7 six reporters, did you have any idea whether or not the Vice
8 President understood that you had contacted those reporters
9 and actually discussed with them Wilson's wife's employment?

10 A. I don't, I don't recall whether he under -- whether
11 he knew that or whether I said something to him at the time.
12 What I was clear with him about was I was not the person who
13 talked to Mr. Novak and, and leaked this bit about the wife.

14 Q. But it's fair to say, that as was clear in the open
15 press, they were looking into not just who the leak was to
16 Novak but who was calling out to reporters in the period prior
17 to Novak's column. Correct?

18 A. Yes. And, and he knew that I was calling out to
19 reporters in the weekend beforehand because of the George
20 Tenet statement. So -- but, but -- I'm sorry.

21 Q. But did he know that you had talked to those
22 reporters about Wilson's wife when you talked to them?

23 A. That's an interesting question. I, I don't know.

24 Q. Did you bring it -- did you -- in late September and
25 early October did you at all bring to Vice President Cheney's

1 attention, by the way, you should know that I did speak to
2 Cooper, the author of the Time magazine article, and we
3 discussed Wilson's wife. And I spoke to a Washington Post
4 reporter and discussed Wilson's wife. And I talked to Judith
5 Miller and discussed Wilson's wife. Did you have any
6 conversation where you relayed that information to the Vice
7 President?

8 A. I think I did. Let me bring you back to that
9 period. I think I did in that there was a conversation I had
10 with the Vice President when all this started coming out and
11 it was this issue as to, you know, who spoke to Novak. I told
12 the Vice -- you know, there was -- the President said anybody
13 who knows anything should come forward or something like that,
14 or the articles were talking about it. I went to the Vice
15 President and said, you know, I was not the person who talked
16 to Novak. And he something like, "I know that." And I said,
17 you know, "I learned this from Tim Russert." And he sort of
18 tilted his head to the side a little bit and then I may have
19 in that conversation said, I talked to other -- I talked to
20 people about it on the weekend. I don't, I don't remember
21 whether I did that or not at that point, but I may have.

22 Q. You're just saying, "I don't know whether I did that
23 or not but I may have." Are you describing your conversation
24 over the weekend of July 12th, or are you describing that
25 you're not sure -- strike that. Forget that question.

1 Are you -- when you say you're not sure whether you
2 said that, are you saying you're not sure whether you told
3 Vice President Cheney in the fall about your conversation in
4 July, or did you tell him in the fall that you weren't sure
5 what you had said in July?

6 A. The former, if I got it right.

7 Q. Okay. So you're not, so you're not sure whether you
8 told the Vice President in the fall about the fact that you
9 had conversations in July with reporters about Wilson's wife?

10 A. Well, I told him about Russert, that I had learned
11 it from Russert. And I think at that point I, I may have told
12 him about the -- that I had talked about the wife to Cooper.
13 I just don't recall that. But what was important to me was to
14 let him know I wasn't the Russert -- I wasn't the person who
15 leaked the information to Mr. Novak, and that in fact I had
16 heard it from Russert, Mr. Russert, at which point it was well
17 known, that Mr. Russert told me it was well-known, known to
18 all the reporters.

19 Q. And was this a conversation you had in person or on
20 telephone with the Vice President?

21 A. In person.

22 Q. And where was it?

23 A. This, I think, was at his desk in the White House.

24 Q. In the White House. It was after he had returned --
25 you were in Wyoming for awhile. Do you know what dates you

1 | were in Wyoming with him?

2 | A. I don't offhand, although it, it, it ran into the
3 | first part of your document subpoena, I think, or the FBI's
4 | request for documents. So that may help fix it, but that's in
5 | the calendar, I can find that. This, this discussion, I
6 | think, was before we left on that trip. I mean, not
7 | immediately before. It was earlier.

8 | Q. Before, I take --

9 | A. It was earlier. Before we left on that trip. I
10 | don't, I don't think it was as late as the trip. I think it
11 | was earlier when the articles were first --

12 | Q. And as best you can recall, you told him that you
13 | did not speak to Novak, but that you did speak to Cooper about
14 | this issue, but that you had learned the information from Mr.
15 | Russert?

16 | A. I think what I told him was I was not the source of
17 | the leak to Mr. Novak. That I, that I in fact had heard it
18 | from Mr. Russert and that he had told me all -- you know, lots
19 | of reporters, all the reporters knew about it. And I don't
20 | know if I then went on to tell him that I had discussed it
21 | with the reporters in -- over the, over the July 12th weekend
22 | or not. I can't remember.

23 | Q. And you said he tilted your (sic) head. What did
24 | you understand -- tilted his head, not your head. What did
25 | you understand from his gesture or reaction in tilting his

1 head?

2 A. That the Tim Russert part caught his attention. You
3 know, that he -- he reacted as if he didn't know about the Tim
4 Russert thing or he was rehearsing it, or reconsidering it or
5 something like that.

6 Q. And, and --

7 A. New, new sort of information. Not something he had
8 been thinking about.

9 Q. And did he at any time tell you, "Well, you didn't
10 learn it from Tim Russert, you learned it from me? Remember,
11 back in June you and I talked about the wife working --"

12 A. No.

13 Q. "-- at the CIA?"

14 A. No.

15 Q. Did he indicate any concern that you had done
16 anything wrong by telling reporters what you had learned prior
17 to July 14th?

18 A. No.

19 Q. Did you share with anyone else on your staff the
20 fact that you had had these conversations with Cooper, Miller,
21 Kessler, et cetera about what Russert had told you?

22 A. Well, Cathie Martin was sitting next to me when I
23 had the conversation with Cooper when I talked about -- I
24 didn't say Russert to Mr. Cooper, but I did say reporters are
25 telling us that, she was next to me for that conversation for

1 the intent of -- for the purpose of listening to me, so --

2 Q. Let me approach you with what we'll mark as Grand
3 Jury Exhibit 71 (sic) which is Bates Stamped 2518, and we can
4 maybe put this one on the projector.

5 MS. KEDIAN. Seventy-two.

6 MR. FITZGERALD. Seventy-two, okay.

7 BY MR. FITZGERALD:

8 Q. I'll hand you a copy of what we'll mark as Grand
9 Jury Exhibit 72, and ask you to look at that and tell us first
10 whether you've ever seen it before?

11 GRAND JUROR. Down a little bit --

12 MR. FITZGERALD. I think it -- you have to move it
13 to the side. Yeah.

14 BY MR. FITZGERALD:

15 Q. Mr. Libby, have you seen this document before?

16 A. Certainly the top half. It's my writing, I think.

17 Q. Okay.

18 A. Can I take a look --

19 Q. Sure. You were smiling. What was it that made you
20 laugh?

21 A. I was just smiling that my boss was -- it looks like
22 my boss's handwriting and I was smiling. It looks like he's
23 trying to protect me a little bit, which is nice.

24 Q. Looking at the top of the document, is that your
25 handwriting? Let's break it into three portions. There is

1 some print above the line, there's some script below a line,
2 and then there's three words written in script by a hole
3 punch.

4 A. Correct, sir.

5 Q. Focusing on the print above the line --

6 A. Yes, sir.

7 Q. -- is that all your print?

8 A. I'm ashamed to say it is, sir.

9 Q. Okay.

10 A. Ashamed because of the handwriting.

11 Q. I've seen worse. My own. Let me read to you, make
12 sure I have it transliterated correctly. "People have made
13 too much of the difference in how I described Karl and Libby,"
14 in brackets. What is that referring to?

15 A. I think this we -- these were points that I was
16 hoping that Scott McClellan would make, I guess. Yes, I think
17 that's what this is.

18 Q. And then underneath it, it says, "I've talked to
19 Libby," period, and is that a suggested talking point for
20 Scott McClellan --

21 A. Yes.

22 Q. -- to make to the press.

23 A. Yes, sir.

24 Q. And then it says, "I said it was ridiculous about
25 Karl and it's ridiculous about Libby."

1 A. Yes, sir.

2 Q. And that was, again, what you hoped that Scott
3 McClellan --

4 A. Yes.

5 Q. -- would say?

6 A. Yes.

7 Q. And then it said, "Libby was not the source for the
8 Novak story," period. "And he did not leak classified
9 information," period.

10 A. Yes, sir.

11 Q. And what you were hoping was at the end of the day,
12 as a result of intercession of the Vice President or others,
13 that that statement would be made by Scott McClellan to put
14 you in the footing that you're not involved in this leak?

15 A. Yes, sir.

16 Q. And you wrote this out. And do you recall sharing
17 this with the Vice President?

18 A. I think I wrote this out to say, this is what I
19 think Scott McClellan should say. And I think the Vice
20 President then said, "Well, let me, let me take it." And that
21 he then -- I am recalling as I look at this now, that he then
22 came back to me and said that he had made the calls.

23 Q. And sticking on the first half of the page, above
24 the line with the print for the moment, had you talked to
25 McClellan at this point, or, or these proposed talking points,

1 | that McClellan would use after he had a conversation with you?

2 | A. Correct, sir.

3 | Q. No, my question was, had you talked to McClellan --
4 | McClellan said, I talked to Libby. I said it was ridiculous
5 | about Karl and it's ridiculous about Libby. Had McClellan
6 | interviewed you by this time to see whether or not you were
7 | the source of this information being leaked?

8 | A. I think I had talked to McClellan when I had done
9 | these.

10 | Q. And the language you chose for the last sentence was
11 | that, "He did not leak classified information."

12 | A. Yes, sir.

13 | Q. And did you specifically put the word classified in
14 | there because you were concerned that you had told information
15 | to reporters about Wilson's wife and you wanted to draw the
16 | line in making sure that you weren't involved in leaking
17 | classified information?

18 | A. I think the allegations that were whipping around in
19 | the press was that, you know, somebody had leaked classified
20 | information and I wanted to be clear that not only I wasn't
21 | the source of the Novak story but that I hadn't leaked
22 | classified information. I think that's why. I think it had
23 | more to do with what was swirling around in the press.

24 | Q. Now, wasn't it fair to say, what was swirling around
25 | in the press was people were saying, who outed Wilson's wife,

1 who told the press that Wilson's wife worked at the CIA? And
2 you could have, you could have in the abstract asserted, I had
3 nothing to do with telling people that Wilson's wife worked at
4 the CIA? But the statement here says, "And he did not leak
5 classified information." Were you deliberately drawing that
6 language because of the fact that you had told reporters what
7 was being said about Wilson's wife's employment?

8 A. It could be.

9 Q. As you -- I mean, how often have you prepared a
10 statement for someone else to say that you had not committed a
11 crime?

12 A. I think what I was doing was responding to -- that I
13 wasn't the source of the Novak story and I hadn't told people
14 classified information because that's what was coming out.
15 Maybe, you know -- that's what I thought I was doing. That's
16 what I thought I was doing with this.

17 Q. Did you tell Mr. McClellan during your conversation
18 with him, "By the way, just so you're not surprised, I did
19 talk to Mr. Cooper of Time magazine, and I did talk to a
20 Washington Post reporter, and I did talk to Judith Miller, I
21 did talk about Wilson's wife. But what I didn't do was I
22 didn't tell Novak, and when I did tell the reporters I
23 qualified it by saying that other reporters were saying the
24 story?"

25 A. No, I did not tell him all that.

1 Q. As, as you sit here today do you believe that Scott
2 McClellan has any idea that you had those conversations with
3 those reporters where you discussed Wilson's wife prior to
4 July 14th?

5 A. No, sir, I don't think he does because I felt -- I
6 was happy to tell everybody anything, but I felt constrained
7 by what I understood to be general rules that I shouldn't be
8 going into a lot of the details about this stuff with people,
9 but I felt I had -- it was fair enough for me to tell people
10 that I wasn't the source of the Novak story.

11 Q. And who had imposed the rule not to go into details
12 and when?

13 A. I think it was just a sense that, you know, because
14 it was an investigation we shouldn't be, you know, swapping
15 with people what we did or didn't do in general, but I had --
16 on the source of the Novak story I felt it was important
17 enough that I should tell him that.

18 Q. Didn't the President indicate to the entire staff
19 that anyone who had relevant information should come forward?

20 A. And I did. I came forward to the Vice President and
21 told him I would tell him anything that he wanted me to talk
22 to him or anybody else about, and that I was not the source of
23 the leak for Novak.

24 Q. But did you think that prevented you from sharing
25 with people that you had spoken to reporters? Where, where

1 did you get the sense from the President's direction that
2 people should come forward with all information the notion
3 that you shouldn't share any details with others?

4 A. I didn't get it from that. I got the sense
5 generally that the FBI doesn't like you talking to everybody
6 else about what, you know, what you think your story is. That
7 was my sense of it. In fact, most White House staff has been
8 very scrupulous about not talking to each other about what
9 their recollections were and stuff like that. Anyway, that
10 was my sense.

11 Q. Did you ever tell the President that you had spoken
12 to Mr. Cooper, Ms. Miller or Mr. Kessler about Wilson's wife
13 prior to July 14th?

14 A. No, sir. Just --

15 Q. And as far as you know, as you sit here today, do
16 you believe that the President is aware that you had those
17 conversations prior to July 14th?

18 A. No, sir. I don't know.

19 Q. And were you aware that the President gave a speech
20 in Chicago on October -- on or about October 1 saying there's
21 no White House involvement in any leaks whatsoever that he's
22 aware of?

23 A. Yes, sir.

24 Q. Were you at all concerned that while the President
25 was stating that there's no White House involvement in any

1 | leaks whatsoever, that you were one of the people who may have
2 | been referred to in the Washington Post column that two
3 | officials calling six reporters, that you had spoken to one of
4 | the Time magazine reporters who indicated they had been told
5 | about Wilson's wife and may have done so before July 14th?

6 | A. I was concerned to make sure that the Vice President
7 | knew so he could decide what he wanted to do with it, and so I
8 | went and told the Vice President that I was not the source of
9 | the leak for the Novak column. And as I say, I may have
10 | talked about the other stuff. I'm not sure.

11 | Q. And you were very precise to tell him you weren't
12 | the source of the Novak column. Were you as precise in
13 | letting him know that you could have been the source for these
14 | other columns?

15 | A. I don't recall. What I -- as I said, I'm not sure
16 | if I told him about those others at that point. I think that
17 | I may have but I don't recall as to what I told him that part.
18 | What I recall is he sort of said, you know, "You don't have to
19 | tell me, I know that you were not the leak -- you were not the
20 | source of the leak."

21 | Q. Did you think it was something that the Vice
22 | President and the President would want to know that if an
23 | official in the White House had spoken to those reporters
24 | which are now being discussed as leaks, that they learned who
25 | the person was that spoke with them prior, prior to July 14th?

1 A. I would have been happy to unburden myself of it,
2 about all of this, and I went to the Vice President and
3 offered to tell him everything I knew, and he didn't want to
4 hear it, and I assumed that I should not go into it, and that
5 if he wanted to hear it, I would be happy to tell him. I'd be
6 happy to tell him today if you like. I have no problem
7 telling him what happened.

8 Q. I'm, I'm ask -- I'm trying to fix the mindset before
9 the FBI interviewed you on October 6th. Did you tell the Vice
10 President you'd be happy to tell him everything he wants to
11 know?

12 A. Yes.

13 Q. In those words?

14 A. Yeah.

15 Q. And what did he say?

16 A. He said, "You don't have to. I know you didn't do
17 it. I know you weren't the source of the leak," something
18 like that.

19 Q. And did you -- when you offered to tell him
20 everything you knew, did that include things other than the
21 contacts that you didn't have with Novak?

22 A. I haven't told him anything.

23 Q. And when he said, "I know you're not the leak," did
24 you say, "Well, slow down a minute, sir, I want to tell you
25 one thing which is I spoke to some of these reporters before

1 July 14th, and they're now saying that they learned this, and
2 so I don't want you to be in any way misled that I didn't have
3 contact with them?"

4 A. I may have. I don't recall.

5 Q. Isn't that something that, I mean, how often do you
6 report to the Vice President to let him know that you didn't
7 commit a crime?

8 A. Well, the talking to the other reporters about it, I
9 don't see as a crime. What I said to the other reporters is
10 what, you know -- I told a couple reporters what other
11 reporters had told us, and I don't see that as a crime. But
12 set aside it was a crime, I don't -- I did not mean to do
13 anything wrong or don't think I did anything wrong with it.
14 But I was happy to tell him absolutely everything he wanted to
15 know. My sense was that everyone felt a little bit
16 constrained about talking about this stuff because there was
17 talk of a criminal investigation, and therefore people didn't
18 want to talk about it a lot. He has a good lawyer. I assume
19 that if he wanted to know more, he'd go check with his lawyer
20 as to whether he wanted me to tell him or not.

21 Q. And by his lawyer, referring to whom?

22 A. Terry O'Donnell. His private counsel. He also has
23 a good lawyer in David Addington. He's a good lawyer.

24 Q. And when was this conversation with, with Vice
25 President Cheney when he told you, you didn't need to tell him

1 anything?

2 A. There are actually two, and I don't recall exactly.

3 They were in the fall when this sort of started to come out.

4 Q. Before, or after, or during the trip to Wyoming?

5 A. Yes. Before, or after, or during. I don't remember
6 exactly when it was. It was -- I think there was one before,
7 there may have been some -- there may have been a time during.
8 I went at it once, and then I went at it again later to be
9 sure that he wanted me to tell him anything. And he wanted --
10 you know, my, my clear sense was he did not want me to go on
11 so I did not go on.

12 Q. And what was it that led you to go back a second
13 time that made you want to make sure that he knew that you
14 were willing to tell him everything?

15 A. It was still out there, and there was still talk
16 about it. I had a second conversation with him, or maybe it's
17 a third. In my first conversation with him I told him, "Look,
18 I wasn't the source of the leak of this. In fact, I learned
19 it from Tim Russert. And, you know, by that point he was, you
20 know -- other -- lots of reporters knew, all the reporters
21 knew, he told me all the reporters knew," something like that.
22 So that it was Russert, but it wasn't just Russert. And as I
23 say, that was most of that conversation.

24 In the course of the document production, the FBI
25 sent us a request for documents, or Justice Department, I'm

1 not sure technically. In the course of that document
2 production I came across the note that is dated on or about
3 June 12th, and the note that is dated sort of on or about June
4 12 shows that I hadn't first learned it from Russert, although
5 that was my memory, I had first learned it when he said it to
6 me. And so I went back to see him and said, you know, I told
7 you something wrong before. It turns out that I have a note
8 that I had heard, heard about this earlier from you and I
9 just -- you know, I didn't want to leave you with the wrong, I
10 didn't want to leave you with the wrong statement that I heard
11 about it from Tim Russert. In fact, I had heard about it
12 earlier, but I had forgotten it.

13 Q. And what did he say?

14 A. He didn't say much. You know, he said something
15 about, "From me?", something like that, and tilted his head,
16 something he does commonly, and that was that.

17 Q. And did you have any discussion with him at that
18 time about your conversations with Cooper, Kessler and Miller?

19 A. No, I don't think so. Not in that conversation.

20 Q. And, and what's the third conversation with the Vice
21 President?

22 A. I think I went back to him a second time, as I told
23 you before, I'm sorry, to, to re-up, volunteer again to tell
24 him if he wanted to know anything. I shouldn't say, I think.
25 I did go back a second time to tell him, sort of re-up on

1 offering to tell him if he wanted to know everything I did,
2 I'd be happy to tell him everything I did.

3 Q. And the, the third conversation, the one where you
4 pointed out that you had seen a document indicating that you
5 had learned this the first time from Mr. Cheney himself, the
6 Vice President?

7 A. Yes. And when I say third, I don't know the
8 chronological order of these.

9 Q. Okay. So there could have been -- so that might not
10 have been the third conversation, it might have been the
11 second?

12 A. Something like that, yeah.

13 Q. And the conversation where you told the Vice
14 President, which is at least the second conversation when you
15 said, in effect, let me correct myself because I saw a
16 document indicating that I learned it from you, not from Mr.
17 Russert, the first time, was that before you had been
18 interviewed by the FBI?

19 A. Yes.

20 Q. And the third conversation, do you know if that was
21 before you were interviewed by the FBI?

22 A. I think they were all before I was interviewed by
23 the FBI.

24 Q. And did he ever indicate to you, other than saying
25 that you don't have to tell him everything, any reason why he

1 | didn't want to know?

2 | A. I think one of the times when I went to see him to
3 | tell him that I wouldn't be available to him, that I would be
4 | out for the day for an FBI interview, or something like that,
5 | he said, you know, "Fine," and held up his hand, you know, "I
6 | understand," and either said or I took from it, you know, we
7 | shouldn't talk about the details of this.

8 | Q. Now, continue on the document, and I'll just finish
9 | off the shortest piece. There's handwriting on the left that
10 | says, appears to say, "Tenet, Wilson and memo," above the
11 | three hole punch.

12 | A. Yes, sir.

13 | Q. And do you know whose handwriting that is?

14 | A. Looks like the Vice President's.

15 | Q. Okay. And do you know what -- does that ring any
16 | bells with you? Was there any discussion in your presence
17 | about Tenet, Wilson and memo?

18 | A. (No oral response)

19 | Q. Okay. And then below the line, before we break, let
20 | me just see if I read this correctly, "Has to happen today,
21 | call out to key press saying same thing about "Scooter" as
22 | Karl. Not going to protect --" -- why don't you read it since
23 | you know his handwriting better than me.

24 | A. "Not going to protect one staffer and sacrifice the
25 | guy that was asked to stick his neck in the meat grinder

1 because of the incompetence of others."

2 Q. And if you look at the crossed out words, what do
3 they appear to say?

4 A. "This has."

5 Q. And any chance that it says, "the Pres"?

6 A. I think it says "this," not the "the".

7 Q. Okay.

8 A. I don't know. Maybe it is "the Pres".

9 Q. And what does the word "meat grinder" refer to as
10 far as you understand it?

11 A. I think it refers to the fact that the press, as you
12 say, was beginning to talk about me since I was the one -- I
13 was not exonerated, if you will, whatever the word is, by
14 McClellan.

15 Q. And when it says, "because of the incompetence of
16 others," who did you understand "others" to refer to?

17 A. I think this refers to the, the uranium claim
18 getting into the State of the Union in the first place with
19 this uncertainty that eventually develops about it. And then
20 it may refer to the decision to, to treat it the way they had
21 treated it in early July where they said that this -- that it
22 shouldn't have been in the State of the Union at all. I think
23 those two things, it could be either or both of those two
24 things.

25 Q. And do you think it all referred to any delay it

1 took in time for George Tenet to issue his July 11th
2 statement?

3 A. I don't know. I mean, I'm speculating on what it
4 is. I wouldn't have -- as I, as I speculated I wouldn't have
5 first speculated on that.

6 Q. And did you think it might refer to you dealing with
7 the press rather than Cathie Martin?

8 A. No, I don't think so.

9 MR. FITZGERALD. Why don't we take the break from
10 2:30 until --

11 GRAND JUROR. 2:45, please.

12 (Whereupon, the witness was excused at 2:29 p.m.)

13 (Whereupon, the witness was recalled at 2:47 p.m.)

14 BY MR. FITZGERALD:

15 Q. Okay, Mr. Libby, sticking with Grand Jury Exhibit
16 seventy --

17 WITNESS. Sir, can I step by you just to fill this
18 up?

19 MR. FITZGERALD. Oh, sure.

20 WITNESS. Thank you.

21 GRAND JUROR. I just want to remind you that you're
22 still under oath. Thank you.

23 BY MR. FITZGERALD:

24 Q. And this is Grand Jury Exhibit 72.

25 A. Okay.

1 Q. In looking at the last paragraph of 72 --

2 A. Yes, sir.

3 Q. It says, "not going to protect one staffer and
4 sacrifice the guy" -- then there's a cross out -- "that was
5 asked to stick his neck in the meat grinder." What do you
6 understand, "asked to stick his neck in the meat grinder" to
7 mean?

8 A. I guess, I don't know specifically. I suppose he's
9 referring to the fact that I had to go talk to the press about
10 this stuff. I had to deal with this issue that, you know,
11 should not have had to have been dealt with at all, shouldn't
12 have had it -- we shouldn't have had it in there in the first
13 place, or we should had it better documented, shouldn't have
14 had to lead to this whole issue, I guess that's what he meant.
15 But you'd have to ask him.

16 Q. And so your, your understanding, recognizing you
17 didn't write the language, is that you would interpret that as
18 there's a problem that came about because of the incompetence
19 of others, namely that the State of the Union had what it had
20 in it, and that people decided to retreat from that language
21 later, and that as a result you personally had to deal with
22 the press and now you, "Scooter" Libby, needed to be cleared
23 because you're the one who was asked to stick his neck in the
24 meat grinder?

25 A. Well, because I wasn't responsible, yes.

1 Q. Right, as to sticking his neck in the meat grinder
2 because of the incompetence of others. And you've testified,
3 I think at least the last time and today, that Vice President
4 Cheney on Air Force Two had wanted you in particular to be the
5 one to deal with the press on July 12th.

6 A. That's correct.

7 Q. So in writing this, did you -- do you take it to
8 mean he's thinking back to the fact that he's put the ball in
9 your hands to say, I want you to deal with the press
10 concerning -- on July 12th, and now you're the one who's
11 getting heat, not being protected by the administration's
12 press spokesperson?

13 A. I don't, I don't know if he was being that specific
14 or not. I just -- I was, I was being hit for a leak to Novak
15 that I hadn't -- that I wasn't responsible for. I think
16 that -- and the whole issue wouldn't have come about, I think
17 he's saying, but for the incompetence of others.

18 Q. But you're also being hit in part both because there
19 were alleged other leaks, but also people were trying to pin
20 the identity of the leak --

21 A. Yes.

22 Q. -- on the person who spoke to other journalists
23 prior to July 14th. Correct?

24 A. Yes. I guess that's fair.

25 Q. And so you're in the sights of the press and in the

1 Washington Post as being a person who had dealt with Time
2 magazine because you had talked to Time magazine on July 12th
3 at the express direction of the Vice President?

4 A. That's correct, yeah.

5 Q. And looking back on that, does that refresh your
6 recollection in any way as to whether or not on July 12th,
7 flying back on Air Force Two from the Ronald Reagan ceremony
8 whether you discussed with Vice President Cheney the fact that
9 Tim Russert or anyone else had told you that Wilson's wife
10 worked for the CIA?

11 A. No, it doesn't, it doesn't draw that for me at the
12 moment.

13 Q. It still remains that it is possible that the Vice
14 President could have told you to talk to people about Wilson's
15 wife working at the CIA, but you do not remember that?

16 A. It's, it's not what I had on my card from that
17 meeting, and I don't recall him telling me to talk to the --
18 to anybody about the wife working at the CIA on the airplane
19 that day.

20 Q. But you do recall him telling you back in June, from
21 your notes dated June 12th, and you recall that that stuck in
22 his mind then in June as a curious fact the way he observed to
23 you that his wife worked there. Correct?

24 A. Yes, sir.

25 Q. And you do know that Vice President Cheney was quite

1 frustrated during the week of July 6th through July 12th at
2 how the media was treating this issue, and the fact that he
3 was being unfairly maligned in the media. Correct?

4 A. Yes, sir.

5 Q. And you had gotten an e-mail, I believe, from Jay
6 Carney of Time magazine the day before saying people are
7 pointing fingers at OVP. Correct?

8 A. That sounds right, sir. I haven't looked at it
9 recently, but that sounds right.

10 Q. And so, on July 12th, Vice President Cheney was
11 still determined to get the full story out. Correct?

12 A. That's correct, sir.

13 Q. And the notes show all week he said, anything less
14 than the complete truth would be a mistake. Correct?

15 A. Correct, sir.

16 Q. And during that time the Vice President was also
17 expressing doubts about the validity of Ambassador Wilson's
18 conclusions because, number one, he didn't think that -- he
19 thought it unusual that they had used a former ambassador to
20 take this trip. Correct?

21 A. You say, "during that week," and it could be during
22 that week. I just don't recall it as -- I don't recall there
23 was a discussion during that week, but that could be, I recall
24 them later, and as you pointed out, we have -- he had
25 something like that on the lunch of the 18th. When Vice

1 President Cheney said, "get the full story out," what I
2 understood by that was the NIE, the January 24 document, the
3 CIA's comments in February to the IAEA, those sorts of things.
4 The substance, the full substance that he wasn't the one who
5 was told, et cetera.

6 Q. Well, when Mary Matalin, we saw her notes last time,
7 talked about "get the full Wilson story out, get Wilson
8 motivation out." Correct?

9 A. Mary Matalin had said that. Yes, sir.

10 Q. She talked about [REDACTED]. Correct?

11 A. I don't know if that was her word. That was my note
12 about the type of things she was saying, I think.

13 Q. And Vice President Cheney talked about it with you
14 for the first time that your notes reflect, he brought up that
15 Wilson's wife worked at the CIA in the functional Office of
16 Counterproliferation. Correct?

17 A. Back in June.

18 Q. Back in June.

19 A. Yes, sir.

20 Q. And the column July 6th written by Mr. Wilson with
21 the Vice President's annotations asked "did his wife send him
22 on a junket." Correct?

23 A. Whenever he made that note. Yes, sir.

24 Q. And so you told the FBI in your first interview, or
25 one of your two interviews, that it's possible that the Vice

1 President could have told you on Air Force Two that you should
2 tell the press about Wilson's wife, but you do not recall that
3 happening. Correct?

4 A. Correct.

5 Q. And does that remain true?

6 A. It remains true that it was possible, I don't
7 remember it happening.

8 Q. Now, when you spoke to Mr. Kessler, and you recall
9 talking to him about the fact that Wilson's wife worked at the
10 CIA, and you understood in your own mind that it might be a
11 boondoggle, but not necessarily having a negative sense. Is,
12 is it at all surprising to you that a reporter hearing that
13 Wilson's wife worked at the CIA might draw the conclusion that
14 in fact it was a boondoggle?

15 A. No.

16 Q. And could it have been your discussion with him of
17 the fact that Wilson's wife worked at the CIA that could have
18 prompted Mr. Kessler to ask you whether it was a boondoggle?

19 A. It could have been, or it could just be that in his
20 column he had said he had made this trip to Africa, to Niger,
21 that he had sat around drinking tea with people and talking to
22 them, that he had his expenses paid and then he came back. I
23 mean, it could be either one of those which led him to, to do
24 it. Or if the discussion was after the Novak column, it could
25 be something that was in his head because he had seen the

1 Novak column. I don't remember.

2 Q. And in going back a few months to Pincus, you spoke
3 to Pincus before the June 12th column, do you know if --
4 whether or not you told Mr. Pincus the fact that Wilson's wife
5 worked at the CIA? Or the ambassador -- former ambassador's
6 wife worked at the CIA?

7 A. No, I don't think I did.

8 Q. Are you aware of a website posting that Mr.
9 Pincus put on the Washington Post that indicated that he had
10 been told writing a story about Wilson's wife -- or about
11 Wilson, that he'd been told but didn't publish that Wilson's
12 wife worked at the CIA?

13 A. No, I was not aware of that website.

14 Q. And does that at all refresh your recollection of
15 whether or not you could have been the person who told Pincus
16 on June 12th that Wilson's wife worked at the CIA?

17 A. I, I -- no, it does not refresh my recollection, and
18 I do not think that I was the person who -- I don't think I
19 was the person, if he has a website that says that, and I do
20 not think I talked to him about the wife working at the CIA.

21 Q. Now you mentioned before that you do not think that
22 you committed a crime by talking to these reporters and
23 telling them what other reporters said. Correct?

24 A. I certainly hope not. Yes, sir.

25 Q. And it's your understanding of the law that if

1 | you -- that you can commit a crime by telling someone
2 | classified information that comes from a classified source.
3 | Correct? Improperly.

4 | A. I suppose you can under proper -- yes, under the
5 | proper circumstances you could commit a crime.

6 | Q. And also is it your understanding that if you tell
7 | someone classified information that's been published in a
8 | newspaper already or is learned from a non-classified source
9 | and merely repeated, that you're not committing a crime?

10 | A. It's sort of a complicated question. If, if, if
11 | you're telling somebody something that's from public sources,
12 | I don't think it's classified. I don't think that's wrong, if
13 | you're telling people un -- excuse me, it is wrong -- if
14 | you're telling -- if you're talking to someone about what is
15 | unclassified, I don't think there's anything wrong with that
16 | generally speaking. There may be some odd set of facts, but
17 | generally it would be okay. My understanding is that if
18 | something has been cleared for use in the press and has been
19 | used in the press, that it's been in effect unclassified and
20 | is okay to refer to, my understanding is that, technically, if
21 | something has appeared in the press through a leak but has not
22 | been unclassified, you're not supposed to talk about it. I
23 | don't know whether it's a crime or not, but I think you're not
24 | supposed to talk about it.

25 | Q. So that if a -- you knew a fact that was classified

1 | in your current position that you learn today from a
2 | classified document or a classified briefing, and tomorrow
3 | without you playing any role in it whatsoever it ran on the
4 | front page of a newspaper, those facts are reported by a
5 | columnist that, you know, here is what the government plans to
6 | do regarding a certain crisis in the world, and that's a
7 | classified fact that appears in the newspaper, do you
8 | understand that you're entitled by law to direct other
9 | columnists to that article in the newspaper, not saying,
10 | "here's what I know is a classified fact," or not saying,
11 | "here's what I got from a classified briefing," but you might
12 | want to pick up the New York Times and read the story on page
13 | one?

14 | A. I'm sort of uncomfortable because I don't know -- I
15 | mean, there are a lot of variations of these things and I
16 | haven't looked at the law for it, so I'm not totally --

17 | Q. I'm, I'm asking for your state of mind. I'm not
18 | asking you to explain the law to the Grand Jury. I'm glad you
19 | mentioned that so I can tell them. I'm not asking Mr. Libby
20 | as an attorney to tell you what the law is. I'm trying to
21 | understand in your mindset what you think the law is, right or
22 | wrong.

23 | A. My understanding is, if something is on the front
24 | page of the paper because in effect the President has directed
25 | that it be put out, that those things are commonly done and

1 people then talk about them. So that if he says, I'm going to
2 do a certain initiative or something and somebody then puts
3 that out publicly, that that's then something that's okay to
4 talk about.

5 Q. Even if it's classified?

6 A. Well, I think at that point it wouldn't be
7 classified. But you know, that's why I -- did it get into the
8 paper -- often things get into the paper that the President
9 has told Dr. Rice go talk about. Or that Dr. Rice has cleared
10 or somebody has cleared. I don't mean to keep using her.
11 Secretary Powell has cleared through the process that it's
12 okay to talk about. It's previously in a classified document
13 but they've been told to go talk about it and so they go talk
14 about it, and those things would be okay to talk about because
15 they were cleared through public discussion. Lots of things
16 start as classified and then become unclassified and come out
17 in the paper. But if someone has purloined a document --
18 stolen a document or something and then that document appears,
19 or a fact appears that there are times when that is not okay
20 to talk about. Safest thing is just not to talk about it.

21 Q. And when you were interviewed by the FBI, the first
22 interview in this case, did you understand that if you had
23 told reporters that Wilson's wife had worked at the CIA, based
24 upon knowledge you had learned from the government or from
25 conversations with Vice President Cheney, that you could have

1 committed a crime?

2 A. My understanding, when I heard it from Vice
3 President Cheney, was that it wasn't classified information.
4 I didn't understand it to be classified information. So my
5 understanding would be, if I didn't think it was classified
6 information, if it wasn't presented to me as classified
7 information, if I wasn't intending to release classified
8 information, that it wouldn't be a crime. But I'm not -- this
9 is not my area of the law.

10 Q. Is it fair to say though that as a National Security
11 Advisor and Chief of Staff to the Vice President, and Advisor
12 to the President on national security matters, that if the
13 Vice President learned something from the CIA during a brief
14 or from reviewing CIA material, that, that one can assume that
15 much of that material is classified?

16 A. He's usually very clear, or I see it with him. I
17 usually have an under -- understanding of what is classified
18 or not classified. The thing that he presented to me about
19 the wife, if that's what you're referring to, in, in -- on or
20 about June 12 I did not understand to be classified.

21 Q. Did you have any sense that if you revealed the
22 person's identity out at the CIA you may be compromising the
23 identity of a covert person?

24 A. Any person? No, sir. I mean, my, my understanding
25 is that most the people at the CIA are not covert and are --

1 their employment there is open and above board.

2 Q. Your understanding is that most of the people at the
3 CIA their employment is above board? They go around telling
4 people I work at the CIA?

5 A. Yeah.

6 Q. And you didn't consider that there might be a risk
7 that a person working at the CIA might be overt to other CIA
8 employees and even sometimes to the government, but may be
9 operating undercover, I mean, cover, meaning [REDACTED]

10 [REDACTED] or some other cover or might otherwise be a covert
11 person?

12 A. In this instance? In general, in this instance?

13 Q. The general first and then this instance.

14 A. In general there are a lot of people I know who work
15 at the CIA who, you know, I play softball with or football
16 with and they tell everybody in the game they work at the CIA.
17 I mean, a lot of people work at the CIA and it's not a secret
18 that they work at the CIA. If it is a secret that they work
19 at the CIA, they don't go tell everybody in the softball game
20 that they work at the CIA.

21 The -- in this instance I had no sense when I
22 learned it and then forgot it that it was classified. And
23 when Tim Russert told it to me I had no sense that what he was
24 telling me was something classified. And when I heard from
25 Karl Rove that Bob Novak had told him, I had no sense that it

1 was something classified. And when I talked to the reporters
2 about it, I explicitly said, you know, I don't know if this is
3 true, I don't know the man, I don't know if he has a wife, but
4 reporters are telling us that. So I didn't think I was saying
5 anything that was classified.

6 Q. And so when Tim Russert had this conversation with
7 you, you didn't remember that the Vice President had told you
8 in June that Wilson's wife works at the CIA. But now, having
9 remembered what you forgot, you remember that you understood
10 that when you learned it in June not to be classified?

11 A. That's correct.

12 Q. And you didn't have a concern that you could go
13 around and many people can tell you at a softball game that
14 they worked at the CIA, but you learned it in the White House
15 from the Vice President. Correct? That Wilson's wife worked
16 at the CIA.

17 A. It was not presented to me as in any way, going back
18 to the June 12 statement, it was not presented to me in any
19 way that it was a classified fact, and I didn't take it that
20 way. As I recall, it wasn't presented to me as classified and
21 my note doesn't reflect it in any way as having been my
22 understanding at the time to be classified. So I just did not
23 think it was classified.

24 Q. But many things you write in your notes are
25 classified. Correct?

1 A. Yes.

2 Q. And then you keep your notes together as if they're
3 classified, and they have both classified information and
4 unclassified in them. Correct?

5 A. Yes.

6 Q. And you don't section mark your, your personal notes
7 saying this is top secret, this is secret, this is
8 unclassified?

9 A. That's correct.

10 Q. You might talk about your kids going on a trip to
11 the U.S.S. Reagan on Saturday which is unclassified, and
12 follow that with a position regarding an unnamed foreign
13 leader who you'll put the name in, and say, here's what we're
14 doing about this foreign affairs issue that may be highly
15 classified. Correct?

16 A. Correct.

17 Q. So your notes don't indicate one way or the other
18 whether or not Wilson's wife's employment at the CIA is
19 classified. Correct?

20 A. It's correct, although when I'm dealing with
21 something which involves covert stuff, we usually write TS
22 (redact) on the document.

23 MR. FITZGERALD. We'll strike that. We'll just put
24 TS and a word.

25 WITNESS. We usually write TS and a code word next

1 to it which is a -- sorry.

2 MR. FITZGERALD. We'll redact that.

3 BY MR. FITZGERALD:

4 Q. So you put TS and a code word?

5 A. Yes, usually when there's something that is of that
6 caliber.

7 Q. And recognizing that beyond code word, SCI and
8 sensitive compartmented information, there's top secret and
9 then there's secret and then there's confidential, all of
10 which are classified. Correct?

11 A. Correct.

12 Q. So top secret information wouldn't have a code word
13 marking necessarily.

14 A. Correct.

15 Q. And secret wouldn't have a code word. Correct?

16 A. Correct.

17 Q. And confidential wouldn't have a code marking but
18 all of those three categories of non-code word materials are
19 still classified. Correct?

20 A. Still classified and could have a code word, but
21 don't necessarily.

22 Q. And so your understanding, when you learn
23 information, wasn't that it was code word, but did you have an
24 affirmative understanding that it was not classified in any
25 sense at the confidential, secret or top secret that Wilson's

1 wife worked at the CIA?

2 A. I had no sense at all that it was classified. Is
3 that what you asked? I'm sorry.

4 Q. Yes.

5 A. I'm sorry.

6 Q. And you remember not having a sense it was
7 classified sitting here today even though when you learned the
8 information from Mr. Russert you didn't remember learning it
9 in June?

10 A. Correct. I didn't -- it wasn't until I saw the note
11 that it refreshed me on -- that I learned it in June. If, if
12 I had not seen that note, I would have been pretty confident I
13 never learned it.

14 Q. And let me ask you this directly. Did the fact that
15 you knew that the law could turn, the law as to whether a
16 crime was committed, could turn on where you learned the
17 information from, affect your account for the FBI when you
18 told them that you were telling reporters Wilson's wife worked
19 at the CIA but your source was a reporter rather than the Vice
20 President?

21 A. No, it's a fact. It was a fact, that's what I told
22 the reporters.

23 Q. And you're, you're certain as you sit here today
24 that every reporter you told that Wilson's wife worked at the
25 CIA, you sourced it back to other reporters?

1 A. Yes, sir, because it was important for what I was
2 saying and because it was -- that's what -- that's how I did
3 it.

4 Q. And just so we're clear, so as you sit here today,
5 it remains your testimony that you recall no conversation with
6 Marc Grossman in which Marc Grossman told you that Wilson
7 worked -- wife worked at the CIA. Correct?

8 A. I don't recall that.

9 Q. And as you sit here today, it's your testimony that
10 all during the week of July 6th to July 14th you never
11 recalled your conversation back on or about June 12th with
12 Vice President Cheney who had told you that Wilson's wife
13 worked at the CIA in counterproliferation. Correct?

14 A. Right. To be exact, I believe my testimony is I
15 don't recall recalling that, and I recall being surprised by
16 what Tim Russert said. And from that I believe that I did not
17 recall it at all during that week. I know I didn't -- I
18 recall being surprised when I learned it from Tim Russert, and
19 therefore I don't think I remembered it in the day or two
20 beforehand.

21 Q. And you have no recollection of discussing either in
22 June or July of 2003, with Cathie Martin, that Wilson's wife
23 worked at the CIA?

24 A. Correct, I don't, I don't recall having that
25 discussion.

1 Q. And you specifically have no recollection of telling
2 Ari Fleischer on July 7th at your lunch before he left the
3 White House that you had a fact, you had a fact that was hush-
4 hush or q.t. which was that Wilson's wife worked at the CIA.
5 Correct?

6 A. I don't recall that.

7 Q. And it's your recollection that when Mr. Russert
8 told you on or about July 10th that Wilson's wife worked at
9 the CIA, that struck you as a new fact, you had no
10 recollection of any prior conversations with other people
11 concerning Wilson's wife working at the CIA. Correct?

12 A. That's how I recall it, sir.

13 Q. And in your conversations that you had with Mr.
14 Cooper, Mr. Kessler, Ms. Miller, you recall telling each one
15 of those when you did talk about Wilson's wife that you had
16 learned that from another reporter or reporters. Correct?

17 A. With Mr. Cooper and Ms. Miller, yes. With Mr.
18 Kessler, I'm still not sure that we discussed the wife on the
19 Saturday. If we did, I'm sure that I said, "reporters are
20 telling us that." It could be that I discussed that with him
21 the following week, I just don't know. If that's the case, I
22 don't know that he may have just brought it up because it was
23 in the Novak article. I just don't recall it as clearly.

24 Q. And it remains your testimony that with regard to
25 Andrea Mitchell, you don't recall whether or not you discussed

1 Wilson's wife working at the CIA with her, but you have a
2 recollection of being in a dilemma that if she were to ask you
3 how you knew, that you were afraid that you would have to tell
4 her that Russert had told you. You didn't want her to learn
5 from you what Russert may not have told her?

6 A. That's, that's the bit about that conversation that
7 sticks out in my mind, sir.

8 Q. And now, did you at all feel uncomfortable in the
9 fall of 2003, having had these conversations when you did get
10 cleared by Mr. McClellan and the word came out that there's no
11 White House involvement in these leaks whatsoever, did you
12 feel uncomfortable that in any way you had misled Mr.
13 McClellan, or the President, or anyone else in the
14 administration to believe that there was no White House
15 involvement in this, in this factual scenario when in fact you
16 had been talking to reporters?

17 A. Certainly not at all uncomfortable with what I
18 wanted Mr. McClellan to say which was I was not the source for
19 Mr. Novak. I'm not uncomfortable about what Mr. McClellan said
20 because I had gone to the Vice President and told him, "I
21 would be happy to tell you everything I know if you want me
22 to." And so I think I did what I was supposed to do. And
23 it's my understanding that I wasn't supposed to be going
24 around talking to lots of people about what I recall and
25 exchanging memories on it. So I'm comfortable with that.

1 Q. And just so we're clear, I've been asking you
2 questions about prior -- on your conversations with people
3 prior to the FBI beginning interviews. I'm not at all asking
4 questions about what people should be doing henceforth. So no
5 one is asking you to go out and have conversations with people
6 from this point forward.

7 A. Okay.

8 Q. And given that you understood that the better
9 practice was not to have conversations with people, why did
10 you pick up the phone to call Tim Russert rather than have
11 your lawyer call him?

12 A. Tim Russert doesn't know my lawyer, and I picked up
13 the phone and only said, I'd like you to -- I'm wondering if
14 you would be willing to talk to my lawyer, and so I didn't
15 think there was anything wrong with that because I didn't go
16 into details about anything. And he said, "I better talk to
17 my lawyer." And so we then had -- I think his lawyer called
18 mine, or mine called his, and that was that.

19 Q. Did you ever hear back from Tim Russert whether he
20 would -- did he ever tell you he had talked to your lawyer?

21 A. Never heard back from him.

22 Q. Sir, sir?

23 A. I never heard back from Tim Russert.

24 Q. Have you reached out to any other reporters, asked
25 them whether they would be willing to speak to you, or your

1 | counsel?

2 | A. I have not reached out, but I had a conversation
3 | with Evan Thomas at one point about a different subject, and
4 | he said, "What's the story about this Wilson stuff?" And I
5 | said, "I'm not allowed to talk about that. But you know, if
6 | you want, I can -- you can talk to my lawyer, but I can't --
7 | I'm not allowed to talk to you about this stuff." And he
8 | said, "Okay."

9 | Q. Any other conversations with third parties about the
10 | facts of the case other than those two reporters realizing how
11 | limited those conversations are?

12 | A. Yeah. I don't think I discussed the facts of the
13 | case --

14 | Q. Right.

15 | A. -- with those two. No, I don't think I've had any
16 | discussions with any reporters about it.

17 | MR. FITZGERALD. Okay, be one moment.

18 | (Long pause while Mr. Fitzgerald and co-counsel
19 | confer.)

20 | MR. FITZGERALD. If we could ask you to step out
21 | for just a minute and we'll see if the Grand Jurors have any
22 | questions.

23 | WITNESS. Okay. Do you want me to stand out here
24 | or go all the way --

25 | MR. FITZGERALD. Why don't we ask Katie? She knows

1 everything. Okay.

2 (Whereupon, the witness was excused at 3:15 p.m.)

3 (Whereupon, the witness was recalled at 3:20 p.m.)

4 GRAND JUROR. I just want to remind you that you
5 are still under oath. Thank you.

6 BY MR. FITZGERALD:

7 Q. Okay, a few sets of questions. First, your lunch
8 with Ari Fleischer. How often had you had lunch with Ari
9 Fleischer in the past?

10 A. Very, very seldom. It might be the only time. It
11 might have been two of them.

12 Q. So it was either your only lunch or one of two?

13 A. It was very modest. You usually can't get lunch
14 with him because he's -- he does his gag -- his briefing at 1
15 o'clock and so he doesn't do lunch a lot.

16 Q. And have you talked to Ari Fleischer since he left
17 government?

18 A. No, sir. Oh, I'm sorry.

19 Q. It's a long day.

20 A. Yes, I saw him at a basketball game, and I think I
21 saw him around the White House -- more than once, I think. I
22 think I've seen him at some receptions at the White House.
23 It's tricky about this since he left government part -- he's
24 gotten married and I've run into him with his wife, I think.
25 Anyway, I definitely saw him at a basketball game.

1 Q. Have you talked to him at all about this matter
2 since he's left government?

3 A. Not that I know of. Was that a strange answer?

4 Q. Yes.

5 A. No. Sorry. I, I don't think so. At the basketball
6 game he asked me how things were doing, things were going
7 okay, that sort of thing. I don't think we've talked in any
8 detail about this matter.

9 Q. Secondly, when it comes to -- when it came to your
10 conversation with Mr. Russert, the question is, why were you
11 so surprised when he told you that Wilson's wife worked at the
12 CIA?

13 A. Well, I was, I was surprised that he knew it, and I
14 thought I didn't. I mean, I didn't as I sat there know it.
15 I'm also -- Tim Russert is -- I don't know, he's one of the --
16 in my view anyway, he's one of the best of the newsmen, one of
17 the most substantive of the news people, and it struck me
18 that, that not only did he know it and I didn't know it, or at
19 least as I sat there I didn't know it, but also that he
20 thought it was important.

21 Q. And you mentioned that you reached out to him in the
22 last month, like either in February or March. And the
23 question was whether you'd reached out to Mr. Russert before
24 or after your first Grand Jury appearance?

25 A. I don't recall. I think before but I'm not sure.

1 Q. Putting aside any advice of counsel events, was
2 there anything that triggered your reaching out to Mr.
3 Russert?

4 A. No.

5 Q. Next question is, what is your protocol when you're
6 talking to White House, particularly the Vice President, as in
7 an oral conversation about whether or not one is to assume
8 that what you are told is classified or not? How do you go
9 through the day talking about national security matters and
10 other matters with the Vice President and sort out what's
11 classified and what's not?

12 A. A lot of stuff is cleared that is clearly classified
13 because we're in a briefing together and we're talking about
14 things that are from the briefing. Some things are clear that
15 they're not classified because they're coming out in a
16 newspaper or something that's been on television news or
17 something like that. And then there are some things which,
18 you know, he or I will specifically say are classified. And
19 sometimes he'll say, "This is for you only, you're not to talk
20 to anybody else about this." Sometimes that's a classified
21 fact, sometimes it's not a classified fact that I'm not to
22 talk about. But -- so usually we -- usually it's clear
23 between us from the context, but occasionally he'll actually
24 specify.

25 Q. And does the Vice President ever ask you not to

1 write certain things down?

2 A. Maybe once or twice in a long period of time he may
3 have said not to write something down. It's not very common.

4 Q. And without telling us the subject matter, what
5 would occasion him to tell you not to write it down?

6 A. Something which is an operational -- maybe something
7 about a war plan, something like that.

8 Q. You know that records are kept by the Presidential
9 Records Act. Is there ever communication by the Vice
10 President that he doesn't want you to write something down,
11 not because it's going to compromise something operational
12 concerning the national defense, but doesn't want a record
13 kept that certain things are discussed?

14 A. No, I don't think he's ever told me that.

15 Q. Do you ever recall anything being told by the Vice
16 President not to write anything down concerning uranium,
17 Niger, the controversy about the sixteen words, and the
18 discussion of Wilson's trip --

19 A. No --

20 Q. -- or the response thereto?

21 A. -- no, sir.

22 Q. The next set of questions from the Grand Jury are --
23 concern this fact. If you did not understand the information
24 about Wilson's wife to have been classified and didn't
25 understand it when you heard it from Mr. Russert, why was it

1 | that you were so deliberate to make sure that you told other
2 | reporters that reporters were saying it and not assert it as
3 | something you knew?

4 | A. I want -- I didn't want to -- I didn't know if it
5 | was true and I didn't want people -- I didn't want the
6 | reporters to think it was true because I said it. I -- all I
7 | had was that reporters are telling us that, and by that I
8 | wanted them to understand it wasn't coming from me and that it
9 | might not be true. Reporters write things that aren't true
10 | sometimes, or get things that aren't true. So I wanted to be
11 | clear they didn't, they didn't think it was me saying it. I
12 | didn't know it was true and I wanted them to understand that.
13 | Also, it was important to me to let them know that because
14 | what I was telling them was that I don't know Mr. Wilson. We
15 | didn't ask for his mission. That I didn't see his report.
16 | Basically, we didn't know anything about him until this stuff
17 | came out in June. And among the other things, I didn't know
18 | he had a wife. That was one of the things I said to Mr.
19 | Cooper. I don't know if he's married. And so I wanted to be
20 | very clear about all this stuff that I didn't, I didn't know
21 | about him. And the only thing I had on it, I thought at the
22 | time, was what reporters are telling us.

23 | Q. And the next question was, what did the Vice
24 | President tell you about his conversation with the President
25 | when the President gave you the green light to share some of

1 the NIE information with the press which turned out to be
2 Judith Miller?

3 A. He told me to go ahead and talk to -- that we should
4 go ahead and, and talk to the press about the NIE. I don't
5 remember whether he said Judith Miller at that point or, or we
6 should go ahead and talk about it. And, you know, I said, the
7 President cleared it? And he said, "yes," or something. I
8 didn't use those words necessarily, but that was -- I made
9 sure that, that he had talked to the President, the President
10 said that we should talk about it.

11 Q. Do you know if he met with the President in person
12 or spoke to him by telephone?

13 A. I don't know.

14 Q. And do you know if the Vice President was in town,
15 in Washington, when he talked to the President about it or was
16 out of town?

17 A. I believe he was in town when he talked to, talked
18 about it.

19 Q. And do you know whether the President was in town
20 when he talked to the President about it?

21 A. I think that he talked to the President -- I believe
22 they were both in town when they talked about it, but I, I
23 don't know, but that was my impression.

24 Q. Any other detail that the Vice President imparted to
25 you about his conversation that he had with the President?

1 A. No, sir.

2 MR. FITZGERALD. And -- give me a moment while I
3 read my writing. I'll just ask someone else.

4 WITNESS. They have to read your writing?

5 (Whereupon, Mr. Fitzgerald and co-counsel confer.)

6 MR. FITZGERALD. Oh, yes, okay.

7 BY MR. FITZGERALD:

8 Q. When the Vice President asked you the question,
9 "have they done this type of thing before," question to that
10 effect, Vice -- did the Vice President ever ask you has the
11 Agency ever done this sort of thing before where an ambassador
12 was sent out?

13 A. I think he may have at some point.

14 Q. And what did you do in response to that question, if
15 anything?

16 A. I don't know if I did anything particularly about
17 it. I think he may have taken it up with, with Tenet rather
18 than asking me. He knows that I'm not an Agency person. The
19 only person on our staff who knows anything about the Agency
20 is -- or who has worked there, I should say, is our General
21 Counsel, David Addington. So whether he took it up with him
22 or not, I don't know. I may have asked John McLaughlin about
23 it but I don't, I don't recall.

24 Q. And do you recall whether or not Vice President
25 Cheney ever told you that he in fact did talk to Tenet or

1 anyone else at the Agency about this?

2 A. I think he had talked to someone at the Agency about
3 this subject in general. I don't know specifically about --
4 the specific here was, was what?

5 Q. Whether they send ambassadors overseas --

6 A. Yeah, I don't know about --

7 Q. -- or don't they?

8 A. -- that particular part of it.

9 Q. What did he talk to the official that you do know he
10 talked about?

11 A. About, you know, how this came about. I have a
12 sense that he had talked to Tenet or somebody about, about
13 that.

14 Q. And what time frame was that?

15 A. Summer, June, July, something like that. He was
16 interested in this subject and, you know, he doesn't run -- he
17 doesn't do everything through me. He does a lot of stuff
18 himself. He meets with Director Tenet daily or McLaughlin
19 daily, and I have a sense that he had talked to them about it
20 along the way.

21 Q. And what gave you that sense?

22 A. Some conversation but I don't recall, I don't recall
23 it. I mean, I don't recall any details of it. I think there
24 was some conversation where I had the sense that he had, he
25 had talked about this directly with them.

1 Q. Did you ever talk to a person by the name of David
2 Shedd about Wilson, or his wife, or the trip?

3 A. David Shedd is the NSC officer for intelligence, I
4 think. I'm not sure of his exact title. But he's from the
5 Agency, as I understand it. I've talked to David Shedd about
6 a lot of things, mostly involving Iraq and intelligence. I
7 don't recall talking to David Shedd specifically about the
8 Wilson matter. I might have but I don't recall.

9 Q. And to your knowledge has, has the Vice President
10 ever talked to David Shedd about Wilson, the Wilson matter or
11 the trip to Niger about uranium?

12 A. I don't know. I don't think he would often talk to
13 David Shedd, but maybe on the margins of something or
14 something.

15 MR. FITZGERALD. Okay. If you could step out a
16 moment, we'll just confirm that there are no more questions.
17 Appreciate it.

18 (Whereupon, the witness was excused at 3:33 p.m.)

19 (Whereupon, the witness was recalled at 3:34 p.m.)

20 MR. FITZGERALD. We are complete. We'll -- for the
21 record I'd ask the foreperson just to keep you under subpoena
22 in case something else develops that we could bring you back.
23 We don't have to go out and serve you again, but in the
24 unlikely event that should happen, we will contact Mr. Tate
25 and let you know. Thank you for the time and we, we are

1 complete.

2 WITNESS. Thank you. Thank you all.

3 (Whereupon, the witness was excused at 3:34 p.m.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

1

CERTIFICATE

2

3 I hereby certify that the foregoing is a true and accurate
4 transcript, to the best of my skill and ability, from my
5 stenographic notes/electronic recording.

6

7 November 15, 2006

Date

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Deborah H. Powers
Deborah H. Powers, Court Reporter