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UNCLASSIFIED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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IN RE: JOHN DOE
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~~SECRET~~

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

Friday, March 5, 2004

The testimony of I. LEWIS LIBBY was taken in the
presence of a full quorum of the Grand Jury, commencing at
10:40 a.m., before:

RON ROOS
Deputy Special Counsel
United States Department of Justice

PETER ZEIDENBERG
Deputy Special Counsel
United States Department of Justice

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

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

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P R O C E E D I N G S

1
2 Whereupon,

3 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:

7 EXAMINATION

8 BY MR. FITZGERALD:

9 Q. And Mr. Libby, if you could state your name for the
10 record and spell your name?

11 A. I. Lewis, L-e-w-i-s; Libby, L-i-b-b-y.

12 Q. And do you have a nickname?

13 A. I do.

14 Q. Okay. And that is --

15 A. "Scooter".

16 Q. Okay. And can you give us a brief description of
17 how you got the name "Scooter" so no one spends their time
18 thinking about that?

19 A. Are we classified in here? It's -- my family is
20 from the south and it's less, it's less uncommon than it is up
21 here.

22 Q. Okay. Good morning. There's a glass of water in
23 front of you. That's not from a prior witness, so feel free
24 to use it.

25 A. Thank you.

1 Q. Let me just introduce myself again. My name is Pat
 2 Fitzgerald. I'm a Special Counsel in this matter, joined by
 3 other attorneys with the Special Counsel's Office seated at
 4 the table. And this Grand Jury is investigating possible
 5 offenses of different laws that include Title 50 of the United
 6 States Code, Section 421, which concerns the disclosure of the
 7 identity of a covert agent; Title 18 of the United States
 8 Code, Section 793, which is the illegal transmission of
 9 national defense information; or Title 18, Section 641, theft
 10 of government property; or Title 18 United States Code,
 11 Section 1001, false statements. That means that this Grand
 12 Jury is investigating those offenses. It doesn't mean there's
 13 any determination been made whether or not those offenses have
 14 been committed. I can also tell you that a Grand Jury is
 15 entitled to charge any other offense that they determine has
 16 been committed if they learn about that offense during the
 17 course of this investigation. But generally the investigation
 18 concerns the possible illegal disclosure of classified
 19 information. Do you understand the general nature of the
 20 investigation?

21 A. I do, sir.

22 Q. I should tell you that you have a constitutional
 23 right to refuse to answer any question if a truthful answer
 24 would tend to incriminate you. Do you understand that you
 25 have that right?

1 A. I do, sir.

2 Q. And you should understand that if you choose to
3 answer questions, any answer that you do give can be used
4 against you by the Grand Jury or in any other legal
5 proceeding. Do you understand that?

6 A. I do.

7 Q. And you should understand that if you choose to
8 answer questions, you could stop at any time and decide not to
9 answer any further questions based upon your Fifth Amendment
10 privilege. Do you understand that?

11 A. I do, sir.

12 Q. In simple terms, just because you answer a hundred
13 questions doesn't mean you have to answer the next question.
14 Do you understand that?

15 A. I do.

16 Q. And you have a right to consult with an attorney,
17 and if you could not afford an attorney one could be appointed
18 by the Court for you. Do you understand that?

19 A. Yes, sir.

20 Q. And in fact, you are represented by an attorney. Is
21 that correct?

22 A. That is correct.

23 Q. And could you just state your attorney's name and
24 spell his last name?

25 A. Joseph A. Tate, T-a-t-e.

1 Q. And is he in the building today?

2 A. He is.

3 Q. And you understand that the Grand Jury will allow
4 you a reasonable opportunity to leave if you need to consult
5 Mr. Tate prior to answering any questions. Do you understand
6 that?

7 A. I do, sir.

8 Q. And, and are you an attorney yourself?

9 A. I am.

10 Q. And do you understand that any testimony that you
11 give is under oath and that if you make any deliberate false
12 statement about a material or important fact, you could be
13 prosecuted for perjury? Do you understand that?

14 A. I do understand that.

15 Q. And what that means is that if someone were to make
16 a false statement they should assume that anything we ask
17 about during the course of today's Grand Jury is something
18 that is material or important to that investigation. You
19 understand that?

20 A. Yes, sir.

21 Q. And because it's critical for the Grand Jury to know
22 all the facts, witnesses may not know the context for a
23 question, so they should assume that it's important to the
24 Grand Jury.

25 A. Yes, sir.

1 Q. And I'll give you a brief example which we discussed
2 prior to your coming in with your attorney, which is that if
3 we were investigating a fatality involving a car, we might
4 want to find out whether it was an accident or foul play, and
5 if a witness knew about a person involved in the accident
6 having an argument just prior to the, the traffic fatality,
7 they should tell the authorities about the argument and not
8 think ahead and think that it puts their friend in a bad
9 light. They should just state the facts and let the
10 authorities decide what really happened. Do you understand
11 that?

12 A. Yes, sir.

13 Q. And you also understand that we may ask questions
14 about state of mind, which is what people thought, believed or
15 understood, and that may be important to the Grand Jury in
16 order to determine motivation?

17 A. Yes, sir.

18 Q. And if, if someone does commit a false statement or
19 commit perjury, they could be prosecuted by up to five years
20 in jail for each such false statement. Do you understand
21 that?

22 A. Yes, sir.

23 MR. FITZGERALD. And I will remind you, as I remind
24 the Grand Jury, that it's important to tell witnesses what the
25 consequences are for perjury so that we make sure that all

1 witnesses understand the seriousness of the proceeding. We
2 are not at all prejudging any witness by telling them what
3 their obligations are and you shouldn't take my advising Mr.
4 Libby of those obligations as any indication by us that we're
5 prejudging whether a witness will be truthful or not.

6 BY MR. FITZGERALD:

7 Q. And I will also tell you, as you were advised prior
8 to coming in, in the presence of your attorney, that based
9 upon your conduct in this investigation and in particular
10 contact with reporters, you, among others, are a subject of
11 the investigation. And that does not mean that anyone has
12 decided to charge you with any crimes, but just is to advise
13 you of the serious nature of the proceeding. Do you
14 understand that?

15 A. I do.

16 Q. And do you have any questions about the nature of
17 the proceeding?

18 A. No, sir.

19 Q. And are you prepared to proceed?

20 A. I am.

21 Q. Okay. Why don't you tell the Grand Jury what your
22 job titles are and then give us a brief explanation of what
23 your duties are?

24 A. I have three job titles at the moment. One is
25 Assistant to the President; one is Chief of Staff to the Vice-

1 | President; and the last is National Security Advisor to the
2 | Vice President.

3 | And as National Security Advisor to the Vice
4 | President it's my job to advise him on issues of national
5 | security, to meet with and represent him in inter-agency
6 | meetings or occasionally meetings with outside parties to
7 | describe his views or to learn from them, to gather
8 | information to repeat back to him. It's part of my job to
9 | listen to what other people in the White House are saying, to,
10 | to meet with foreign leaders on occasion and to report those
11 | things back to him. It's my job to work with the White House
12 | staff, to be -- to develop policy and to implement policy, and
13 | to take that information and go back and explain that to the
14 | Vice President. Occasionally it's part of my job on his
15 | behalf to talk with the press and to relay his positions to
16 | the press if he so wishes or to other issues what the White
17 | House is doing.

18 | Q. Okay. And so in effect, you're an assistant both to
19 | the President himself directly and to the Vice President
20 | himself?

21 | A. That is correct, sir.

22 | Q. And can you tell the Grand Jury what security
23 | clearance level you have?

24 | A. I have a TS, Top Secret, and a secure
25 | compartmentalized intelligence clearance, and clearances in

1 numbers of boxes along the way, numbers of compartmented
2 intelligence.

3 Q. Okay. And can you tell us in the course of your
4 daily work how much contact you have with the intelligence
5 community and how much access you have to classified
6 documents?

7 A. Oh, I have a lot of access to classified documents.
8 I meet every morning -- my day usually starts at 7 o'clock in
9 the morning, or sometimes a little earlier, and I'll get an
10 intelligence briefing. I'll sit down with someone from the
11 Agency, usually with the Vice President, and we have a book of
12 intelligence that they provide with this, and he is there to
13 answer questions from us and to take questions that we ask
14 back to the Agency and get us further information. That
15 meeting usually goes 30, 45 minutes. I also receive the
16 product from the Agency that morning which can be -- I usually
17 get a little extra, so it can be anywhere from 20 to 150 pages
18 that I get every morning. Usually it's somewhere in the
19 middle, 30, 40 pages.

20 Then during the day I attend meetings and frequently
21 the Deputy or one of the top officials from the Intelligence
22 Agency will be at that meeting and will discuss policy issues,
23 Liberia, Haiti, Iraq, those sorts of things.

24 I also will occasionally be part of a principals
25 meeting where the Director of Central Intelligence is present.

1 And during the day I will receive other written products from
2 the Agency and go through those.

3 Q. And just so we're crystal clear, I think it's
4 obvious, but when you refer to the Agency, you're referring to
5 the CIA?

6 A. I'm sorry. Central Intelligence Agency.

7 Q. And that's fine. You can keep referring to the
8 Agency. I just want to make that, that clear.

9 And do you, yourself, at times read the raw
10 intelligence reports to see what's behind some of the
11 summaries that you're given?

12 A. Yes.

13 Q. And does the Vice President do that as well?

14 A. Yes. Sometimes they're presented to us by the
15 briefer and sometimes I will show him one that the briefer has
16 shown me.

17 Q. And so is it, is it a practice with the people who
18 are dealing with you on a regular basis to bring with them not
19 just finished product but also to give you sometimes the raw
20 documents behind that because of your interest in seeing them?

21 A. Occasionally. It's not all that common, but
22 occasionally.

23 Q. With what frequency do you have contact with the
24 press in your, in your job?

25 A. It, it goes in spurts. Usually there may be periods

1 when I don't see them. You know, when a reporter is doing a
2 profile of the Vice President, for example, they will call our
3 office. They, they call around to talk to kids he went to
4 high school with, now they're no longer kids. They'll talk to
5 family members, they want to talk to people he works with,
6 they'll talk to other Cabinet officials. And one of the
7 people they often like to talk to is me because I work with
8 him every day. And they'll say, you know, sit down and say,
9 what's it like? Usually these contacts will come through our
10 press person. We have a -- I have an assistant who is charged
11 with being in charge of relations with the press, and so we
12 try and funnel most of those types of requests.

13 In addition, I'll get calls from reporters about
14 things that they're hearing. You know, we hear the
15 President's going to make a trip or something. And they'll
16 call me and usually I'll defer that to somebody else. And
17 then sometimes I am charged to go talk to the press about an
18 issue along the way.

19 Q. And three questions. You mentioned there is someone
20 on your staff who is charged with dealing with the press. And
21 what is that person's name?

22 A. Currently it's a person named Kevin Kellums. Before
23 Kevin Kellums it was someone named Cathie Martin, Catherine
24 Martin, I guess. And before that, it was Mary Matalin.

25 Q. And at what point did Mary Matalin leave and did

1 Catherine Martin take over, approximately?

2 A. Well, Cathie worked as a Deputy to Mary before Mary
3 left. I think Mary took us through the mid-term elections, so
4 that would be November of 2002, and I think Mary left right
5 about -- sometime in that period. Maybe somewhere between
6 then and the New Year, I think, and Catherine just sort of
7 took over.

8 Q. And you mentioned that sometimes you're charged with
9 dealing with the press directly rather than through your press
10 people. And who would tell you to do that?

11 A. Well, Cathie would recommend it usually and then I
12 would talk to them. Occasionally somebody from the press that
13 I know and they'd call, but usually I would have to talk to
14 Cathie.

15 Q. And in your understanding, did you need to check
16 with the Vice President in order to talk to the press and get
17 authorization to talk --

18 A. I don't need to. Sometimes I do.

19 Q. And have there been occasions when the Vice
20 President has told you that you are to speak to the press
21 rather than other people?

22 A. Yes.

23 Q. And when you deal with the press, what is your
24 understanding of the ground rules of what they can do with the
25 information you share with them?

1 A. Well, there are different ground rules. There's on-
2 the-record, which means they can quote me by name in the
3 piece. So they can say, Lewis Libby said such-and-such.

4 And then there are other gradations after that. One
5 of them is background in which I think they -- this varies by
6 reporter actually, but it usually means, I think, that they
7 can say -- sometimes they call me a senior administration
8 official, because they want to make their piece look
9 important -- so they'll say senior administration official
10 said such-and-such.

11 There's something called deep background, which
12 usually, I think, means they just get to say it as if somebody
13 said it but they don't really tag it. Some people use that to
14 mean a government official, and sometimes these are actually
15 negotiated, you know. The press person will sit down and say
16 here's what you can say about it.

17 And then there's something called off-the-record.
18 When you talk off-the-record it is supposed to not ever be
19 repeated by the reporter to anybody, including their editors.
20 They're supposed to -- it's something you tell them so they
21 can get it in their head and it informs them as to what they
22 can say, what they can ask about, but they're not supposed to
23 go and repeat it to anybody, and they're not -- certainly not
24 supposed to write about it.

25 Q. Okay.

1 A. They're not supposed to even call someone and say,
2 you know, Libby told me in an off-the-record comment. They're
3 not supposed to do that. They're just supposed to say, you
4 know, I'm wondering about this, what about this, without
5 citing it to anyone. Sorry.

6 Q. No. And let me see if I can illustrate that with an
7 example. You mentioned that people may call you to ask if the
8 President's going to be taking a trip. And if the President
9 were in fact taking a trip next week, and you spoke to a
10 reporter on-the-record, is it fair to say that the reporter
11 could say Lewis Libby told, you know, this reporter, quote,
12 the President will be taking a trip to England next week? Is
13 that your understanding of on-the-record?

14 A. That is on-the-record, although I might not confirm
15 it for him, but I might say that's an NSC issue because it's
16 the President traveling. But if I did say to him, the
17 President is traveling, they could then say, Lewis Libby said.

18 Q. And that would be if you had an on-the-record
19 conversation?

20 A. Correct, sir.

21 Q. If you had a background conversation that said --
22 and it may be that this is a topic that you wouldn't discuss,
23 traveling, just to use as a hypothetical, you said on
24 background the President is traveling to England next week,
25 they could write in the story, a senior administration

1 official said the President is traveling next week. Is that
2 your understanding of --

3 A. Yes.

4 Q. -- on background?

5 A. Yes.

6 Q. And your understanding of deep background is that
7 they could report in the story that, you know, the reporters
8 have learned that the President is traveling to England next
9 week, but not cite a senior administration official and
10 certainly not quote you?

11 A. Yes, sir.

12 Q. And if it was deep background, the reporter could
13 now know that the President was traveling to England next
14 week, but they would not write that in the story, they could
15 not tell their editors, but to the extent that they informed
16 how they thought about the issues they were writing about,
17 that information would be given to them on deep background.
18 Is that your understanding?

19 A. I thought you asked about deep background just
20 before that.

21 GRAND JUROR. Off-the-record.

22 MR. FITZGERALD. Oh, off-the-record. Thank you.

23 WITNESS. Off-the-record, they could, they could
24 know it in their head but they couldn't call anybody, not just
25 write about it. They couldn't call one of the other

1 government agencies and say, I understand that the President's
2 taking a trip. They can just call -- they might call up and
3 say, you know, what's the President doing next week? But
4 they're not supposed to refer to it to anybody.

5 BY MR. FITZGERALD:

6 Q. Okay. So off-the-record is more even -- more
7 stringently controlled than deep background?

8 A. Yes, sir. That's how I understand the terms.

9 Q. Okay. And do you have ground rules when you talk to
10 reporters about how they would verify any quotes they might
11 attribute to you either as by name or by senior administration
12 official?

13 A. Yes. A, the ground rules may be set in the
14 beginning of the conversation or as the conversation goes
15 along sometimes you say to them, okay, this you can say on-
16 the-record, and this you can't. This is for off-the-record or
17 something else. Often when I deal with them, if you're asking
18 about me personally, I often deal with a reporter and I say up
19 front, everything I say in this conversation is off-the-
20 record. If there's something I say that you would like to put
21 into a question, or write into an article, call back, usually
22 to Cathie Martin, or my press person, or Mary Matalin at that
23 point, and she will then tell you if it's okay for you to use
24 it or not. So usually I'm just strictly off-the-record.

25 Q. Okay. And do you ever have the reporters call you

1 back directly to verify a quote for something you gave them
2 on-the-record or on background?

3 A. It probably has happened over the course of three
4 years. It's not the normal, but it probably has happened.

5 Q. And in this case, one of the matters being focused
6 on in this investigation is a column written by Robert Novak
7 in July 14, 2003. I take it you're familiar with that column
8 as we sit here today?

9 A. Yes, sir, I am.

10 Q. And there's some information contained in that
11 article concerning the employment -- the alleged employment of
12 former Ambassador Wilson's wife at the CIA. Do you know that
13 fact that it's contained in the article?

14 A. Yes, sir, I know it's contained in the article.

15 Q. And were you a source for Mr. Novak about -- in that
16 article about the employment of Mr. Wilson's wife at the CIA?

17 A. No, sir.

18 Q. Were you a source for any information for Mr. Novak
19 in that article?

20 A. No, sir.

21 Q. Do you know if you spoke to Mr. Novak at or about
22 the time the article was prepared?

23 A. I have, I have a recollection that I did speak to
24 Mr. Novak once in that general time frame, but my notes
25 indicate, notes that you have, indicate to me that in fact

1 that was a week and a half or so after the article appeared.

2 Q. Do you have any recollection of speaking to him
3 before the article appeared?

4 A. Maybe a year and a half before the article appeared,
5 but not any time near the article.

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19 Q. And to the extent that the Grand Jury is familiar
20 with the, quote, sixteen words, closed quote, that have caused
21 controversy since then, were you involved in either the
22 drafting or vetting of those sixteen words?

23 A. No, sir, I don't think I was. It may have been in a
24 draft that I saw, but I don't think so.

25 Q. And there's a document known as the NIE, the

1 National Intelligence Estimate, that concerned in part efforts
2 by Iraq to obtain uranium. Did you review the NIE at some
3 point in 2002 or 2003 concerning Iraq and efforts to get
4 uranium?

5 A. Yes, sir.

6 Q. And do you recall whether or not there were any
7 doubts expressed in the, in the NIE about the allegation that
8 Iraq had tried to get uranium from Niger?

9 A. The NIE has a fairly clear declarative sentence in
10 the section on uranium and Iraq, and it says something like,
11 Iran (sic) began vigorously trying to procure uranium,
12 something like pretty close to that. And that is unqualified
13 in the section on uranium. There are some sections towards
14 the back, and I'm sorry I haven't reviewed the document, and
15 I'd be happy to look at it if you like, there are some
16 sections towards the back in which State Department expresses
17 some doubts about uranium. I think it had to do with whether
18 or not someone could actually procure, actually get the
19 uranium as opposed to trying to get uranium, if you follow
20 what I mean. And I think they had some doubts -- well, that
21 were unrelated about the rockets or the about the centrifuge
22 tubes, whatever they proved to be. So that's my recollection.
23 I could look at the document and tell you. But I recall that
24 there was something in the back of the document, not in the
25 section itself but way in the back.

1 Q. Okay. And do you know if that was -- just going
2 from memory, whether the part in the back was in text or in a
3 footnote, do you remember?

4 A. It's not a footnote in the sense that you or I use
5 the term where there's a little -- you know, a little -- small
6 little number six, and you go to the six at the bottom. I
7 think it was in a blue box, if I recall, but I haven't looked
8 at this in awhile. It might an appendix actually. I'm not
9 sure if it was in the text or an appendix.

10 Q. And for the record, the document is not in front of
11 you so we're just asking you your memory.

12 One clarification. In describing the NIE report you
13 referenced Iran making efforts to get uranium. Did you mean
14 to say Iraq?

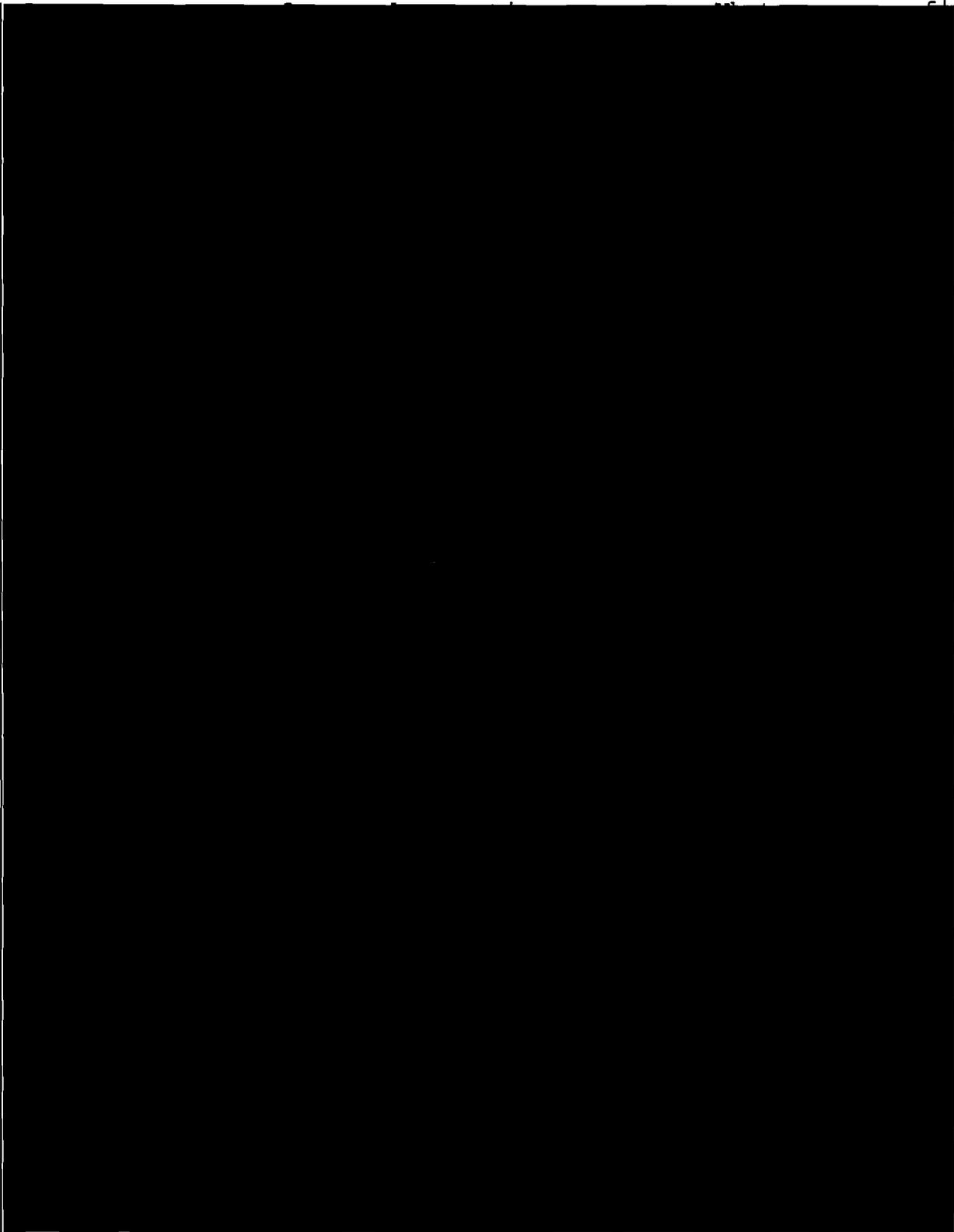
15 A. Excuse me.

16 Q. Okay. Your testimony is -- what your recollection
17 is concerns Iraq, not Iran?

18 A. My, my apologies.

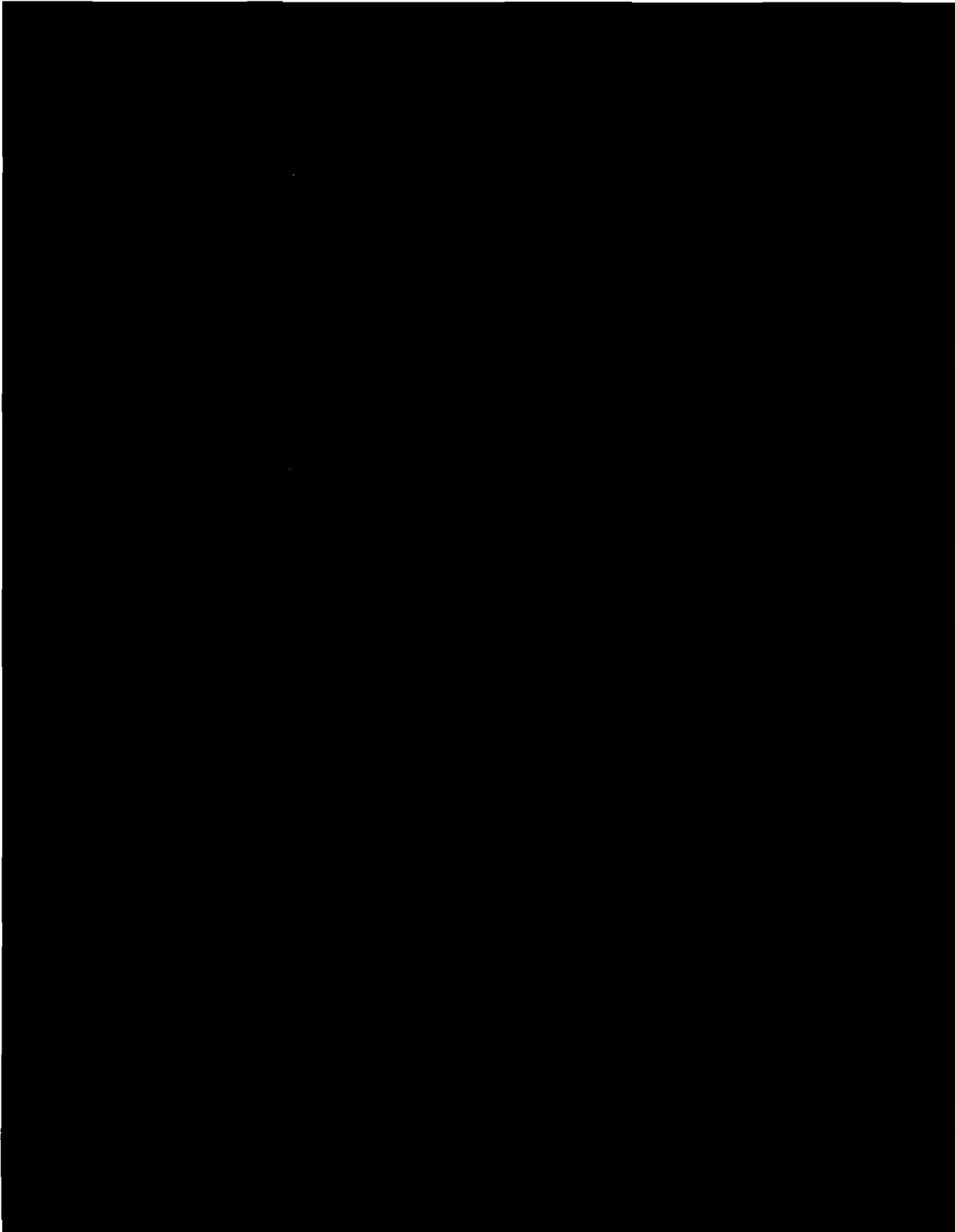
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11 Q. Okay. Let me direct your attention then forward to
12 May, 2003, and in particular to an article that appeared in
13 the New York Times on May 6, 2003 written by an author named
14 Kristof, K-r-i-s-t-o-f. Do you recall that article being
15 published in or about that time?

16 A. I do, sir.

17 Q. And do you recall how you first learned of it?

18 A. Someone came in and told me about it or I saw it
19 flipping through the paper. I, I don't really recall.

20 Q. And do you recall reading it at or about the time it
21 was published?

22 A. Yes.

23 MR. FITZGERALD. And why don't we put a copy of
24 that article in front of you in case you need to refer to it?
25 And for the record, that is Grand Jury Exhibit 3.

1 BY MR. FITZGERALD:

2 Q. And is it fair to say that in that article, the
3 article is critical of the administration in terms of stating
4 that, for example, one quote, "It's disingenuous for the State
5 Department people to say they were bamboozled because they
6 knew about this for a year," close quote?

7 A. That sounds critical. I haven't seen anything --
8 one insider said?

9 Q. Yes.

10 A. Yes, so he is quoting somebody else, yes, sir.
11 There is a not very nice statement in there.

12 Q. Okay. And is it fair to say that according to this
13 article, the White House and State Department kept citing
14 documents which proved to be a forgery?

15 A. Can you -- you're asking me what's in the --

16 Q. Yeah, well, let me ask you. Do you remember whether
17 or not -- without reading it for a moment, whether this was an
18 article that was very critical of the administration?

19 A. The article -- the bulk of what they were saying in
20 the article is critical. Yes, sir.

21 Q. And do you recall they're criticizing, according to
22 the article, and I'm not saying this is true or false, but the
23 premise of the article was that the White House and the State
24 Department had actual knowledge that documents that had been
25 forged and kept citing them to the public, and that this was

1 | disingenuous on the part of the administration?

2 | A. I, I don't actually recall whether this article
3 | said, said that, but I don't dispute it. I just don't recall
4 | it. I haven't read it recently.

5 | Q. Do you recall any reaction that you had to the
6 | article when you read it at the time?

7 | A. Yes. I recall -- can I just glance at it for one
8 | second?

9 | Q. Oh, yes. You can read -- take a moment and read the
10 | whole article.

11 | A. I mean, my major reaction to this article had to do
12 | with this passage about being told that a person involved in
13 | the Niger caper more than a year ago -- told the -- the person
14 | involved in the caper, the caper more than a year ago said
15 | that the Vice President's Office asked for an investigation of
16 | the uranium deal. That, that, either at the time, or
17 | subsequently caught my eye.

18 | Q. And the article contends, for example, at a certain
19 | point, quote, "There are indications that the U.S. government
20 | souped up intelligence, leaned on spooks to change their
21 | conclusions and concealed contrary information to deceive
22 | people at home and around the world." Do you see that in the
23 | third paragraph?

24 | A. There are indications that the U.S. -- yes, I see
25 | it. And that's not good stuff.

1 Q. And then the sixth paragraph, is that a reference to
2 what you were recalling, "I'm told by a person involved in the
3 Niger caper that more than a year ago the Vice President's
4 Office asked for an investigation of the uranium deal, so a
5 former U.S. ambassador to Africa was dispatched to Niger. In
6 February, 2002, according to someone present at the meetings
7 that envoy reported to the CIA and State Department that the
8 information was unequivocally wrong and that the documents had
9 been forged." Is that, is that what stuck in your mind about
10 an allegation that the Office of Vice President had --

11 A. Right, because that had to do basically with us. I
12 do recall that.

13 Q. And who did you discuss this article with once you
14 read it and saw that there were allegations that attacked the
15 credibility of the President, the Vice President, State
16 Department and basically the administration?

17 A. I discussed it with my Deputy, probably discussed it
18 with the Vice President. I don't specifically recall
19 discussing this back then. The article was a little bit of a
20 sleeper from my point of view in the sense that it came out, I
21 noted it, I didn't pay much attention to it for a while, and
22 then it sort of built momentum as it went along. So the day
23 or two that it came out, I don't recall talking about it all
24 that much except I talked to my Deputy about it.

25 Q. And as you sit here today, you don't recall whether

1 or not you talked to the Vice President within a couple of
2 days after the article came out?

3 A. I, I don't recall. It's -- I don't recall.

4 Q. And did the Kristof article, as you say, gain
5 momentum over time?

6 A. Yes.

7 Q. Okay. And can you tell us what happened as it
8 gained momentum over time in terms of who you spoke to?

9 A. Well, the, the content of it sort of kept coming up.
10 It didn't go away readily. At some point in June Walter
11 Pincus was thinking -- was doing -- was calling our office,
12 calling probably Cathie Martin at that point, and wanted
13 some -- to ask questions about the article. Well, about the
14 substance of it. And so Cathie talked to me about it at that
15 point, and at some point around then I talked to the Vice
16 President about how we would respond to this. I also talked
17 to -- at some point in this time frame I talked to our
18 briefer, our Central Intelligence Agency briefer, to ask him
19 if in fact we -- he had any record of us asking about this,
20 and I talked to the Vice President about that fact somewhere
21 in there too.

22 Q. And what's the name of your briefer?

23 A. Craig Schmall, at that point.

24 Q. And do you know how to spell the last name?

25 A. I think it's S-c-h-m-a-l-l.

1 Q. And do you know if during this time between the
2 Kristof article in early May, and the Pincus article, which
3 will eventually come out on June 12th, if you spoke to Marc
4 Grossman from the State Department about the events described
5 in the Kristof article?

6 A. I don't, I don't recall it. Secretary Grossman
7 attends interagency meetings that I'm at, so I see him in that
8 period, throughout that period probably once a week or more,
9 but I don't recall a discussion with him about it.

10 Q. Do you recall if you ever asked Secretary Grossman
11 whether or not the State Department had sent the former
12 ambassador in response to a request from the Vice President?

13 A. The State Department had sent him?

14 Q. Yes.

15 A. No, I don't recall that.

16 Q. And do you recall whether or not Mr. Grossman ever
17 told you that he understands that Wilson was claiming that the
18 Vice President had sent him on this trip?

19 A. That was the claim in the Kristof article, if I
20 recall, but I don't recall Mr. Grossman repeating it, or
21 saying that he knew it of his own -- I just don't recall a
22 conversation with Secretary Grossman about this.

23 Q. And do you know -- do you recall any conversation
24 with Secretary Grossman about who was responsible for sending
25 Wilson on this trip to Niger?

1 A. I, I don't recall a conversation with him about it.

2 Q. And do you know if you ever discussed with Secretary
3 Grossman whether Wilson's wife worked at the CIA?

4 A. No, I don't recall ever discussing that.

5 Q. And is that something that you would remember if you
6 had that conversation?

7 A. I, I don't recall the conversation. I, I just don't
8 recall the conversation.

9 Q. You mentioned that there came a time when you talked
10 to the Vice President about Walter Pincus' article. And can
11 you tell us who was present when you talked to him and what
12 was said?

13 A. I talked to him on the phone. I don't think it was
14 anyone present when I spoke to him on the phone. He was
15 relaying to me some information that he had learned in the
16 first part of the conversation. And in the second part of the
17 conversation he gave me instructions as to what I should, what
18 I should say to reporters, and from the time frame I'm pretty
19 sure we were talking about -- specifically about the Pincus
20 article.

21 Q. And why don't you tell us, first, what information
22 the Vice President told you he had learned, and then what he
23 told you to do with it?

24 A. Okay. Well, I had some notes that I took down at
25 that point. But my best recollection sitting here is that he

1 had been speaking to someone who was either from the CIA or it
2 was someone who had spoken to someone from the CIA, and he was
3 relaying to me what the CIA had said about how this came
4 about. And it says something like -- my notes about it say
5 something like, he was sent at our request, our behest or
6 something, and then it says something about it being a
7 functional office. So he told me that, that they had said
8 that the person was debriefed in the region, if I was -- if I
9 recall correctly, and that had made maybe -- hadn't made a
10 written report, made an oral report, but there was a report,
11 something along those lines. There are notes of this which I
12 think you all have. Then he switched -- so he told me that.
13 And in the course of describing this he also said to me in
14 sort of an off-hand manner, as a curiosity, that his wife
15 worked at the CIA, the person who -- whoever this person was.
16 There were no names at that stage so I didn't know Ambassador
17 Wilson's name at that point, or the wife's name. And I made a
18 note of that also.

19 He then went on to say, here's what we'd like you to
20 say to the reporters, I think it was Pincus, as I said before,
21 and he gave me three points. The first point was that we did
22 not request a mission to Niger. The second point, as I
23 recall, was that we had not gotten a report back from the
24 mission to Niger until -- or we hadn't seen any such report
25 until after the State of the Union, when these newspaper

1 | articles started. And there was a third point which is
2 | that -- I think, was that he had seen the National
3 | Intelligence Estimate and that that's what he took to be
4 | authoritative. I think those were the points. I remember
5 | this from my notes more than actual recollection but I looked
6 | at the notes in connection with this inquiry. He then said to
7 | make these several points and I asked him if he also wanted me
8 | to make an earlier point which he had made in the first half
9 | of the conversation, which I think I omitted to tell you,
10 | which was that the Office of the Vice President, the State
11 | Department and the -- some other bureaucracy, maybe Defense
12 | Department, had asked questions about this -- about an earlier
13 | report about Niger, that it wasn't just the Office of the Vice
14 | President asking questions. And I asked the Vice President --
15 | I went ahead and numbered, I sort of numbered these as he was
16 | talking to me, and I remember numbering that one the fourth
17 | point and saying, do you want me to -- excuse me, should we
18 | say, when I talk to the press that we were not the only office
19 | asking this question? And he quite rightly said, no, we
20 | shouldn't say that, that should be said by the Agency because
21 | we didn't know that. That was all we knew was what we had
22 | asked, and it would be better to get the State (sic)
23 | Department spokesperson, who at the time was I think Bill
24 | Harlow, to be the one who would say that to the press. And
25 | that's about what I recall from the conversation, according to

1 the notes.

2 Q. And we'll go through the notes in a moment. You
3 just referred to Bill Harlow as the State Department
4 spokesperson.

5 A. I mis-spoke, I'm sorry. Central Intelligence Agency
6 spokesperson. Thank you.

7 Q. Now, in -- you referenced that you recall the Vice
8 President told you something about a functional office. Can
9 you explain what you understood a functional office to mean?

10 A. The State Department and the agency, to my
11 understanding, have regional offices, that is an office which
12 focuses in a given region of the world such as the Middle East
13 or Europe. They also have some offices which look globally at
14 a type of problem like proliferation. Maybe there's one for
15 ecology or something, I don't know. But anyway, one of the --
16 a functional office, for instance on counterproliferation
17 which is the one I think that was involved here, would have a
18 global look at the problem. There might be a terrorism
19 office, for example, that would look at terrorism globally.
20 It would not be limited to Middle East or Southeast Asia, or
21 Northeast Asia.

22 Q. And did you understand, when he told you that this
23 former ambassador's wife worked at the CIA, do you have an
24 understanding or whether or not she worked in that functional
25 office?

1 A. Well, that's interesting. I'd have to look at the
2 note. I think -- my recollection is that I knew she worked in
3 the function -- is that the note indicates I knew she worked
4 at the functional office.

5 Q. And we'll come back to the note in a minute. Before
6 we look at your actual notes, how certain are you from memory
7 that the information about the wife working in the functional
8 office at the CIA, the wife of this former ambassador, was
9 information that Vice President Cheney imparted to you as
10 opposed to information that you imparted to Vice President
11 Cheney?

12 A. Oh, I'm pretty certain of that.

13 Q. And what makes you certain?

14 A. I sort of remember him saying it, you know, in an
15 off sort of curiosity sort of fashion. That's my recollection
16 of it anyway.

17 Q. Okay. And since we weren't there --

18 A. And also since I wrote it down like that, it would
19 indicate to me it was something I was taking down as he was
20 speaking. Sometimes I make my notes as he speaks. Sometimes
21 it turns out I didn't need to write it down, but I don't want
22 to make him -- you know, he is the Vice President. I don't
23 want to make him take time to repeat himself, so I try and get
24 some stuff and then if I figure it's not important, I can get
25 rid of it later.

1 Q. And what was it about the way he discussed that fact
2 with you that sticks in your mind or lets you know it was a
3 curiosity or off-hand?

4 A. It came out of order. You know, he was going
5 through the order, and as I recall, it came in later. And
6 tone of voice, as I recall it. I think I'm recalling
7 accurately.

8 Q. And what, what was different about the tone of
9 voice?

10 A. Sort of the way -- it wasn't like the other tone of
11 voices which was much more matter of fact and straight. It
12 was just a little bit of a curiosity sort of thing.

13 Q. And not to mince words, but when he was curious, was
14 he curious about it in a sort of a negative way? Did he think
15 that was sort of odd that a former ambassador's wife worked in
16 the functional office at the CIA?

17 A. I wouldn't say negative, but I would say it was a
18 fact that, you know, it wasn't -- not everybody's wife works
19 there, so it was a new fact, that's all.

20 Q. Did you take it -- have any understanding whether or
21 not Vice President Cheney thought that that fact might have
22 played into his selection as the envoy for this trip?

23 A. No, we didn't, we didn't discuss that. It was
24 just -- he just said what he said.

25 Q. Did you take -- get any indication from the Vice

1 | President --

2 | A. You talking about in that conversation?

3 | Q. In that conversation.

4 | A. Yeah, I don't recall that.

5 | Q. And any indication in that conversation that the
6 | Vice President thought this might be sort of nepotism that she
7 | worked at the Counterproliferation Division and the envoy went
8 | on this trip?

9 | A. I, I don't recall that.

10 | Q. Now, let me -- before I show you the notes, let me
11 | go back in time to a conversation you said you had with the
12 | briefer.

13 | A. With the what, I'm sorry?

14 | Q. With the briefer, Craig Schmall.

15 | A. Yes, sir.

16 | Q. Do you recall whether that took place before or
17 | after the conversation you just described with the Vice
18 | President?

19 | A. No, I think I have a date in my notes. I don't
20 | recall.

21 | Q. Okay. And was that an in-person meeting with the
22 | briefer, your daily meeting?

23 | A. I meet daily with him. Whether I passed this
24 | question to him in the briefing or over the phone, I'm not
25 | sure.

1 Q. Okay. And do you know if the Vice President
2 participated in this conversation or not?

3 A. I would think not. If it was, if it was in person,
4 usually I don't take his time with questions. And my -- so my
5 guess is that I would either do it on the side or before he
6 got there in the morning. I don't usually ask the briefer
7 questions and make him sit there while I ask a question. So
8 my recollection of it would be that normally I don't do it
9 that way.

10 Q. Okay. Let me show you a note that is Bates Stamped
11 either 2307 or 2921. And --

12 MS. KEDIAN. 2307.

13 MR. FITZGERALD. 2307 --

14 MS. KEDIAN. We're going to mark this as Exhibit
15 51.

16 BY MR. FITZGERALD:

17 Q. I'll ask you to look at that Exhibit, 51, and ask
18 you if that's a note reflecting your conversation with the
19 briefer, Craig Schmall, about your inquiry, your question?

20 A. Yes, sir.

21 Q. And is that your handwriting?

22 A. Yes, sir.

23 Q. And a couple of things. This is the first one of
24 your notes we're taking a look at. Is it fair to say that you
25 have your own little shorthand?

1 A. Yes, sir, my apologies.

2 Q. And yourself, you refer to yourself as SL?

3 A. Yes.

4 Q. And you refer to the Vice President in your notes
5 with a Y with a line on the top of it?

6 A. Yes, sir.

7 Q. And some of your notes have a date. Can you tell
8 the Grand Jury what the date is of these notes?

9 A. It looks like 6-9, June 9.

10 Q. And also, you refer at times to OVP in your notes?

11 A. Yes, sir.

12 Q. And what does OVP mean?

13 A. Office of the Vice President.

14 Q. And before we get into the substance of this note,
15 what do you do with these notes after you, after you write
16 them?

17 A. It depends. I have different types of notes that I
18 treat differently.

19 Q. These types of notes, what would you do with them?

20 A. This type of note, looks like a note that I wrote to
21 save -- so I probably wrote down the note --

22 Q. I'm going to put a different document -- I'm
23 sorry -- I'm sorry --

24 A. This looks like a note that I wrote to save, I wrote
25 and put in some file or something.

1 Q. And any particular reason you would do that? I'm
2 trying to understand which -- what would cause you to write a
3 note in your daily practice?

4 A. Normally what I do is I, I have -- as I say, I have
5 different types of notes. One type of note I have are sort of
6 action items that I'm going to take up with the Vice President
7 that day. It may tend to look like a list and it can have
8 anything on it, all sorts of different subject matters would
9 be covered. So I could cover something -- as my Chief of
10 Staff job I may have something about his residence, you know,
11 there's a leak in the roof. Or I might have something about
12 Iraq, or I might have something about tax policy, or
13 Congressional, or an old friend of his. So it's just anything
14 that I need to talk with him about that day, and I'll put all
15 those down. Those notes I tend to throw out. But if I -- if
16 there's something on there, written on there, that I think I
17 need to save, I will copy that material or write it on a
18 different sheet of paper and then save that page and then
19 throw the other notes out so I don't have to struggle through
20 all those old notes again.

21 Q. So for example, putting aside any personal matters
22 you might have, like fixing a leak in the house, if you had a
23 discussion about an upcoming trip overseas and it was in your
24 list of things to sort of cover with the Vice President, if
25 you covered that topic with the Vice President, would you

1 cross it off?

2 A. Usually.

3 Q. And if you --

4 A. Or sometimes I cross it off if I didn't cover it,
5 but I don't think it's worth covering. Sometimes I write them
6 down and decide, ah, it's not worth bothering with. Sometimes
7 I don't get to talk to him about everything and a day or two
8 might pass when I didn't get to that point, and then I'll just
9 cross it off, you know, it's no longer important to raise with
10 him. So crossing off is my way of saying to myself, I don't
11 have to read that line again.

12 Q. Okay.

13 A. More than -- that he -- than I have discussed it
14 with him.

15 Q. And if one of the things you do on a given day is
16 then have meetings with the Deputies or principals meetings,
17 will you take notes at those separate meetings?

18 A. Yes.

19 Q. And will you keep those notes?

20 A. Yes, sir.

21 Q. And this is a note that you kept from June 9th,
22 2003. Anything about the topic that made you want to keep the
23 note for your file?

24 A. Well, it was in the press at this point that we had
25 purportedly made a request for this mission, and so I checked

1 with my CIA briefer and he told me there was no OVP request
2 about this, so I wrote down what he told me so I'd have a
3 record of it in case I forgot and wanted to check, I'd have
4 something to check. So --

5 Q. Okay. And just transliterating this note, it says,
6 Craig -- and that would be a reference to Craig Schmall?

7 A. Correct.

8 Q. It says, "No OVP request re uranium procurement."
9 Is that your handwriting?

10 A. Correct.

11 Q. Is that what it says?

12 A. Yes, sir.

13 Q. And then above "uranium procurement" it says -- is
14 that year after yellowcake?

15 A. No, that's Iraq and Africa yellowcake. Is that what
16 you're asking?

17 Q. Okay, yes.

18 A. I apologize. I will apologize repeatedly today for
19 my handwriting and my little symbols.

20 Q. Okay, so that Q is Iraq?

21 A. Yes, sir.

22 Q. And the A --

23 A. It's an AFR for Africa.

24 Q. Africa yellowcake?

25 A. I think so.

1 Q. And then below it, it has a dash. Is that SL -- is
2 that Scooter Libby or the Vice President --

3 A. That's correct, yes.

4 Q. And then below that it says, was DR request in 3-03?

5 A. There was a -- DR is Secretary of Defense Donald
6 Rumsfeld, and that he apparently -- according to Craig he had
7 made a request in March of '03.

8 Q. And so does this indicate to you that it was on June
9 9th that you made the request for the briefer, Craig Schmall,
10 to find out whether or not the Vice President's Office was
11 responsible for this request for a mission?

12 A. Maybe. Let me -- if I can explain?

13 Q. Sure.

14 A. If I took this note directly, that would indicate it
15 was on June 9. If, what I did, is I wrote this note down in
16 my list of action items, then June 9 might be the date that
17 the action item -- the date of the listing in the action
18 items.

19 MR. FITZGERALD. Okay. Now, let me show you what
20 is -- we have the Bates Stamp No. 3079.

21 MS. KEDIAN. And this will be marked Exhibit 52.

22 BY MR. FITZGERALD:

23 Q. And for the record, some of the copies we're showing
24 you have an unusual marking at the top that's not an official
25 classification which is being addressed, but I can assure you

1 | there's no -- nothing sensitive in here that the Grand Jury
2 | can't see. So --

3 | A. Thank you, sir.

4 | Q. -- that shouldn't be a distraction. Okay. And if
5 | you look at that document, is that also dated June 9, '03?

6 | A. It may be one thing on this sheet actually which --

7 | Q. Well, I'm not going to show it to anyone but you.
8 | We're not going to put it on the screen.

9 | A. Thank you, sir.

10 | Q. Okay.

11 | A. Yes, it says June -- 6-9-03 and --

12 | Q. And does this have Q next to June 9-03?

13 | A. Yes, it has what you probably think is a Q.

14 | Q. Okay, what is it? What is next -- the thing that
15 | looks like a Q, what is it?

16 | A. It's a little symbol that means I may want to later
17 | come back and make a note about that.

18 | Q. Okay. And we're not going to talk about any of the
19 | entries other than those relating to --

20 | A. Yes, that would be best, I think.

21 | Q. Okay. If you go down, the fourth entry, the fourth
22 | tick mark, do you see the same reference there, Craig --

23 | A. Yes, I do, sir.

24 | Q. -- no OVP request for uranium procurement?

25 | A. Yes, sir.

1 Q. And under that does it say, "Scooter" Libby or Vice
2 President?

3 A. Yes, sir.

4 Q. And under that, was DR request in 3-03?

5 A. Yes, sir.

6 Q. And above uranium procurement, what does it say
7 above uranium procurement?

8 A. I, I think it says -- this one is less clear than
9 the other one. I think it's the symbol for Iraq, but I'm not
10 sure, and Africa yellowcake.

11 Q. Okay. And does that -- looking at that entry, just
12 that entry on the page, does that mirror the entry on the
13 document --

14 A. Yes, sir.

15 Q. -- Exhibit 51?

16 A. This is one I copied over.

17 MR. FITZGERALD. Okay. And we will deem marked but
18 not put before the Grand Jury this page, and deem it as 52 for
19 the record. We'll keep that separate so that the only entry
20 that's in the record is that particular entry.

21 BY MR. FITZGERALD:

22 Q. And is there a reason you would copy it over onto
23 the Exhibit 51 in exactly the same format with the -- in terms
24 of indents and punctuation?

25 A. Yeah, the indents mean something to me. I mean, it

1 tends to indicate to me -- it's why I write on unlined paper.
2 It tends to indicate to me something about how the content is
3 in the order and what it means.

4 Q. Okay. So looking at 51, does the Iraq or Africa
5 yellowcake written above the line have some relevance to --
6 the lines written above the line?

7 A. I think it has to do with another re. And I think
8 what happened here was this was the first time I wrote it down
9 probably and I wrote Africa yellowcake, and then I also wanted
10 to make clear Iraq, so I put the Iraq. And as you'll see,
11 it's really trivial, and I apologize, but it's directly over
12 the re, and it shouldn't be, so I think I wrote that second.
13 I think I wrote Africa yellowcake, and then I went back and
14 put in the Iraq directly above the re on the, on the note
15 sheet.

16 Q. And do you have a practice at times of taking things
17 off the list of what's deemed marked 52 and recreating a
18 separate sheet --

19 A. Yes.

20 Q. -- in the identical format?

21 A. Yes, sir, because then normally I would discard the
22 sheet.

23 Q. And the sheet then being what has been deemed marked
24 as 52?

25 A. Yes. The ones that are sort of action item lists I

1 | would normally discard when I was done with it after I had
2 | made sure to take down anything I thought -- take down
3 | separately anything I thought I needed to keep.

4 | Q. Okay. And looking at June 9, '03, the first check
5 | on that item on that page, does that indicate the President
6 | was interested in the State of the Union and the Kristof
7 | article?

8 | A. Yes.

9 | Q. And do you recall what the occasion was that, that
10 | you came to learn that the President was interested in the
11 | Kristof article?

12 | A. I, I don't. It could be something that somebody
13 | said to me that I -- it doesn't mean that I observed it. It
14 | may be something someone said to me and I wrote it down.

15 | Q. Any recollection of discussing with the Vice
16 | President the interest of the President in the Kristof
17 | article?

18 | A. I don't, I don't have a recollection of it.

19 | Q. Did you ever recall talking to the President himself
20 | about the Kristof article?

21 | A. No, I don't, I don't think so.

22 | Q. And do you ever recall Vice President Cheney talking
23 | to you about the President's interest in the Kristof article
24 | in particular?

25 | A. Specifically that? I don't, sir. The way this note

1 | is written, I take it to be something that someone told me
2 | that I wanted to mention to the Vice President, not something
3 | the Vice President said to me.

4 | Q. Okay. And do you have any recollection as to who
5 | would have told you that?

6 | A. No, sir. It could have been a senior staff meeting,
7 | it could have been 15 or 20 of us gathered. It could have
8 | been somebody saying something.

9 | Q. Now, have you come to learn, back to 52, have you
10 | come to learn that there was a report prepared by the Bureau
11 | of Intelligence and Research at the State Department commonly
12 | known as INR on about June 10th of 2003?

13 | A. Yes, sir. The FBI told me about it.

14 | Q. Okay. And when you say the FBI told you about that,
15 | that would be some time after October 1st of 2003 when the
16 | investigation began?

17 | A. Yes, sir.

18 | Q. Prior to that time had you ever heard of the
19 | existence of an INR report concerning the trip to Niger and
20 | the role played by former ambassador Wilson?

21 | A. Yes, sir.

22 | Q. Okay. And tell us how you learned of it.

23 | A. At the end of September there was a meeting in the
24 | Situation Room underneath the White House, Classified Meeting
25 | Room, and it was a very long meeting that covered several

1 subjects. Towards the end of the meeting, we were in a very
2 small group which included the Secretary of State, and the
3 Secretary of State in that meeting alluded to the fact that
4 there was a memo from the State Department -- so this was like
5 September, late September of '03, that there was a memo from
6 the State Department written much, much earlier which talked
7 about a meeting in which this assignment came about, I guess
8 the origins of the assignment, Ambassador Wilson's assignment.

9 Q. And was that -- did that meeting in the Situation
10 Room occur at a time after the investigation had become public
11 in the Washington Post?

12 A. I -- if I recall, it became public in the Post on
13 September 28 or so?

14 Q. Yes.

15 A. Is that correct? So it was a couple days after
16 that.

17 Q. Prior to Secretary Powell mentioning that document,
18 had you ever heard of the existence of the INR report prior to
19 that date?

20 A. I don't have any recollection of an INR document
21 prior to that date.

22 Q. And do you recall going back to June 10th, assuming
23 the document -- have you, have you since read that document by
24 the way?

25 A. No. No, sir. It was handed to me -- during my

1 interview with the FBI and my lawyer said, if you haven't read
2 the document, you shouldn't read it now, and so I gave it
3 back.

4 Q. Okay. When looking at the document did it look like
5 something you had read before in the brief time that you had
6 it?

7 A. No, sir.

8 Q. And did it -- do you recall during the time period
9 prior to June 10th ever asking Secretary Grossman questions
10 about what role, if any, the Office of Vice President had
11 played in causing this mission, this trip to Niger by the
12 former ambassador?

13 A. I -- you referred to this before. I really don't
14 recall a discussion with Secretary Grossman, who is from the
15 State Department. And my understanding was that it was the
16 Central Intelligence Agency mission and so I don't, I don't
17 recall a discussion with him about whether the State
18 Department had a role in it.

19 Q. And -- but you did understand the person who went
20 was a former ambassador?

21 A. Yes, sir.

22 Q. And in the Kristof article, there was a claim that
23 the former ambassador reported to the State Department what
24 his findings were. Correct?

25 A. Actually, I had forgotten that. Maybe that was on

1 | my mind at the time.

2 | Q. As you sit here today do you know whether or not you
3 | ever spoke to Secretary Grossman about having him find out
4 | information about what caused this former ambassador to be
5 | sent to Niger?

6 | A. I don't recall it.

7 | Q. Do you know if you spoke to anyone else at the State
8 | Department about that, about that question of who was
9 | responsible for sending Ambassador Wilson to Niger?

10 | A. I don't recall a discussion with people from the
11 | State Department about it.

12 | Q. And do you recall discussing it with anyone else at
13 | that time, any other agency?

14 | A. Well, the discussion with Craig Schmall, and I, I
15 | may have tried to speak to -- I tried to speak at some point
16 | during this period to John McLaughlin who is the Deputy at the
17 | Central Intelligence Agency which would have been the people
18 | to send him. Again, during an interview with the FBI agents
19 | they raised an incident which I spoke to Bob Grenier who works
20 | for McLaughlin, or is a Deputy for McLaughlin, for John
21 | McLaughlin. And I don't -- I recall talking to Bob Grenier
22 | about something and it could have been this inquiry, but I
23 | don't, I don't really recall the discussion in detail.

24 | Q. And do you recall ever having a discussion with Marc
25 | Grossman before, during or after a Deputy's Committee Meeting

1 | where Marc Grossman told you that he had learned the former
2 | ambassador's wife had worked at the CIA in the
3 | Counterproliferation Division?

4 | A. No, I don't.

5 | Q. Do you recall any conversation at any time when
6 | Secretary Grossman told you that the former ambassador's wife
7 | worked at the CIA?

8 | A. I, I don't recall.

9 | Q. You have no memory of that whatsoever?

10 | A. Sorry, sir, I don't.

11 | MR. FITZGERALD. Now, why don't we look at the
12 | notes from your, from your conversation with Vice President
13 | Cheney, and I think their page references are Bates Stamp No.
14 | 2919 or --

15 | MS. KEDIAN. This has previously been marked as
16 | Exhibit 6.

17 | BY MR. FITZGERALD:

18 | Q. Okay. And is this a note, is this a note you
19 | referred to as --

20 | A. Yes, sir.

21 | Q. -- your notes of the conversation?

22 | A. Yes, sir.

23 | Q. And starting in the upper left corner it has a date.
24 | What do you read the date to be?

25 | A. Well, it's a little -- it gets a little confused. I

1 read it to be 6-12-03, but over the 12 is a symbol that I use
2 which means that I don't know that it's a 12. It's on or
3 about the 12th, or it's a guess basically.

4 MR. FITZGERALD. Okay. And we might -- do we have
5 the original document here?

6 MS. KEDIAN. We do.

7 BY MR. FITZGERALD:

8 Q. Oh. But looking ahead to -- what's the first entry
9 to the right of the date?

10 A. A "T" for telephone.

11 Q. And then what is the -- why don't you interpret for
12 us what the first line says?

13 A. It says that I was -- this, this was a note that I
14 took after I took the note, sometime after I took the note,
15 and it's putting down that this was a note of a phone call
16 between me and the Vice President about uranium and Iraq, the
17 Kristof New York Times article.

18 Q. And then continue down to the next entry which seems
19 to have something written before the parenthesis? And we'll
20 put in front of you the original document.

21 A. Yes, it's just a bullet --

22 Q. Okay.

23 A. -- that's before it. What happened with this
24 document is I wrote the -- I took the note without the heading
25 is my recollection. And I went back later and added that

1 heading --

2 MR. FITZGERALD. Well, why don't we turn that off
3 for the moment --

4 MS. KEDIAN. Okay.

5 WITNESS. Sorry.

6 MR. FITZGERALD. -- because I don't want you to
7 look up.

8 WITNESS. So I took the note without this, this
9 heading on -- about the telephone and what it was. I made
10 this up later is my recollection of it. And so the note for
11 some time read just like that, without the top line. And I
12 went back later and added the top line when I came across the
13 note. And that's my recollection anyway.

14 And what, what it says after that is, I am writing
15 down here something that the Vice President had told me
16 someone had told him, although it doesn't reflect that which
17 he usually would, that's what this is. And it says, took
18 place at our behest, dash, functional office. And then --

19 BY MR. FITZGERALD:

20 Q. Go ahead, I'm sorry.

21 A. And then below that it says, debriefing took place
22 here, meaning D.C., I assume. And then it says, and there was
23 a meeting in the region. And then initially when I first
24 wrote it, this four was not, was not there, and the box was
25 not there. I wrote down OVP and Defense and State expressed

1 | strong interest in issue.

2 | Q. Okay.

3 | A. And at some point, as I recall, I went and -- from
4 | the spacing, esoteric, but from the spacing I, I recall that I
5 | went back and wrote in, because at some point, I think after
6 | he initially said it, he told me, I guess
7 | Counterproliferation, which I think the CP is, and then his
8 | wife works in that division.

9 | Q. Okay.

10 | A. And then he switched from debriefing me about what
11 | someone had told him to giving me the points that he thought I
12 | should make in talking to the press.

13 | Q. Okay.

14 | A. And he said, didn't know about the mission, didn't
15 | get a report back, oh, and didn't have any indication of a
16 | forgery. This is a mixed line. Didn't have an indication of
17 | a forgery, was from CIEA. I guess I had -- it should say,
18 | didn't have any indication of a forgery until the IAEA or the
19 | first indication of a forgery was from the IAEA, but I just
20 | mixed it up when I was writing it.

21 | Q. Okay. And then above the three ticks down below,
22 | one, two and three --

23 | A. Uh-hum.

24 | Q. -- there's something crossed out. Do you know what
25 | that says?

1 A. I don't.

2 Q. Now, you mentioned that at first you didn't write
3 four, or put it around the brackets --

4 A. Yes.

5 Q. -- but on the day of this conversation did you put
6 the brackets and the four around it --

7 A. Yes.

8 Q. -- at some point?

9 A. Yes.

10 Q. And was that because you were suggesting that in
11 addition to the three points dictated below that the Vice
12 President wanted you to make, that you might also want to make
13 the fourth point?

14 A. Yes, sir.

15 Q. Okay. And then the arrow next to it attributes
16 something to the Vice President. If you could tell us what
17 that says?

18 A. It says, hold, get the Agency to answer that. So as
19 he went through his points I made these notes, one, two and
20 three to clarify in my mind what it was I was doing, and then
21 I wrote down point four and suggested should I also -- or
22 said, should I also say OVP, and Defense and State -- it
23 wasn't just us, it was several offices asking about this? And
24 he quite rightly said, no, you should get the Agency to say
25 that.

1 Q. Okay. Looking back up at the top, do you know what
2 was under the 12 when you wrote it in terms of -- is the two
3 correcting something, if you can tell?

4 A. I might have written 18 and then switched it to 12
5 when I realized it wasn't the 18th. That's a guess. I can't
6 really tell without a microscope or something.

7 Q. Okay. And forgetting the top line which starts with
8 June 12th, '03 and ends with New York Times article --

9 A. Yes.

10 Q. -- is there anything below that other than stamps
11 and Bates Stamps No., but all the blue ink below that, that
12 was written during the conversation that you had with the Vice
13 President?

14 A. Yes, sir, I think so.

15 Q. And that was a telephone, telephone conversation?

16 A. Correct, sir.

17 Q. And does that -- do you know whether you were in the
18 White House at the time?

19 A. I don't, sir.

20 Q. Do you know whether the Vice President was in the
21 White House at the time?

22 A. I don't, sir.

23 Q. Okay. And as far as the top line goes, aside from
24 the correction to the date, where it says, telephone, Vice
25 President re uranium and Iraq, Kristof, New York Times

1 article, do you know when that was put on the page in blue
2 ink?

3 A. I think I wrote it at the same time that I, I did,
4 at least the first of the dates --

5 Q. Okay. And do you know whether that was during the
6 conversation or at a later time?

7 A. No, I think that was a later time.

8 Q. And do you know how much later?

9 A. I don't. My -- I have a -- my recollection of it is
10 I came across the note which because it was in the middle of a
11 conversation I didn't take the time to write the heading, and
12 then I used it, set it aside, and then I came back to it. And
13 when I came back to it, I realized there was no heading on it.
14 I didn't want to have to puzzle out twice what it was, so I
15 wrote a header on it.

16 Q. Okay. And so do you know if that was added in June,
17 July, August, September or October?

18 A. I don't know. It might have been in June but I
19 don't know.

20 Q. Okay. And do you know, was this added before or
21 after the investigation began?

22 A. I think it was before the investigation began.

23 Q. Do you know if you -- did you add anything in terms
24 of notes, the dates or what it concerned when there was a
25 request to review documents? Did you go back and add

1 anything?

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

3 Q. So to the best of your recollection, this would have
4 been added, the entry date, some time after your conversation
5 with Vice President Cheney but before this investigation
6 began?

7 A. Yes, sir.

8 Q. And do you know if you went back and reviewed it
9 again to change the date from June whatever it was to June
10 12th?

11 A. I'm sorry?

12 Q. Do you know what, what caused you to go back and
13 review the date and change it?

14 A. I think what happened was I initially wrote it and
15 then realized that wasn't the right date and that it would be
16 inaccurate because this was for my discussion with Pincus and
17 the Pincus discussion was before his article. So the one
18 thing I think I know about June 12 was that it wasn't the 12th
19 because the article appeared on the 12th, and it would have
20 been before that.

21 Q. And so this was a conversation you had with Vice
22 President Cheney in the context of figuring out what to say to
23 Mr. Pincus who was writing a piece following up on the Kristof
24 article?

25 A. It was, it was to prepare to say something to the

1 | press and I think it was with Pincus in mind. Yes, sir.

2 | Q. And as you sit here today, is it possible that
3 | you're the person who had learned that the former ambassador's
4 | wife had worked in the functional office in
5 | Counterproliferation and that you had told Vice President
6 | Cheney that on this date?

7 | A. I don't think so, sir.

8 | Q. And is that from your -- first of all, is that based
9 | upon your memory?

10 | A. Yes, sir.

11 | Q. And anything about the document that would indicate
12 | that it was Vice President Cheney who told you the information
13 | rather than the other way around?

14 | A. Well, the way the, the way the line is drawn, and
15 | then it doesn't say SL saying this, it looks like him saying
16 | it. I wouldn't normally write down something I said because I
17 | said it. I don't -- I wouldn't need to.

18 | Q. Okay, so the --

19 | A. So I think in this case, usually when I wrote
20 | something down that I say, I put SL colon, and then the
21 | statement. So I was hurried here because I was trying to not
22 | hold him up and get down everything that he said accurately,
23 | and I think that's what he said. And I, and I have this
24 | recollection of him saying it, so --

25 | Q. And you have -- and your recollection about that was

1 | that he said it in a -- how would you describe --

2 | A. Offhand, sort of curious, curiosity-type manner.

3 | Q. And did you respond in any way to that, to that
4 | fact?

5 | A. I don't think so.

6 | Q. What did you think of that fact at the time?

7 | A. Curiosity. . Doesn't -- might mean nothing, might
8 | mean something, I don't know.

9 | Q. And do you know if on or about June 12th Marc
10 | Grossman from the State Department had had a conversation with
11 | you about Wilson's wife working at the CIA?

12 | A. I don't recall anything about a Grossman
13 | conversation, sir.

14 | Q. And do you recall if you ever had a conversation
15 | with Mr. Grenier in which you discussed Wilson's wife's
16 | employment?

17 | A. I don't think I discussed Wilson's wife's employment
18 | with, with Mr. Grenier. I think if I discussed something it
19 | was what they knew about the request about Mr., about Mr.
20 | Wilson. I don't recall the content of the discussion.

21 | Q. And do you recall if there was an urgency to the
22 | conversation when you spoke to Mr. Grenier?

23 | A. I recall that I was reaching Mr. Grenier -- I was
24 | trying to reach Mr. McLaughlin and couldn't, and spoke instead
25 | to Mr. Grenier. And so if I did that instead of just waiting

1 for Mr. McLaughlin, it was probably something that was urgent
2 in the sense that my boss, the Vice President, wanted, wanted
3 to find something out. Not, not necessarily in the real
4 world, but he wanted an answer and usually we try and get him
5 the answer when we can.

6 Q. So it is fair to say in looking at the document that
7 the three points the Vice President wanted you to make were
8 that -- he didn't know about the mission, there wasn't a
9 report given back, you need to look at the --

10 A. Thank you. Sorry.

11 Q. That he didn't know, the Vice President didn't know
12 about the mission, that the Vice President's Office didn't
13 receive a report back, and that there wasn't an indication
14 that the documents were a forgery until the IAEA so indicated?

15 A. Yes, sir.

16 Q. And that your suggestion that you pointed out the
17 trip took place at the behest of other agencies as well was,
18 was rebuffed by the Vice President who thought the better
19 course was to have the Agency, CIA, come out and say that
20 themselves?

21 A. Yes, sir.

22 Q. Now, did you talk to Mr. Pincus at the Washington
23 Post?

24 A. Yes, sir, I did.

25 Q. And did you talk to him prior to the article on June

1 12th?

2 A. Yes, sir, I did.

3 Q. And do you recall what you told him?

4 A. I told him that I didn't -- that the Vice President
5 didn't request the mission. I think I told him that we did
6 not get a report back from the mission. And I assume from
7 this note that I also told him about the IAEA. There is an
8 article which eventually comes out. Looking at that might
9 refresh me about whether I told him other things but --

10 MR. FITZGERALD. Okay. Why don't we get out the
11 June 12th Pincus article.

12 MS. KEDIAN. That's part of Exhibit 3.

13 BY MR. FITZGERALD:

14 Q. Let me take a moment and read the article and see if
15 it refreshes your recollection as to anything else that you
16 may have told Mr. Pincus.

17 GRAND JUROR. Since it's almost noon, is this line
18 of questioning going to take much longer?

19 MR. FITZGERALD. No, we'll wrap it up shortly in
20 time for lunch.

21 WITNESS. I don't mean to hold everybody up, but
22 there is a part where he talks about us -- do you know where
23 that is in the article?

24 BY MR. FITZGERALD:

25 Q. No, but why don't we just take a moment and read,

1 read the article just to see if anything else rings a bell.

2 A. My, my apologies. (long pause) I don't know where
3 he -- we could be the source for some of this, I don't know if
4 I -- it doesn't refresh me as to what I said to him.

5 Q. Okay. Can we just -- two questions. In there it
6 indicates in one paragraph, "Cheney and his staff continue to
7 get intelligence on the matter but the Vice President, unlike
8 other senior administration officials, never mentions it in a
9 public speech." Do you know if you told that to Pincus or
10 not?

11 A. I might have. It's, it's true, he did not talk
12 about it in a speech. The "Continue to get intelligence on
13 the matter" is causing me to stumble a little bit in that I
14 don't, I don't think after -- a few days after -- it was the
15 Vice President who asked the question, and a few days after he
16 asked it, we got sort of a temporary answer from the Agency.
17 And then I don't, I don't know that we got anything until the
18 National Intelligence Estimate came out which had a very
19 definitive statement, that they had begun to buy uranium. So
20 I don't -- when it says "on the matter," I don't know that we
21 got anything more about Ambassador Wilson's trip, not at my
22 level in any case, or the Vice President's level. There was
23 continued intelligence about Iraq and uranium, so that looks
24 like phrasing that -- it doesn't look like the way I would
25 have said it anyway.

1 Q. Okay. And the last question is, the next sentence,
2 do you know who the source for the quote -- source for the
3 information that says, "he and his staff did not learn of its
4 role in spurring the mission until it was disclosed by New
5 York Times columnist Nicholas Kristof on May 6th --"

6 A. Yes.

7 Q. "-- according to an administration official --"

8 A. That, that could be me, which would be consistent
9 with the first of my bullets, that I didn't know, we didn't
10 know about the mission and we didn't in fact know that we had
11 had a role in it because it was the CIA's initiative it turns
12 out, and that could have been -- I could have said that to
13 him.

14 MR. FITZGERALD. Okay. Why don't we break for
15 lunch.

16 GRAND JUROR. We'll be back at 1 o'clock.

17 MR. FITZGERALD. Okay, 1 o'clock.

18 GRAND JUROR. Thank you.

19 MR. FITZGERALD. You can step outside, and wait at
20 the door, and we'll take care of the documents, and we'll just
21 come back at 1 o'clock. Thank you.

22 WITNESS. Thank you.

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

24 (Whereupon, the witness was recalled at 1:15 p.m.)

25 GRAND JUROR. I'll remind you, you're still under

1 oath.

2 WITNESS. Thank you.

3 BY MR. FITZGERALD:

4 Q. Mr. Libby, I mis-spoke when I invited you back in.

5 In your conversations with Mr. Pincus prior to the
6 June 12th article, did you understand from, from your
7 conversation with Vice President Cheney whether or not there
8 was any problem with you telling Mr. Pincus that Wilson's wife
9 worked at the CIA?

10 A. No, he was not telling me to mention that part and I
11 didn't understand that to be part of what I was supposed to
12 talk to Mr. Pincus about.

13 Q. And did you think there was a reason you couldn't
14 tell Mr. Pincus that Wilson's wife worked at the CIA?

15 A. No, it just wasn't a particularly powerful point
16 compared to the other points. I didn't understand it to be a
17 point worth mentioning in that context.

18 Q. The Vice President obviously thought it was
19 important enough to share with you, or interesting enough to
20 color the background. Fair enough?

21 A. Yes, sir.

22 Q. And you thought it interesting enough to write in
23 your notes. Correct?

24 A. Just a slight emendation of that. I -- as I said, I
25 often take my notes as he's speaking because I don't know what

1 | is going to later be important. So I took the note because he
2 | was saying it. But it was not a point that I even considered
3 | as something that I was going to be discussing with Mr.
4 | Pincus.

5 | Q. And when you wrote your note it was something that
6 | you recalled as sort of the change of tone when the Vice
7 | President told you about it as being curious. Fair, fair to
8 | say?

9 | A. Yes, sir.

10 | Q. And did you think that might help elucidate Mr.
11 | Pincus' view of what had happened here?

12 | A. It was not one of the points he was giving me to, to
13 | discuss with Pincus and the points with Pincus seemed on their
14 | face directly in line sufficient and that's, that's what I
15 | did. So that's, that's what I covered with Mr. Pincus.

16 | Q. Did you limit yourself to the four corners of
17 | exactly what was written in the three bullet points in your
18 | notes when you spoke to Mr. Pincus?

19 | A. Within the boundaries of that pretty much, I think.

20 | Q. Did you consider there to be any sort of prohibition
21 | when you're just discussing the fact that the ambassador's
22 | wife worked at the CIA when you spoke to Mr. Pincus?

23 | A. No, sir.

24 | Q. And in terms of telling the story to you in context,
25 | the Vice President referenced that fact in telling you. Did

1 | you see any reason why you shouldn't reference that fact in
2 | giving the context to Mr. Pincus?

3 | A. No, sir.

4 | Q. Do you know if you talked to Mr. Pincus about
5 | Wilson's wife?

6 | A. No, I, I believe I did not, sir.

7 | Q. Can you rule out the possibility that you told Mr.
8 | Pincus about Wilson's wife during that conversation?

9 | A. I have no recollection of having discussed it with
10 | Mr. Pincus and I don't think I did.

11 | Q. Can you rule out the possibility that you did, in
12 | your mind?

13 | A. I don't think I did.

14 | Q. And I understand that it's very clear that you don't
15 | think you did. I'm just saying, can you rule out that you
16 | didn't do that when you spoke to Mr. Pincus?

17 | A. I don't quite know what to say, sir. I don't think
18 | I did. I have no recollection of doing it. It's not what I
19 | set out do. I don't believe I did. Just "rule out the
20 | possibility" is an odd phrasing to me. I'm, I'm reasonably
21 | certain I did not.

22 | Q. Let me give you an example. The President of the
23 | United States called you in and said, this is super-super
24 | secret that we can't even tell you the clearance level this is
25 | at, and this involves the most sensitive intelligence

1 gathering matters ever to be conducted by the United States.
2 And you went and had a meeting with a reporter afterwards, and
3 we said, do you recall telling that person that information.
4 You could say, not only do I not remember, there's no way I
5 could have done that. And I guess, now I'm asking you here,
6 you indicate that the information about Wilson's wife you
7 didn't understand to be a prohibition on it. So I'm simply
8 asking that, even though you think you didn't talk with Pincus
9 about it, is it possible that you did?

10 A. Well, I didn't think it was under the super-super
11 secret categorization. So in that part of the analogy, it was
12 nothing like that about what he said. But as I say, I don't
13 think I talked to Mr. Pincus about it.

14 Q. Is it possible you did?

15 A. Best of my recollection of the conversation, no. I
16 did not talk to him about it.

17 Q. Now, this conversation you had with the Vice
18 President was prior to your speaking to Mr. Pincus. Correct?
19 The conversation --

20 A. Yes. Yes, sir.

21 Q. And you spoke to Mr. Pincus before he printed the
22 June 12th article?

23 A. Yes, sir.

24 Q. So the conversation with the Vice President was some
25 time before June 12th. Correct?

1 A. Yes, sir.

2 Q. And was that the first time you had heard from
3 anyone, as far as you can recall, that Wilson's wife worked at
4 the CIA?

5 A. Yes, sir.

6 Q. And you have a recollection of this being a new fact
7 as you heard it?

8 A. Yes, sir.

9 Q. And so that based upon your recollection, not your
10 notes, that you recall that that's the first time that you
11 heard about the former ambassador's wife working at the CIA?

12 A. Yes, sir, although my recollection is not perfect.
13 That was my recollection.

14 MR. FITZGERALD. Now, if I could show you a
15 document that Ms. Kedian will tell us what it's marked --

16 MS. KEDIAN. Grand Jury Exhibit 53.

17 BY MR. FITZGERALD:

18 Q. And again we will deem it marked, but not make it --
19 just make the full text available to you, and then if we need
20 to show it to the Grand Jury at some point, we'll redact it.

21 Are those notes that you made?

22 A. Yes, sir.

23 Q. And are they dated June 3rd, at least in the upper
24 left corner of the page?

25 A. Yes, sir.

1 Q. Okay. And do they indicate that one of the
2 things that's on this -- is this the notes that consist of
3 your things to do with the Vice President that you make each
4 day?

5 A. I have things to do with the Vice President and I
6 have things to do on my own. This is probably things to do
7 with the Vice President, but they look alike, they look alike.

8 Q. Okay. I'll point you to one entry.

9 A. Yes, sir.

10 Q. It says on there, talk to VP about Walter Pincus
11 article.

12 A. Yes, sir.

13 Q. Does that indicate to you that -- at least as of
14 June 3rd, you had a note to yourself that you should talk to
15 the Vice President about the article that Walter Pincus was
16 preparing to write?

17 A. Not quite, sir. It indicates to me I was going to
18 talk to him about a Walter Pincus article. But there could
19 have been a prior Walter Pincus article that said something --
20 There were Walter Pincus articles in May, towards the end of
21 May, and it could be that what I want to talk to him about is
22 something that was in a prior article. It, it, it could mean,
23 but it doesn't necessarily mean, the article that he was
24 preparing for June 12th, that eventually appears on June 12.

25 Q. Okay. Did you, between June 3rd and June 12th, did

1 | you talk to Walter Pincus to provide information as regards
2 | any article other than the June 12th piece he wrote?

3 | A. No. But this mark here might just be something that
4 | in an article -- if we were to go back and look at his
5 | articles before June 12th, I might see something that, that
6 | I -- caught my eye back then and I wanted to talk to the Vice
7 | President about.

8 | Q. Right. And I understand. The bracket is --

9 | A. I did not talk to Walter Pincus about any
10 | drafting -- his drafting any other article.

11 | Q. So this item refers to talking to the Vice
12 | President, looking forward to the article that would appear on
13 | June 12th or refers to something that had appeared before June
14 | 3rd that was already written and published that you wanted to
15 | call the Vice President's attention to or discuss?

16 | A. Yes, sir.

17 | Q. And as you sit here today, I realize it's awhile
18 | back, do you know if this -- does Pincus -- does an article by
19 | Pincus prior to June 3rd stick in your mind?

20 | A. There were some articles by Pincus in May, towards
21 | the end of May, third week, fourth week of May where Director
22 | Tenet was talking about the intelligence from the war, it's is
23 | my recollection anyway. So there are some articles from
24 | Pincus, you know, he writes periodically and there were some
25 | articles from Pincus in that period. But I don't know what

1 | this refers to.

2 | Q. Okay. And as you look at this entry now, do you
3 | have a belief as to whether or not this was looking backward
4 | to a past article, or looking forward, or you don't know?

5 | A. I don't know. My recollection is that the Pincus
6 | article was around for awhile. When I say that I mean to say
7 | that I had heard from Cathie or someone that he was doing this
8 | article for awhile is my sense of it. So it could be either.

9 | Q. And now, there came a time -- did there come a time
10 | when you spoke to a David Sanger of the New York Times?

11 | A. Yes, sir.

12 | Q. Okay. And did you speak to him in early July?

13 | A. From reviewing my notes I have seen that it was July
14 | 2nd.

15 | Q. Okay. And independent of your notes fixing a date,
16 | do you have an independent recollection of sitting down with
17 | Mr. Sanger and speaking to him?

18 | A. Very vague actually, but yes, I have some
19 | recollection.

20 | Q. Did you meet with him in person or did you speak by
21 | telephone?

22 | A. In person and he had someone with him as I recall.

23 | Q. Do you know if it would be James Risen, R-i-s-e-n?

24 | A. Yeah, I think that sounds right. From my notes that
25 | sounds right.

1 Q. Okay. And had you ever sat down with David Sanger
2 before?

3 A. Yes, he was at a dinner I was at. It's not a common
4 occurrence for me but I had met him before.

5 Q. Was that the first time you sat down with him as an
6 official source for an article?

7 A. It's not common for me to sit with him. It could be
8 the very first, I'm not sure.

9 Q. And do you recall from your discussion with Mr.
10 Sanger if you had any conversation about Ambassador Wilson,
11 either by name or by description as the former ambassador, or
12 his wife in that meeting?

13 A. I don't. I have looked -- we have some notes of
14 that conversation, and in looking through the notes of it, I
15 don't recall anything about the wife. I can't recall if
16 there's anything about, about, about the Ambassador Wilson
17 trip as I sit here, but it would be in the notes.

18 I recall that he was -- my impression is that he was
19 primarily interested in the Colin Powell presentation, the
20 presentation of Secretary Colin Powell had made to the U.N. in
21 February of '03.

22 Q. And did you provide him information about your
23 recollection of how the Colin Powell presentation was put
24 together?

25 A. Yes, sir, that's my recollection of it.

1 Q. And have you looked since that time at an article on
2 July 8th by David Sanger?

3 A. I suspect I did. I don't recall it.

4 Q. In that article the relevant sentence I wanted to --
5 sentences I wanted to call to your attention. Let me pull out
6 a copy. One indicated that Wilson had said that he reported
7 back, that the intelligence was likely fraudulent, indicating
8 that the intelligence by Iraq trying to get uranium, and it
9 said, White House officials say his warning never reached
10 them. Do you know if you would have provided information to
11 David Sanger indicating that the warning by Wilson never
12 reached the White House?

13 A. I, I actually -- I don't know that Ambassador Wilson
14 actually warned that the documents were fraudulent. There is,
15 to my knowledge, all I had seen was one memorandum which may
16 or may not still be classified in which is a report about
17 Ambassador Wilson's trip. And in that report -- may I
18 continue?

19 Q. Sure.

20 A. In that report there are denials from the Niger
21 government -- this is actually in Director Tenet's July 11th
22 statement about it, there are -- public statement so it's not
23 classified -- there are denials in the first part of the
24 report from the Niger government that they ever provided
25 uranium. But there is also an assertion from a former

1 Nigerian, I think prime minister, that in fact an Iraqi
2 delegation had come to Niger seeking to open relations and the
3 Niger government, the prime minister, interpreted that to mean
4 they were interested in purchasing uranium. So in fact,
5 within Ambassador Wilson's -- within the report of Ambassador
6 Wilson's trip and his finding was evidence that Iraq was
7 trying to acquire uranium and that's what the CIA eventually
8 puts into the NIE which is also unclassified now.

9 As to the fraudulence of the documents, I don't
10 think Ambassador Wilson as I have seen later, had ever
11 actually seen the documents. I don't know if he opined on
12 whether they were fraudulent or not.

13 Q. Let me draw your attention ahead to July 6th --

14 A. Yes, sir.

15 Q. -- when three things happen. First, there is the
16 Op-ed in the New York Times by Joseph Wilson. Secondly, he
17 appears on Meet the Press with Andrea Mitchell as the host.
18 And third, there's a piece in the Washington Post talking
19 about his Op-ed in the New York Times and giving some further
20 information. Do you recall which of those two articles you
21 read that day and whether or not you saw Wilson on Meet the
22 Press?

23 A. I don't think I saw Wilson on Meet the Press with
24 Andrea Mitchell on cable, you know, on television. I don't
25 know if I read the articles that day. It was Sunday and often

1 I take the day off, but I think I read them -- I read them
2 subsequently.

3 Q. And what was your reaction when you read the Op-ed
4 piece by Joseph Wilson?

5 A. I recall that it was, you know -- here was this guy
6 saying it was him who had done it. He was saying that we
7 had -- he was saying that, that he thought that he had sort of
8 definitively proven in his trip that there was no attempt by
9 the Iraqis to purchase uranium in Niger. And that's not what
10 his report actually proved. He was saying that we had asked
11 for the trip, or he said that the next day on television, I've
12 forgotten which, and that was not the case. He was saying
13 that because we had asked about the trip, the Vice President
14 must have gotten a report back about his trip and that was not
15 the case. He was saying, because his report was definitive,
16 which it wasn't, and because the Vice President had asked,
17 which he hadn't, the Vice President must have gotten a
18 response, which would have convinced the Vice President that,
19 that Iraq had not tried to buy uranium, and therefore the Vice
20 President must have twisted the facts, or other people must
21 have twisted the facts. And as I was indicating, the premises
22 were wrong, we didn't get his report. What we did get was
23 intelligence from the CIA, not that one piece but the
24 considered judgment of the CIA that in fact Iraq had tried to
25 buy uranium. The Vice President had not asked for someone to

1 go on a mission to Niger, so therefore he didn't get that.
2 report back. So there were a lot of things in there that were
3 wrong. There was a place later in his article where he said,
4 if I'm wrong about my report, if they discounted my report for
5 some reason, then I have no complaint, although I'd be
6 interested in knowing why they say that. And that made me
7 hopeful that when it was explained to him that in fact his
8 report didn't disprove it, and the CIA took his -- did not
9 find his bit of intelligence as definitive, you know, we
10 thought that that was hope that he'd then withdraw his
11 accusation.

12 Q. Now, is it fair to say that the article was viewed
13 as an accusation by many, including the administration?

14 A. Yes, sir.

15 Q. If you accepted the premises of his article, his Op-
16 ed, as being true, it would indicate that the Vice President
17 knowingly allowed the President to lie to the American public
18 and the world about what the United States government believed
19 about Iraq's activities with regard to uranium. Fair to say?

20 A. Not quite. Because he, he is straight forward in
21 saying, all I know about is my report. And if they have
22 other, other evidence then there's other evidence. But if
23 they're relying on my report, then it's not, you know -- then
24 it would be improper to say what he said assuming my report is
25 right, but it may not be. That's what he said.

1 Q. But it's fair to say that most people took away from
2 that article as reported as an assertion by Wilson that the
3 government misled the American people, not as a I'm not sure
4 what happened and I want an answer? Is that fair to say?

5 A. I, I don't -- if you look at his article, I think he
6 does say in there, I may -- if there's other information,
7 there's other information, he was pretty careful about that.
8 Maybe people read it too quickly, as you say, and took away a
9 different interpretation of it.

10 MR. FITZGERALD. Sure. Why don't I give you a
11 copy, which is Exhibit --

12 MS. KEDIAN. Three.

13 MR. FITZGERALD. -- 3. And does it start with
14 Joseph C. Wilson -- oh, this is the Washington Post. Do we
15 have the Op-ed piece?

16 MS. KEDIAN. Yes, I'm sorry.

17 MR. FITZGERALD. Are you reading the New York
18 Times or --

19 MS. KEDIAN. I'm sorry, I handed you --

20 WITNESS. I have a July 6 New York Times piece.

21 MR. FITZGERALD. Oh, then you can keep reading.
22 I'll read the same thing you're reading.

23 BY MR. FITZGERALD:

24 Q. Doesn't the second paragraph say, "Based on my
25 experience with the administration in the months leading up to

1 | the war I have little choice but to conclude that some of the
2 | intelligence related to Iraq's nuclear weapons program was
3 | twisted to exaggerate the Iraqi threat."

4 | A. Right, some, "some of the intelligence," yeah.

5 | Q. Are you, are you telling me -- well, what was your
6 | reaction when you read this article? Were you angry?

7 | A. It's a, it's a bad article. And I don't mean to
8 | pick words with you. I'm just saying, within his article, as
9 | we go on, he does say that all he knows about it is what he
10 | knows about so --

11 | Q. Well, let me ask you --

12 | A. Just giving him credit for that. I'm trying to give
13 | him credit for that.

14 | Q. Were you angry were you read the article?

15 | A. Yes, because -- well, angry? I was concerned
16 | because it didn't seem to me an accurate portrayal of the
17 | facts. But I was also confident that when the facts came out
18 | it would be -- you know, it's, it's hard to counter a false
19 | accusation even with clear facts. But I was confident that
20 | the facts were quite clear, that in fact his cable was not
21 | definitive, that we had not asked for the report, that the
22 | report did not in fact reach the Vice President or me prior to
23 | the State of the Union, and we were not the people who were
24 | putting it into the claim. So the underlying facts I thought
25 | were quite solid, saying this was wrong, but it's disturbing

1 to have something like this out there.

2 Q. Was it fair to say you were upset when you read the
3 article?

4 A. There were a lot of articles to come out that, that,
5 that say bad things about the administration and I guess I've
6 gotten a little bit inured, inured to them. But I didn't
7 like -- I did not like the article.

8 Q. Were you upset?

9 A. I guess I was upset. I was disturbed by the
10 article, didn't like the article. Upset's a fair word, I
11 guess.

12 Q. And did you discuss it with the Vice President?

13 A. Yes.

14 Q. Were you uncertain --

15 A. I'm just trying to think about when. See, he was
16 in -- I didn't discuss it when I first got it, but I'm sure I
17 did shortly thereafter. He was in Wyoming, I think, over the
18 July 4 weekend. So I probably didn't see him until, you know,
19 Monday or Tuesday, I've forgotten when it was, after that, and
20 I would have discussed it shortly thereafter. I didn't see
21 him on -- if I read it on Sunday, I did not see him on Sunday.

22 Q. Do you know if you discussed it by telephone with
23 Vice President Cheney?

24 A. I don't think I spoke to him by phone that weekend.

25 Q. And can you tell us about the first time you

1 | discussed the article with Vice President Cheney?

2 | A. You know, I don't remember it in any detail. It was
3 | the same claim that we had had around since May. It's just
4 | now it had a name of it. Now we knew it was Ambassador
5 | Wilson. And there was this, you know, accusation of twisting
6 | the facts directly by somebody by name. So it was a concern.

7 | Q. Do you recall any reaction, whether he was upset?

8 | A. I'm sure he was upset. I don't recall the
9 | conversation all that clearly, but I'm sure he was upset.

10 | Q. And in terms of accusations against the
11 | administration, putting aside the truth or falsity of it --

12 | A. Yes, sir.

13 | Q. -- we understand your view and as we said, the Grand
14 | Jury is not here to determine what the truth or falsity of
15 | particular assertions are --

16 | A. Yes, sir.

17 | Q. -- this as an accusation was a direct accusation
18 | that the Vice President was dishonest, if you followed the
19 | inferences that Mr. Wilson made, that the President was
20 | dishonest and that the country was misled into war. Is it
21 | fair to say that that was the -- perhaps the most serious
22 | attack on the administration's credibility thus far in the
23 | Presidential term?

24 | A. It was a serious accusation. I'd, I'd have to go
25 | back, back over the administration to evaluate it compared to

1 other attacks, but it was, it was a very serious attack.

2 Q. Well, as you sit here now, can you think of any
3 other time in the administration where someone directly came
4 out by name and accused the administration of deliberately
5 exaggerating and twisting intelligence with regard to specific
6 facts?

7 A. Well, the sixteen words had been around. That the
8 sixteen words were false and shouldn't have been in there, had
9 been around for awhile, and I can't remember exactly when
10 the -- what level of attack came from what. But this -- that
11 was certainly -- this realm of issue reminds me, comes to
12 mind, as a very serious attack from it. I don't recall
13 sitting here whether there was anything in tax policy or any
14 other policy that quite amounts to this.

15 Q. And given that the sixteen words were believed to
16 have been part of a speech setting up the administration's
17 case for war against Iraq, is it fair to say that this was a
18 very, very serious matter during the week of July 7th through
19 the 14th at the White House?

20 A. Yes, sir.

21 Q. And was it a discussion of -- that was -- was it a
22 topic that was discussed on a daily basis?

23 A. Yes, sir.

24 Q. And it was discussed on multiple occasions each day
25 in fact?

1 A. Yes, sir.

2 Q. And during that time did the Vice President indicate
3 that he was upset that this article was out there which
4 falsely in his view attacked his own credibility?

5 A. Yes, sir.

6 Q. And do you recall what it is that the Vice President
7 said?

8 A. I recall that he was very keen to get the truth out.
9 He wanted to get all the facts out about what he had or hadn't
10 done, what the facts were or were not. He was very keen on
11 that and said it repeatedly. Let's get everything out. He
12 wanted to get it all out. That, that I recall.

13 Q. Do you recall if you ever discussed a copy of the
14 article with Vice President Cheney -- in front of you when he
15 talked about?

16 A. Physical copy in front of him? I don't recall that.
17 He often cuts out an article and keeps it on his desk
18 somewhere and thinks about it and I subsequently learned that
19 he had such an article from the FBI agents who talked to me.

20 Q. And had you seen that copy of the article before the
21 FBI showed it to you during the course of the investigation?

22 A. I, I don't recall it. It's possible if it was
23 sitting on his desk that, you know, my eye went across it. I
24 don't, I don't recall him pulling it out and saying something
25 to him, but we talked about the article a fair amount.

1 MR. FITZGERALD. And let me show you a copy of the
2 article with handwritten notes on it.

3 MS. KEDIAN. Grand Jury Exhibit 8.

4 BY MR. FITZGERALD:

5 Q. And in looking at Grand Jury Exhibit 8, can you tell
6 us if you recognize the handwriting at the top, top of both
7 pages?

8 A. Yes, sir. It looks like the Vice President's
9 handwriting.

10 Q. Okay. And I take it you're familiar with his
11 handwriting?

12 A. I am. I couldn't necessarily pick it out from
13 similar handwriting, but this looks like his handwriting to
14 me.

15 Q. Okay. And is it fair to say that there's various
16 items underlined in this copy?

17 A. Yes, sir.

18 Q. Does that include the sentence, "I have little
19 choice but to conclude that some of the intelligence related
20 to Iraq's nuclear weapons program was twisted to exaggerate
21 the Iraqi threat?"

22 A. Yes, sir.

23 Q. And does it also include handwriting at the top of
24 the page that says, that reads, "have they done this sort of
25 thing before?"

1 A. I'm sorry, are you asking me if that appears at the
2 top of the page?

3 Q. Yes.

4 A. Yes, sir, it does.

5 Q. And does it say beneath that, send our -- "send an
6 ambassador to answer a question"?

7 A. Yes, sir.

8 Q. And does it say below that, "do ordinary send people
9 out pro bono to work for us?"

10 A. It does, sir.

11 Q. And does the top of the page have a note that
12 continues over to the second page, "or did his wife send him
13 on a junket?"

14 A. Yes, sir.

15 Q. And do you recall ever discussing those issues with
16 Vice President Cheney?

17 A. Yes, sir.

18 Q. And tell us what you recall about those
19 conversations.

20 A. I recall that along the way he asked, is this normal
21 for them to just send somebody out like this uncompensated, as
22 it says. He was interested in how did this person come to be
23 selected for this mission. And at some point after we learned
24 that his wife worked at the Agency, you know, he -- that was
25 part of the question.

1 Q. Okay. And is it fair to say that he had told you
2 back in June, June 12th or before, prior to the Pincus
3 article, that his wife worked in the functional office of
4 Counterproliferation of the CIA. Correct?

5 A. Yes, sir.

6 Q. So when you say, that after we learned that his wife
7 worked at the Agency, that became a question. Isn't it fair
8 to say that you already knew it from June 12th or earlier?

9 A. I believe by, by this week I no longer remembered
10 that. I had forgotten it. And I believe that because when it
11 was told to me on July 10, a few days after this article, it
12 seemed to me as if I was learning it for the first time. When
13 I heard it, I did not think I knew it when I heard.

14 Q. Okay. So let me back up a moment. We'll get to the
15 July 10 conversation.

16 A. Yes, sir.

17 Q. Do you recall when the Vice President told you do we
18 ordinarily send -- or did the wife send him a junket, when you
19 had that conversation? Do you know when that was in relation
20 to the July 6 article?

21 A. I don't recall that conversation until after the,
22 until after the Novak piece. I don't recall it during this
23 week of July 6. I recall it after the Novak conver -- after
24 the Novak article appeared I recall it, and I recall being
25 asked by the Vice President early on, you know, about this

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1 | envoy, you know, who is it and -- but I don't recall that.
2 | early on he asked about it in connection with the wife,
3 | although he may well have given the note that I took.

4 | Q. And so your recollection is that he wrote on July --
5 | that you discussed with the Vice President, did his wife send
6 | him on a junket? As a response to the July 14th Novak column
7 | that said, he was sent because his wife sent him and she works
8 | at the CIA?

9 | A. I don't recall discussing it -- yes, I don't recall
10 | discussing it in connection with when this article first
11 | appeared. I recall it later.

12 | Q. And are you telling us under oath that from July 6th
13 | to July 14th you never discussed with Vice President Cheney
14 | whether Mr. Wilson's wife worked at the CIA?

15 | A. No, no, I'm not saying that. On July 10 or 11 I
16 | learned, I thought anew, that the wife -- that, that reporters
17 | were telling us that the wife worked at the CIA. And I may
18 | have had a conversation then with the Vice President either
19 | late on the 11th or on the 12th in which I relayed that
20 | reporters were saying that. When I had that conversation I
21 | had forgotten about the earlier conversations in which he told
22 | me about -- reflected in my notes that we went over this
23 | morning, in early June, before the Pincus article, when he had
24 | told me about that the wife worked at the CIA. I had just
25 | forgotten it.

1 Q. And just fix the, the person -- who did you speak to
2 on July 10th or 11th that you recalled learning again,
3 thinking it was for the first time, that Wilson's wife worked
4 at the CIA?

5 A. Tim Russert of NBC News, Washington Bureau Chief for
6 NBC News.

7 Q. And so we'll come back to that conversation in a
8 moment.

9 A. Yes, sir.

10 Q. Is it your testimony under oath that you don't
11 recall discussing Wilson's wife working at the CIA between the
12 July 6th date when the Wilson's Op-ed appeared and your
13 conversation with Tim Russert?

14 A. That's correct, sir, but my -- I don't really -- I
15 don't recall discussing it. What I do recall is being
16 surprised when I talked to Mr. Russert on the 10th or the
17 11th, and I am inferring from that surprise that I hadn't
18 talked about it earlier in the week. I simply do not recall
19 any discussion early in the week about Mrs. Wilson. What I do
20 recall is that I was surprised when I heard it from Mr.
21 Russert.

22 Q. Let me ask you this. Do you recall going to lunch
23 on July 7th with Ari Fleischer?

24 A. I do, sir.

25 Q. Okay. And do you recall what you discussed over

1 | lunch with Ari Fleischer?

2 | A. Yes, it had been scheduled for some time. Ari was
3 | leaving the White House. He was a friend, is a friend. And
4 | we had decided we would get together for lunch before he left
5 | as sort of a good-bye lunch. And we discussed the Miami
6 | Dolphins, because we're both Miami Dolphins fans; we discussed
7 | his plans for the future, what he was going to do, work in New
8 | York, I think it was, or start a consulting-type firm if I
9 | recall; and you know, it had been fun to work together; and we
10 | probably also discussed the uranium business because it was a
11 | very hot topic at that point. I don't recall it as clearly as
12 | I do the Miami Dolphins and his plans for the future because
13 | that was the point of the lunch.

14 | Q. And in the discussion, discussing the uranium issue,
15 | do you know if you discussed Mr. Wilson?

16 | A. I don't recall it, but I suspect we did because it
17 | was a very -- you know, that was just -- now, but I don't
18 | recall it.

19 | Q. And on July 7th, do you recall if at the 6:45
20 | briefing in the morning you and the Vice President asking
21 | Craig Schmall about Mr. Wilson and the circumstances of his
22 | trip?

23 | A. I don't, but it makes sense because the article had
24 | come out the day before.

25 | Q. And do you recall if at the senior staff meeting at

1 8:45 that day whether or not Karl Rove and others discussed
2 that we needed to get a message out about Mr. Wilson, which is
3 that the administration and the Vice President in particular,
4 did not send him to Niger and that his report did not resolve
5 the issue?

6 A. That sounds right. There was a day -- I recall a
7 day or maybe two when Karl spoke about it at the senior staff
8 meeting. In one of them, I made some notes about it. I don't
9 recall the date, but that would -- it was right in that day --
10 it was within a day of that, if it wasn't that day.

11 Q. And are you aware that at 9:22 that day Cathie
12 Martin, the Press Secretary, e-mailed Ari Fleischer with four
13 talking points to get out -- the talking points concerning the
14 Vice President's position which included the fact that the
15 Vice President didn't send Wilson to Niger? We can show you
16 that e-mail, I believe, as an exhibit, and see if that
17 refreshes your recollection that the Vice President's press
18 person was addressing this issue to Mr. Fleischer that day.

19 MS. KEDIAN. Grand Jury, Grand Jury Exhibit 54.

20 BY MR. FITZGERALD:

21 Q. And I'll just read into the record, July 7th, 9:22,
22 response to Joe Wilson. Four bullets.

23 The Vice President's Office did not request the
24 mission to Niger.

25 The next bullet: The Vice President's Office was

1 not informed of Joe Wilson's mission.

2 Next bullet: The Vice President's Office did not
3 receive a briefing about Mr. Wilson's mission after he
4 returned.

5 Final bullet: The Vice President's Office was not
6 aware of Mr. Wilson's mission until recent press reports
7 accounted for it.

8 A. Yes.

9 Q. Do you, do you recall if you were aware of those
10 talking points at the time, on July 7th?

11 A. I don't know that I saw this e-mail, but those were
12 our basic talking points that we tried to get out, and I
13 recall that Ari some time that day, it might have been at the
14 1 o'clock, made a statement which covered these types of
15 points. And so therefore, it's quite likely I talked to him
16 about it at the lunch as well.

17 Q. And I believe if we checked, it might be at 9:36
18 that morning that Ari Fleischer, in a press gaggle, made the
19 points that the Vice President did not request the trip, or
20 know about it, or get briefed on the results.

21 A. That actually sounds right, sir.

22 Q. And thereafter, after the 6:45 briefing with the CIA
23 briefer, and the senior staff meeting, and then Cathie
24 Martin's e-mail, and Ari Fleischer's press gaggle, you then
25 went to lunch with Mr. Fleischer about noon?

1 A. Yes, sir. Yes, sir.

2 Q. And do you have any recollection as you sit here now
3 discussing Mr. Wilson with Ari Fleischer?

4 A. I don't, I don't recall it, but it's pretty -- it --
5 you know, it makes sense and it's pretty likely. I just don't
6 recall that, that part of the discussion with, with Ari. I
7 think, if we were -- as we were discussing uranium in that
8 period what I would be particularly concerned about was the
9 NIE and what the, what the NIE had actually said because we
10 were still in a stage before, as I recall, before Ari
11 Fleischer came out and said it was a mistake to have the claim
12 about uranium in the State of the Union. It was a big issue
13 as to whether that -- this was a much bigger issue than the
14 Wilson trip as to whether or not it was a mistake to have it
15 in the State of the Union. And there was this NIE which had
16 this assertion about the uranium. So I suspect that would
17 have also been my focus for a discussion with --

18 Q. And --

19 A. Sorry, sir.

20 Q. Do you recall if you discussed Mr. Wilson's wife
21 during the lunch with Ari Fleischer?

22 A. I don't recall discussing the wife. Because I was
23 surprised at the discussion a few days later with, with Tim
24 Russert, I would think that we did not discuss the wife. I
25 just -- but I don't recall.

1 Q. And as you sit here today, you do recall that that
2 was the day that Ari Fleischer addressed some questions about
3 Mr. Wilson's article at the press gaggle. Correct?

4 A. I've seen the transcript since then, so that's what
5 I recall really.

6 Q. And you recall that some time that day, but not by
7 lunch time, Mr. Fleischer, or some time after lunch either
8 that day or the next, Mr. Fleischer issued a statement
9 indicating in effect that the President didn't stand behind
10 the sixteen words. Is that correct?

11 A. I recall from looking at the record that it was the
12 7th that he made that statement, and that was the day I had
13 the lunch.

14 Q. And you recall that you had lunch with Mr.
15 Fleischer?

16 A. Yes, sir.

17 Q. And you recall discussing Mr. Fleischer's future.
18 Correct?

19 A. Yes, sir.

20 Q. And you recall discussing the Miami Dolphins.
21 Correct?

22 A. Yes, sir. I recall all that quite clearly. I had a
23 lot of conversations during this period about this other stuff
24 and I just don't recall it as distinctly as I only had one
25 conversation about the Miami Dolphins in that period, so --

1 Q. Do you recall telling Mr. Fleischer that Wilson's
2 wife worked at the CIA in the Counterproliferation Division?

3 A. No, I don't.

4 Q. And is it possible that you told Mr. Fleischer
5 during that lunch that Wilson's wife worked at the CIA in the
6 Counterproliferation Division?

7 A. It's possible -- well, I don't recall it and I
8 recall being surprised by Russert. So I tend to think I
9 didn't know it then, but that's all I actually recall.

10 Q. Isn't it a fact, sir, that you told Mr. Fleischer
11 over lunch that this was "hush-hush" or "on the q.t." that
12 Wilson's wife worked at the CIA?

13 A. I don't recall that.

14 Q. Do you recall discussing Mr. Wilson's wife's name
15 with Mr. Fleischer?

16 A. No, I don't think I knew it until the Novak article.

17 Q. And what do you recall Mr. Wilson's wife's name to
18 be?

19 A. From the Novak article, Plame. Valerie Plame.

20 Q. And how would you pronounce it, in a hard A or in a
21 French way?

22 A. I guess just what I said, Plame, like blame, I
23 guess.

24 Q. Rhyming with blame?

25 A. I guess, yeah.

1 Q. And as you sit here today do you recall whether or
2 not you discussed whether or not Mr. Wilson's wife worked in
3 the Counterproliferation Division?

4 A. I do not recall discussing Mr. Wilson's wife at all
5 with Ari. All I recall is -- from that week is the Tim
6 Russert conversation.

7 Q. So as you sit here today, it's your testimony that
8 prior to your conversation with Tim Russert you neither
9 discussed Wilson's wife's employment with either the Vice
10 President or with Ari Fleischer, following the July 6th
11 article?

12 A. I'm sorry, my mind wandered. You're asking about --
13 could you repeat it? I'm sorry.

14 Q. Sure. From July 6th up until the point when you
15 spoke to Tim Russert, but not after, is it your testimony that
16 you have no recollection of discussing Wilson's wife's
17 employment at the CIA with either Vice President Cheney or Ari
18 Fleischer?

19 A. Yes, sir. In that period I have no recollection,
20 that's correct.

21 Q. And do you recall discussing with Cathie Martin
22 between July 6th and July 10th the fact that Wilson's wife
23 worked at the CIA?

24 A. No. As I say, when I heard it from Tim Russert,
25 which was on the 10th or the 11th, I was surprised by what I

1 | heard, and that's all I really recall from that week. So I
2 | don't recall any other discussion earlier in that week about
3 | it.

4 | Q. Prior to your conversation with Tim Russert, do you
5 | ever recall telling Cathie Martin that Wilson's wife worked at
6 | the CIA?

7 | A. No, sir.

8 | Q. Prior to your conversation with Tim Russert on July
9 | 10 or 11, do you ever recall a conversation where Cathie
10 | Martin told you that Wilson's wife worked at the CIA?

11 | A. No, sir.

12 | Q. And do you recall an occasion on or about July 8th
13 | where Cathie Martin came into the Vice President's Office with
14 | you present, and the Vice President, and indicated that
15 | Wilson's wife worked at the CIA, that she had learned that?

16 | A. July 8th?

17 | Q. Yes.

18 | A. I -- again, sir, I don't, I don't recall. What I
19 | recall -- all my recollection on this point is hinged on my
20 | surprise when I heard it from Tim Russert and I'm inferring
21 | the rest from that. I don't recall much about the -- anything
22 | about that subject in the week. What I recall from that week
23 | is being concerned to get the statement -- a clear statement
24 | out from the CIA, the Agency, from Director Tenet, and there
25 | was a lot of discussion during that week, as you've probably

1 seen in my notes, and I was very much focused on getting the
2 main part of the case out about whether -- about what the CIA
3 had told us in October and subsequently about uranium, and I
4 don't recall these discussions that you're referring to.

5 Q. And is it fair to say that this reason this became
6 such a hot issue that week was the sort of the firestorm that
7 came as a result of the July 6th Wilson Op-ed piece? Correct?

8 A. Yes, sir.

9 Q. And just so we're clear, I understand what you
10 recall about your conversation with Russert, but the time
11 period before that, are you telling this Grand Jury you have
12 no recollection of having the conversation on any day that
13 week in which Cathie Martin told you in the, in the presence
14 of the Vice President that Wilson's wife worked at the CIA?

15 A. I have no recollection of that conversation. My
16 first recollection is Tim Russert telling me that.

17 Q. Now, do you recall a conversation in which Cathie
18 Martin told you and the Vice President that Bill Harlow, the
19 public affairs person at the CIA, had been receiving calls
20 from Andrea Mitchell and David Martin about the controversy
21 about the State of the Union address?

22 A. I recall that there were -- that the CIA was
23 receiving calls from -- yes, I recall something about that. I
24 don't recall the Cathie Martin part, but it makes sense that
25 it was Cathie that told us.

1 Q. And do you recall being instructed by the Vice
2 President that you should call Andrea Mitchell and David
3 Martin?

4 A. It sounds right, sir, yes.

5 Q. Do you recall calling Andrea Mitchell?

6 A. Yes, I recall calling Andrea Mitchell and I recall
7 calling David Martin.

8 Q. And do you know how many times that week you spoke
9 to Andrea Mitchell?

10 A. My recollection is that I talked to her once about
11 an incorrect report, and then after my phone call with Tim
12 Russert I spoke to her again. I think on the second
13 conversation, I'm not sure whether it was that week, or early
14 the next week or some time the next week.

15 Q. So you have two conversations with Andrea Mitchell.
16 One before your Russert conversation and one after your
17 Russert conversation?

18 A. That's my general recollection, sir.

19 Q. And do you recall the subject matter of the
20 conversation you had with Andrea Mitchell before you spoke to
21 Tim Russert?

22 A. Yes. She had said something incorrect in one of her
23 television appearances, and I was trying to correct that.

24 Q. Do you know what it was that she said that had been
25 incorrect?

1 A. There were two things being -- in that period that
2 people were saying incorrectly that touched on the Vice
3 President's Office. One had to do with Halliburton. I think
4 this had to do with the Wilson claim that we had sent him, but
5 I'm not sure. I'd have to see what -- if I looked at what she
6 said that week I might be able to figure it out.

7 MR. FITZGERALD. Okay. And why don't we show you
8 the July 8th transcript of Andrea Mitchell speaking at 6:40
9 p.m.

10 MS. KEDIAN. Exhibit 55.

11 (Long pause while witness reading)

12 WITNESS. I think I see something here.

13 BY MR. FITZGERALD:

14 Q. Are you finished reading the article?

15 A. Yes, sir.

16 Q. Something ring a bell when you read it?

17 A. Yes, it says towards the bottom of the page here it
18 says, "the White House blamed an October CIA report for
19 ignoring Wilson's information and not requesting the original
20 documents in which the charge was based for more than a year."
21 And this was not -- two things, it was not right. I don't
22 think anybody blamed the CIA for ignoring his information. In
23 fact, I think he -- the CIA had looked at his information, had
24 found that it, as reported in the NIE in October, had found --
25 in fact, far from ignoring it, they looked at it and found

1 that it did not contradict the claim, and in fact supported
2 the claim that Iraq was trying to buy uranium from Niger. So
3 -- but phrased this way, that we blamed -- that the White
4 House blamed an October CIA report for ignoring the
5 information, quite to the contrary. I think it was argued
6 that the CIA had properly taken everything into consideration
7 and it still concluded, as they said in the October NIE, which
8 was six months after Ambassador Wilson's report, had still
9 concluded that there was good grounds, and in fact had
10 concluded flat out that Iraq had begun to try, vigorously
11 trying to procure uranium. So there wasn't a criticism of the
12 CIA for ignoring Ambassador Wilson as she said. I think
13 thought the CIA was right in how they evaluated it. But
14 phrased like this, it would likely be a subject that got the
15 CIA upset.

16 Q. And is it fair to say that earlier in the transcript
17 that Ms. Mitchell, who had been the person to interview Mr.
18 Wilson on Meet the Press just two days before, had discussed
19 Joseph Wilson in that brief TV segment, and also played a news
20 clip from his Sunday TV appearance?

21 A. Yes, it shows that here.

22 Q. And do you recall, looking at that transcript,
23 whether regarding his discussing Joseph Wilson and playing a
24 clip, when you talked to Andrea Mitchell before you spoke to
25 Russert, you talked to Andrea Mitchell about Joe Wilson?

1 A. I'm sorry, sir, I was -- I was trying to look at the
2 clip that you were referring to and I didn't hear your
3 question. I'm sorry.

4 Q. In your conversation with Andrea Mitchell, the first
5 conversation that week which you recall happened before you
6 spoke to Mr. Russert, do you know if you spoke to Ms. Mitchell
7 about Ambassador Wilson?

8 A. I think if I, if I spoke to her earlier that week
9 this probably was the subject that I was speaking to, speaking
10 to her about. I would have to be sure I -- it would be better
11 if I looked at everything she said that week, but I think this
12 was probably it. It could also have been the Sunday show
13 because I don't, I don't have the benefit of knowing what day
14 I spoke to her on that -- did you say it was the 8th or --

15 Q. Well, she had -- her appearance on TV was the 8th.
16 And I believe if we look at some notes, we might be able to
17 locate, that the Vice President -- there's an indication that
18 the Vice President told you to speak to Andrea Mitchell on the
19 8th.

20 A. Well, that would have been before this broadcast
21 then most likely. And this is a 6:30 -- am I reading this
22 right, it's a --

23 Q. Yes, it's a 6:30 broadcast.

24 A. So if it was during the day that day, maybe he was
25 referring to an earlier thing, that's all I'm saying. I don't

1 know.

2 Q. Do you have any recollection of discussing
3 Ambassador Wilson with Andrea Mitchell in that conversation
4 you had, the first conversation that week?

5 A. There was something Andrea said earlier that week
6 that I think I discussed with her and I think that it was
7 probably Ambassador Wilson, that was wrong. And it may not
8 have been this one actually. This may be the one that I -- I
9 also complained to Tim Russert about something she had said,
10 and maybe that's what this is, and maybe I was complaining
11 about something earlier. Maybe it was the Sunday show, I
12 don't know.

13 Q. And do you know, do you have a recollection of
14 whether or not you discussed Ambassador Wilson's wife when you
15 spoke to Andrea Mitchell during the conversation that week
16 that occurred prior to your speaking to Russert?

17 A. I, I do not believe that I spoke to her about, about
18 Ambassador Wilson's wife prior to my conversation with Tim
19 Russert.

20 Q. And is that because it's your testimony that you
21 don't believe you remembered at the time that you had learned
22 about Ambassador Wilson's wife the month before?

23 A. Yes, sir. And I have no recollection of talking to
24 her about that at that point. She's a member of the press.
25 Not somebody in the White House, and that would have a

1 separate impact on me and I just don't believe I did talk to
2 her about that.

3 Q. And so you would have a more specific recollection
4 if you spoke to a press person --

5 A. I think --

6 Q. -- than if you spoke to someone in the White House?

7 A. -- I think, yeah.

8 Q. Do you remember Bob Novak calling you on July 8th?

9 A. Calling me?

10 Q. Yes.

11 A. No, sir.

12 Q. Do you know if you spoke to him at all prior to the
13 July 14th column appearing under Novak's byline?

14 A. No. I remember I had one conversation with Bob
15 Novak in this period. My recollection of it is that when I
16 spoke to him he had all of the basic facts that we have in our
17 case, by which I mean the type of facts that Cathie Martin
18 gave to Ari Fleischer that morning that the Vice President
19 didn't request the mission; the Vice President was not
20 informed of his mission; that we did not -- that the Vice
21 President did not receive a briefing about the mission after
22 he returned, the Vice President nor I at the higher levels;
23 and that the, the Vice President was not aware of the mission
24 until later on, and what we saw was actually the NIE. I
25 recall that that type of points Mr. Novak had. I have a note

1 in my notes, which is dated in late July, that I spoke to
2 Novak or something about Mr. Novak regarding uranium, and so I
3 tend to believe that was when I had my conversation with Mr.
4 Novak. But I don't recall -- other than that, I can't fix the
5 time of my conversation with Mr. Novak other than to think I
6 had only one, that's all I recall, and I have no recollection
7 of talking to him about the wife --

8 Q. Okay. Why don't I --

9 A. -- Ambassador Wilson's wife, excuse me.

10 Q. -- why don't I show you the July 14th column by Mr.
11 Novak which is marked as Exhibit --

12 MS. KEDIAN. One.

13 MR. FITZGERALD. -- 1.

14 WITNESS. Thank you.

15 MS. KEDIAN. You're welcome.

16 GRAND JUROR. Excuse me. Is it possible in a few
17 more minutes we can do a bathroom break?

18 MR. FITZGERALD. Sure. Is 2:15 okay?

19 GRAND JUROR. 2:15 okay? That will work?

20 GRAND JUROR. Yeah.

21 GRAND JUROR. Okay, all right.

22 BY MR. FITZGERALD:

23 Q. Take a moment and read the column. (pause) While
24 you're reading I'll tell you the questions I'm going to ask so
25 I don't --

1 A. Thank you. That would be helpful.

2 Q. In reading this column, could you look to see if you
3 believe you're the source for anything in the column which
4 would indicate that you spoke to Mr. Novak before July 14th.

5 A. I was not the source for Mr. Novak, but I will read
6 it as you instruct.

7 Q. And I just meant the source either about Mr.
8 Wilson's wife or anything else in the column.

9 (Long pause while witness reading.)

10 BY MR. FITZGERALD:

11 Q. Having read the column, anything in there remind you
12 of anything you -- any conversation you might have had with
13 Mr. Novak prior to July 14th?

14 A. No. There's at least one thing in here that's wrong
15 but it doesn't remind me of a conversation I had with him.
16 You know, in here he says there was a 1988 Iraqi delegation.
17 I understand that to be a 1999 Iraqi delegation, not '88. So
18 much later. So I think that that fact in here is wrong.
19 There's something else in here that strikes me as wrong but
20 I don't --

21 GRAND JUROR. Could you speak up?

22 WITNESS. I'm sorry.

23 GRAND JUROR. I'm having a hard time hearing you.

24 WITNESS. I thought that there is something in the
25 column which I believed to be wrong in that Mr. Novak reports

1 that there was an Iraq -- that Ambassador Wilson reported that
2 in 1988, Mr. Novak says, an Iraqi delegation had gone to Iraq
3 (sic) to ask about uranium, and in fact my recollection of it
4 was that it was 1999 that that delegation went, much closer to
5 the period of the war. And then there was something else in
6 here that struck me as wrong, but I don't believe I was the
7 source for any of this so --

8 BY MR. FITZGERALD:

9 Q. Do you have any recollection of speaking to Mr.
10 Novak prior to July 14th about the substance of the State of
11 the Union address, Mr. Wilson or his trip to Niger?

12 A. I don't. If I could repeat what I said before. I
13 recall that I talked to Mr. Novak -- I recall it as one time.
14 I recall it as having covered the basic points that were quiet
15 useful, that you just took away, but the four points, I think,
16 that were in that exhibit that you showed me before.

17 Q. Okay.

18 A. And I recall that he had all of those points. He
19 basically talked to me is what I recall, more than my saying
20 anything to him. He had all of this stuff. But I don't know
21 when that was except there were some e-mails and things which
22 lead me to believe, and my note leads me to believe that it
23 was more like somewhere between, you know, July 25th and 28th.
24 So 10 days to two weeks after the column, after this column
25 appeared.

1 MR. FITZGERALD. Okay. Why, why don't we take the
2 break that we promised the Grand Jurors. So if you want to
3 walk out first, Mr. Libby, and then we'll make sure that we
4 can get you --

5 WITNESS. Sorry.

6 MR. FITZGERALD. -- out the door.

7 (Whereupon, the witness was excused at 2:16 p.m.)

8 (Whereupon, the witness was recalled at 2:31 p.m.)

9 GRAND JUROR. I just want to remind you that you're
10 still under oath.

11 WITNESS. Thank you, sir.

12 GRAND JUROR. You're welcome.

13 BY MR. FITZGERALD:

14 Q. Now, sir, when we broke you had read the Novak piece
15 and your recollection was that to the best of your memory you
16 had spoken to Novak about the uranium, uranium/Niger
17 controversy July 25th to 28th, making reference to some notes
18 you made about Novak. Is that correct?

19 A. It -- it's only the notes, sir, that give me a sense
20 of when I spoke to him. I don't, I don't know otherwise. I
21 know I talked to him once during this period. My note -- I do
22 have a note somewhere around the 25th or the 28th which
23 indicates something about Novak and uranium, and there is
24 subsequently some e-mails that I've seen so that indicates
25 that to me that was the time, because I only remember one conversation.

1 Q. Okay. If you spoke to Mr. Novak during this period,
2 the time frame from July 4th -- July 6th to July 14th, would
3 that stick out in your mind?

4 A. Well, one conversation does stick in my mind.
5 That's, that's all. So one, one does.

6 Q. The conversation you described?

7 A. Yes, I described a conversation and I don't know
8 when it was in the period is what I'm trying to say.

9 Q. Okay. Have you been a source for Novak in the past?

10 A. I, I don't know -- I don't think I was a source for
11 Novak on this one, but I have not been -- he's not somebody
12 who calls me regularly. I see him sometimes at -- you know,
13 they have these humongous dinners in Washington where
14 everybody comes and I'd see him sometimes at those. I saw him
15 once in '02, but he's not somebody who calls me regularly. He
16 does occasionally call.

17 Q. And have you at times given him information off-the-
18 record or on background to use in his column?

19 A. I've talked to him at times off-the-record, but not,
20 not -- my recollection is not frequently, and I don't know --
21 I don't think I've ever intended to give him something for his
22 column. You know, if you talk to him at a, at a social event,
23 I'm not trying to give him something for his column. I don't
24 think I've ever called him, you know, as I will, as we'll be
25 discussing later on, to -- here's a message that we think

1 | America needs to know type of thing.

2 | Q. Have you -- so we're clear on that, have you ever
3 | had a conversation with Mr. Novak in which you wanted him to
4 | report something in a column that you gave him?

5 | A. I don't, I don't recall that. I don't recall doing
6 | that ever.

7 | Q. Have you ever had a conversation which Mr. Novak
8 | asked you for information that he wanted to put in a column
9 | and you gave it to him?

10 | A. Not -- I don't think I've had one where he said this
11 | is for a column. I think he has called me from time-to-time
12 | and presumably he was looking for something like that. And
13 | I'd seen him at these social events when he will sometimes
14 | talk about an issue of the day. I've always assumed those to
15 | be off-the -- or said off-the-record to him on that stuff, so
16 | I've not intended to be a source for him on a column, that I
17 | recall.

18 | Q. Putting aside a social occasion where you see him at
19 | dinner and he says what do you think of X-topic, has he ever
20 | called you at your office asking for information where you
21 | understood that he wanted it for his column?

22 | A. Well, there were these calls that the e-mails
23 | reflect in July, and there probably were some calls earlier
24 | on. He's not someone I normally try and reach out to or I
25 | normally try and deal with.

1 Q. And my, my question was sort of the other way
2 around. Not that -- did you ever reach out to him but --

3 A. He has --

4 Q. -- did he reach out to you in a non-social context
5 asking you questions about what's going on in the hopes that
6 you will give him information or confirm something?

7 A. Yes, sir, he has called sometimes. I don't recall
8 exactly how frequently to talk to me and I have talked to him
9 a few times. I don't think I talked to him a lot.

10 Q. Have you ever provided information to him knowing
11 that it would appear in a column?

12 A. I don't think I've ever intentionally provided
13 information for a column.

14 Q. And I could show you --

15 A. I think I've only talked to him off-the-record, for
16 example, which is not supposed to appear in a column.

17 MR. FITZGERALD. I'll show you a phone bill which
18 indicates on -- I believe July 8th and July 11th Mr. Novak
19 called you during that week.

20 MS. KEDIAN. This is Exhibit 56.

21 BY MR. FITZGERALD:

22 Q. And since you know your number better than I, do you
23 see your number? Do you see your number appearing on the
24 phone bill?

25 A. I see one here from the 8th for one minute at 4:46.

1 Am I reading this correct? Is that what you --

2 Q. Yes.

3 A. I don't know what 2369 is. That's not my number, is
4 it? 456-2369, it's not my main number. And 833-899 is not my
5 number.

6 Q. We're looking at the four --

7 A. Yeah, I see two calls here. One -- I should let you
8 ask me. I'm sorry, sir.

9 Q. Okay. Do you see any calls to your telephone number
10 on the bill?

11 A. The only number I recognize as mine is 456-9000 and
12 I see them for July 11 and July 8, and they each look to be
13 one minute long if I read this properly.

14 Q. And do you know if you called him back in response
15 to either of those calls?

16 A. I don't think I did, but I don't know. As I say, I
17 know there was one phone call with Mr. Novak. It was a call
18 where I returned the call from him and I don't know when that
19 call was, but I was assuming it was from the other period
20 because that's when my note is.

21 Q. Do you recall ever discussing with Mr. Novak
22 providing him a time line of events regarding the State of the
23 Union address which would discuss how the, how the process
24 worked in preparing the State of the Union, State of the
25 Union?

1 A. Time line?

2 Q. Either in writing or orally describing to him the
3 time line in which events worked, describing how the State of
4 the Union and other speeches were prepared?

5 A. I don't.

6 Q. Is it possible you talked to Mr. Novak about
7 providing a time line of what happened, in what order, in
8 order to better explain how the State of the Union came to
9 pass?

10 A. In this time frame?

11 Q. At any time frame.

12 A. I don't recall any such discussion. I certainly
13 don't recall it during this week when we were working
14 intensively on what Director Tenet would say in his statement
15 or National Security Advisor Rice, although it ended up being
16 a Director Tenet's statement. And I don't recall discussing
17 with him a time line. It's a sort of -- generally sort of
18 harmless subject that I guess I could have and not remember
19 but I can't recall it.

20 Q. Do you recall talking with anyone else in the
21 administration about your seeking to provide information for
22 a time line about the process by which the State of the Union
23 came about?

24 A. Oh, that could be. You mean someone in the
25 administration?

1 Q. Telling them that you -- whether you should do this
2 for Mr. Novak.

3 A. Oh. I don't, I don't recall discussing it with
4 regard to Mr. Novak. Somebody else's phone call to Mr. Novak
5 perhaps?

6 Q. No, I'm saying whether you discussed, whether you,
7 Mr. Libby, should give Mr. Novak an outline of a time line by
8 which the State of the Union was created?

9 A. I don't recall that, but you know, it, it -- I don't
10 recall it. It could be but I don't recall it.

11 Q. Let me show you what has been marked as Grand Jury
12 Exhibit 7. First, I'll ask you if you recognize the
13 handwriting on those notes?

14 A. It's not my handwriting. It, it might be Cathie
15 Martin's handwriting. It's, it's in that ball -- that type of
16 writing. I don't know for sure.

17 Q. You can assume for purposes of this that it is
18 Cathie Martin's handwriting.

19 A. Yes, sir, I will.

20 Q. And assuming that these are notes prior to July
21 14th, do you see the reference to Bill Harlow?

22 A. Yes, sir.

23 Q. And assuming there are notes from July 8th or prior,
24 "CIA and DCI talked to VP about it today." And then down
25 below, "Harlow, don't know anything on ambassador. We had

1 | stuff sensitive source," an arrow, and then what appears to be
2 | charge in Baghdad. You'll agree with me that charge is a
3 | French word for State Department-type person, ambassador
4 | official?

5 | A. Yes. That's a fair description, sir.

6 | Q. And then beneath that, "married to a CIA agent"?
7 | And I asked you -- looking at this, does this refresh your
8 | recollection as to whether or not Cathie Martin was discussing
9 | with you in periods prior to your conversation with Tim
10 | Russert the fact that the person who was involved in Iraq in
11 | this trip to Niger is married to a CIA person and whether or
12 | not it refreshes your recollection on whether or not that was
13 | brought to the Vice President's attention during that week
14 | prior to your conversation with Mr. Russert?

15 | A. It doesn't. May I finish reading the page?

16 | Q. Sure.

17 | (Long pause while witness reading.)

18 | A. Do you know what this word, "CIA --"

19 | Q. Folks? I would read it as folks.

20 | A. Folks? Orally -- bottom lines goes something in a
21 | report?

22 | Q. Goes out --

23 | A. "Goes out in a report." Quite right. It doesn't.

24 | I don't know about the "charge in Baghdad" line if that's what
25 | that is.

1 Q. Is it fair to say that Ambassador Wilson had been a
2 charge in Baghdad back in the first Gulf War and had attained
3 some fame for the fact that --

4 A. Yes, sir, that's right, yeah, that's correct.

5 Q. And looking at a "sensitive source" who reported
6 that Niger official had nothing to do with the report, arrow,
7 charge in Baghdad, married to a CIA agent?

8 A. Niger official had nothing to do with report. There
9 are a lot of Niger officials referred to in his piece. The
10 one time he refers to a Niger official sort of uniquely is
11 when the guy was saying that there was an attempt to purchase
12 uranium. But this does not -- I, I don't know when, if at
13 all, she communicated this to me, but it doesn't change my --
14 what I said to you before that. I don't recall any discussion
15 with Cathie prior to when I heard it from Russert, and my
16 recollection that I was surprised when I heard it from
17 Russert. That's -- this doesn't change my recollection on
18 that.

19 Q. Do you remember speaking with a reporter named
20 Judith Miller on July 8th?

21 A. Yes, sir, I do.

22 Q. And is she a reporter who had been imbedded with the
23 forces over in Iraq?

24 A. She was in Iraq. I don't recall if she was imbedded
25 or not, but she was in Iraq doing reporting in Iraq.

1 Q. And at the time in June of 2003 there was some
2 controversy in the press about whether or not her journalistic
3 credentials had been compromised by some people criticizing
4 that she was a mouthpiece of the administration, to put a
5 blunt word on it? I'm not saying that's true or not, but was
6 that criticism being made?

7 A. I don't recall. I don't recall that but I'll take
8 your word for it.

9 Q. Do you know if she did columns with her byline that
10 stopped appearing in June, July of 2003 for some time?

11 A. I don't really. I did not notice that.

12 Q. Do you know what occasioned your meeting with Judith
13 Miller on July 8th?

14 A. Yes, I believe I had met with Judith Miller once
15 before, or this was the first meeting, but I think she may
16 have come to my office once before. She's a very -- from my
17 point of view, responsible reporter who has had a long
18 interest in the biological warfare issue. She wrote a book
19 about it called "Germs" with another fellow, Steve Engleberg,
20 who I know. They had actually talked about me a little bit in
21 that book, but I had never met her. I talked to her, Steve
22 Engleberg, and so I wanted to meet her because I think
23 she's -- she cares about the issue and really tries to
24 understand what's going on with the biological threat, you
25 know, that the threat that someone would use a biological

1 agent to attack America or other places. And so I had wanted
2 to meet her.

3 In -- as we started to go through the week of July
4 7, after the Wilson report, the Vice President thought it was
5 very important that the NI -- what was in the NIE become known
6 publicly because the National Intelligence Estimate, the NIE,
7 came out in October of '02, as I mentioned earlier, six months
8 after Ambassador Wilson's trip and had concluded that Iraq had
9 tried to buy uranium from Niger, and this -- the NIE is the
10 consensus document of the committee, and this section of the
11 NIE is quite straight-forward, Iraq vigorously began trying to
12 procure uranium. So flat out statement which supports what
13 the President said in the end in the State of the Union. And
14 so we thought it was important that the NIE come out. There
15 was also another document, and I guess I need your guidance as
16 to whether I can talk about that document.

17 Q. Is it dated January 24th?

18 A. That's correct, yes.

19 Q. Just describe the January 24 document generically.

20 A. Okay. The January 24 document had the exact same
21 content as the NIE, word-for-word as the NIE, and also saying
22 that Iraq had vigorously begun trying to procure uranium from
23 Niger. And it listed a couple of examples, not just Niger but
24 two other examples. And one of the examples, as I recall, is
25 the 1999 delegation, or seems to be the 1999 delegation that

1 | went to Iraq that Ambassador Wilson himself told the CIA
2 | about, according to this cable.

3 | So both in October of 2002, and in January 24, three
4 | days before the State of the Union, the CIA in writing sent to
5 | the White House this consensus language which said Iraq had
6 | tried to buy uranium from Niger, the exact point that the
7 | President was making in the State of the Union. That's what
8 | the Vice President had seen. It's the only thing the Vice
9 | President had seen after the -- Wilson went out on his trip
10 | six months after, and that at least was the primary thing he
11 | had seen. I don't know of anything else. And it was pretty
12 | definitive against what Ambassador Wilson was saying, and
13 | that's the way Director Tenet reports it on July 11 when he
14 | issues his public statement. So we thought it was important
15 | that Judy Miller, or somebody, report this. Now, I was
16 | unaware that she was actually not writing in this period and
17 | the Vice President instructed me to go talk to Judy Miller, to
18 | lay this out for her. And I said, that's a problem, Mr. Vice
19 | President, because the NIE is a classified document. And the
20 | Vice President said that he would talk to the President and
21 | get the President's approval for us to use the document. I
22 | had previously spoken to our General Counsel, David Addington,
23 | and our General -- and ask our General Counsel, does the
24 | President have the ability if he wants to take any document
25 | and say it's declassified, go talk about it? And Mr.

1 Addington had told me, as our Counsel, that if the President
2 says to talk about a document to the press, or publicly, it is
3 declassified as of that moment, he has that power to do that,
4 and he cited a case to that effect. The first time he told me
5 the case name, I forgot it. But I made a note and talked to
6 the Vice President before July 8 and told him about this --
7 that I could talk to her about the NIE, but he would have to
8 get the President to declassify it in effect before I could
9 talk about it. Now, the NIE is -- becomes officially
10 declassified by the CIA and is actually disseminated publicly,
11 I think on July 18 or some time during that next week. But
12 this was in advance while they were still working that
13 process. The President came back to the Vice President and
14 said, yes, it would be okay, or I should go talk to somebody,
15 and I selected Judy Miller because I know her to be a
16 responsible reporter. It was, I guess, a poor choice if she
17 wasn't actually writing in that period. But that was my --
18 that was who I went to talk to.

19 The Vice President told me to talk to her. I
20 forgotten exactly what day. I did not accomplish it right
21 away. He came, he came back and said, you know, wait on that
22 a -- you know, a bit, and I waited. He then came back again
23 from meeting with the President and said, go ahead and talk
24 about it. And so I called Judy Miller up and went and had a
25 discussion with her.

1 Q. And just so we're clear and so the Grand Jury's
2 clear, to the extent I referenced that there were, there were
3 at least press reports indicating that she was not writing
4 under her byline and some people had criticized her for her
5 lack of objectivity, that's not all a statement that we're
6 either one, interested in determining her objectivity or
7 commenting on her credentials.

8 A. I understand.

9 Q. Here's my question now. When -- you indicated that
10 there was efforts to declassify the NIE. Correct?

11 A. Yes, sir.

12 Q. There was efforts at times to declassify the January
13 24th report as well?

14 A. The exact same content, so I don't, I don't know how
15 that technically works when it's the exact same content. But
16 the Vice President was of the view, and I was of the view,
17 that both documents should -- the public should have all of
18 the documents basically because they were all useful for the
19 public to have.

20 Q. And was there also an effort to declassify the
21 reports concerning the Wilson trip?

22 A. There's only one report that I knew of which was
23 the -- report, I guess I should say that the CIA had issued,
24 and yes, we also wanted that to be declassified. And I was
25 told that that was declassified by the CIA although I don't

1 know that he's ever actually -- they've ever actually issued
2 it.

3 Q. And when you had this conversation with Mr.
4 Addington, do you recall where that conversation took place
5 about the law of declassification?

6 A. I think actually it was in the corridor outside my
7 office the first time, although I'm not sure. I went back --
8 after he told me the fact and the case name, I later went back
9 to him to get the case name again, just to make sure he was
10 sure, and he gave me the case name and I wrote that down in my
11 notes also. Navy versus Egan, I think it is.

12 Q. Did you ever read the case?

13 A. I did subsequently.

14 Q. Did it appear to say what you thought Addington said
15 that it meant?

16 A. Within reason, yes, sir. But Addington is very
17 solid on these things.

18 Q. And just so we're clear, David Addington is the
19 General Counsel to the Office of Vice President? Correct?

20 A. Correct, sir.

21 Q. And does he have experience particularly in
22 intelligence matters?

23 A. Yes, he does, sir. He worked on the -- if I recall,
24 on the Intelligence Committee, and I think he was Counsel -- a
25 Counsel at the CIA at one point, and he was, I believe,

1 | General Counsel of the Defense Department at one point. So he
2 | has -- his specialty is national security law.

3 | Q. And can you recall what -- in your conversation with
4 | Mr. Addington about declassification, do you recall if you
5 | discussed any other topics with Mr. Addington at the time?

6 | A. Yes. I also discussed in that conversation or close
7 | to that conversation, the question of whether there was a
8 | contractual obligation for Mr. Wilson. You know, whether it
9 | was normal for somebody as an agent of the -- someone going
10 | out on a mission for the Agency to be able to just talk about
11 | the mission, which he had done, or whether there was some --
12 | you had to sign some agreement of some sort that you wouldn't
13 | be talking about it. And he told me that it takes all sorts
14 | of different forms.

15 | Q. And did you have a discussion with Mr. Addington in
16 | which the topic came up as to whether the President could
17 | declassify a matter if the Director of Central Intelligence
18 | decided not to do so?

19 | A. Mr. Addington said that the President has the
20 | absolute right to declassify whatever he wants to declassify.

21 | Q. And did the issue of whether or not he could in
22 | effect overrule the Director of Central Intelligence and
23 | declassify something come up?

24 | A. No, he never told me that that was a qualification
25 | on the President's right to declassify.

1 Q. And maybe you misunderstood me. I'm not saying
2 there is.

3 A. Oh.

4 Q. Did you ask him whether or not the President could
5 declassify, if the Director of Central Intelligence refused to
6 declassify?

7 A. I said, does the President have the right to
8 declassify no matter what? And he said, yes. That -- those
9 are not my words, but the point was, that the President had
10 the absolute right to, to declassify something if he wanted to
11 declassify something. Yes, sir.

12 Q. And did you have concerns during the week of July
13 7th as to whether or not the statement that Director Tenet
14 would ultimately issue, which came out on July 11th, would be
15 adequate to serve the interests of explaining the
16 administration's position?

17 A. Yes, sir.

18 Q. And did you -- and in light of those concerns were
19 you concerned about whether or not the July 11th statement, or
20 the Tenet statement, was inadequate, whether or not an effort
21 would be made to declassify more materials by going to the
22 President?

23 A. Could you repeat the question? I didn't get it
24 straight.

25 Q. Did you discuss with Mr. Addington whether or not it

1 | might be necessary to declassify additional materials beyond
2 | whatever George Tenet would put in his statement?

3 | A. No, we didn't discuss it in that context. At that
4 | point in the week it was my, my understanding that they
5 | were -- the CIA was looking at declassifying all of this
6 | stuff.

7 | Q. And do you recall the circumstances of your
8 | conversation with Mr. Addington? Was it something that was --
9 | you considered especially sensitive to discuss this with Mr.
10 | Addington?

11 | A. No, but it was -- he understood it to be a serious
12 | question that required him to give a correct and serious
13 | answer. But it was, it was not somehow -- it was nothing
14 | super-secret, as you said earlier, about it.

15 | Q. Do you know if you discussed it with him in a
16 | hallway or in an anti-room? Do you have a, do you have an
17 | office at the White House yourself?

18 | A. Yes.

19 | Q. Okay. What do you use as an office at the White
20 | House?

21 | A. I have an office, it's 236 or something. It's on
22 | the second floor. I have -- I have one in the West Wing, a
23 | very tiny little office, and I have a bigger office in the
24 | Executive Office Building.

25 | Q. And where did this conversation with Mr. Addington

1 take place?

2 A. I don't recall the -- where the first conversation
3 took place. The second one, when I went back to him to get
4 the case name again, I guess there were three in that sense.
5 The first time I raised it, and then he either answered me --
6 he answered me right there, I think. And then the
7 conversation where he gave me the case name was in the
8 corridor. But we had already discussed it. It was just that
9 I wanted to get the case name.

10 Q. Do you ever recall telling Mr. Addington to lower
11 his voice, or to shush, or not to speak too loudly about this?

12 A. Could be. No, I'm sorry, I don't, I don't recall
13 specifically telling Mr. Addington to lower his voice.

14 Q. You said it could be though. Do you have any
15 recollection of telling him --

16 A. Actually, he's not that loud spoken a guy, so -- but
17 I don't recall it.

18 Q. Now, getting back to your conversation with Judith
19 Miller, did you talk about Mr. Wilson with Judith Miller, and
20 his trip?

21 A. I don't recall specifically discussing about
22 Judith -- with Judith Miller about Mr. Wilson, but I did -- I
23 do recall specifically discussing the NIE and as it relates to
24 uranium, and therefore I'm pretty certain that I did discuss
25 Mr. Wilson's trip at the same time because of how it fits in.

1 I just don't recall the details of it in that way.

2 Q. And do you know if you discussed Mr. Wilson's wife
3 and her employment with Ms. Miller?

4 A. I do not believe I discussed Mrs. -- Mr. Wilson --
5 Ambassador Wilson's wife in this conversation with Ms. Miller.

6 Q. And is it also your testimony that your belief was
7 at the time of the Judith Miller conversation you did not
8 recall what you had learned about Wilson's wife working at the
9 CIA?

10 A. It is, sir. But I recall this was, this was a
11 couple days before I talked to Tim Russert and I recall being
12 surprised by what Tim Russert told me.

13 Q. And do you recall on July 9th, which would be the
14 Wednesday following the Novak, Novak -- Wilson Op-ed
15 appearing, do you recall a morning meeting that was chaired by
16 Stephen Hadley at the White House?

17 A. There are many -- I don't recall July 9th in that
18 sense. Could you give me more about the meeting?

19 Q. Do you recall that --

20 A. He chairs lots of meetings, I'm sorry.

21 Q. Do you recall a circumstance in which Mr. Hadley was
22 angry that some White House officials had evidently spoken to
23 Andrea Mitchell and to David Martin and he indicated that
24 George Tenet was very upset by what had appeared on the TV the
25 night before in terms of David Martin's broadcast and Andrea

1 Mitchell's broadcast?

2 A. Yes, sir, I do recall that.

3 Q. And do you recall him looking at Claire Buchan and
4 Cathie Martin during that conversation as if -- his belief
5 that they might be responsible?

6 A. It's -- I don't recall that, but it's possible.

7 Q. And do you recall -- was that the day following your
8 conversation with Andrea Mitchell? Had you spoken to Andrea
9 Mitchell and David Martin the day before Mr. Hadley expressed
10 his concern about their press coverage?

11 A. It could be. I don't know the dates. I did speak
12 to them. I don't remember the dates on which I spoke to them,
13 or, or what the details were.

14 Q. Do you remember when Mr. Hadley was angry about
15 people speaking to those reporters, if you recall sitting
16 there at the time thinking, I just spoke to those reporters?

17 A. That could be. Yes, sir. I, I do recall a
18 conversation like that. Yes, sir.

19 Q. Do you know if you told Stephen Hadley, the Deputy
20 National Security Advisor -- Deputy in charge of NSC, that you
21 had spoken to Andrea Mitchell or David Martin?

22 A. I don't recall if I told him. I don't, I don't know
23 that I told him.

24 Q. And do you recall whether or not Cathie Martin came
25 to the Vice President's Office and told him in your presence

1 that Stephen Hadley was angry and thought that she had been
2 the one speaking to the reporters, Mitchell and Martin?

3 A. I, I think I do recall that. Yes, sir.

4 Q. Okay. What do you remember about that?

5 A. About that, that she was -- that there was this
6 conversation, that Hadley was upset, reporting that
7 Secretary -- that Director Tenet was upset. This rings a bell
8 with me.

9 Q. And do you recall having to take any action as a
10 result of the fact that Hadley was upset with Claire Buchan or
11 with Cathie Martin?

12 A. No.

13 Q. Were either Claire Buchan or Cathie Martin excluded
14 from any contacts with the Agency that week?

15 A. Cathie Martin -- I don't know about Claire Buchan.
16 Cathie Martin was restricted from it -- I don't recall it
17 being for that reason, but the state -- the Tenet statement
18 became very close hold as it was being worked, and the boss
19 kept it very small.

20 Q. And do you recall on July 9th Steve Hadley
21 indicating at a meeting that we need to do something about
22 Wilson now, we need to discredit him?

23 A. To discredit him?

24 Q. Yes.

25 A. I don't recall that particular phrase, but I'd have

1 to look in my notes. I was at meetings, there were a lot of
2 meetings in that period and I'd have to check my notes.

3 Q. Forgetting whether the word "discredit" was used --

4 A. Uh-hum.

5 Q. -- do you recall the concept coming across from
6 Stephen Hadley that we need to do something about Wilson now,
7 or we need to discredit him, forgetting what words he used?

8 A. Yes, we definitely were interested in getting the
9 Tenet statement out to refute what Ambassador Wilson was
10 saying. So if you had said "discredit what he is saying,"
11 there was lots of effort to get a statement out to discredit
12 what he was saying. I just don't recall whether Steve Hadley
13 used, used words about discrediting him personally as opposed
14 to what he was saying. We were definitely trying to get out a
15 statement. As I say, there was a debate whether it would be
16 from Dr. Rice or from Director Tenet to discredit what he was
17 saying because the record was actually quite good that what he
18 was saying was not accurate, so we wanted to get that out.

19

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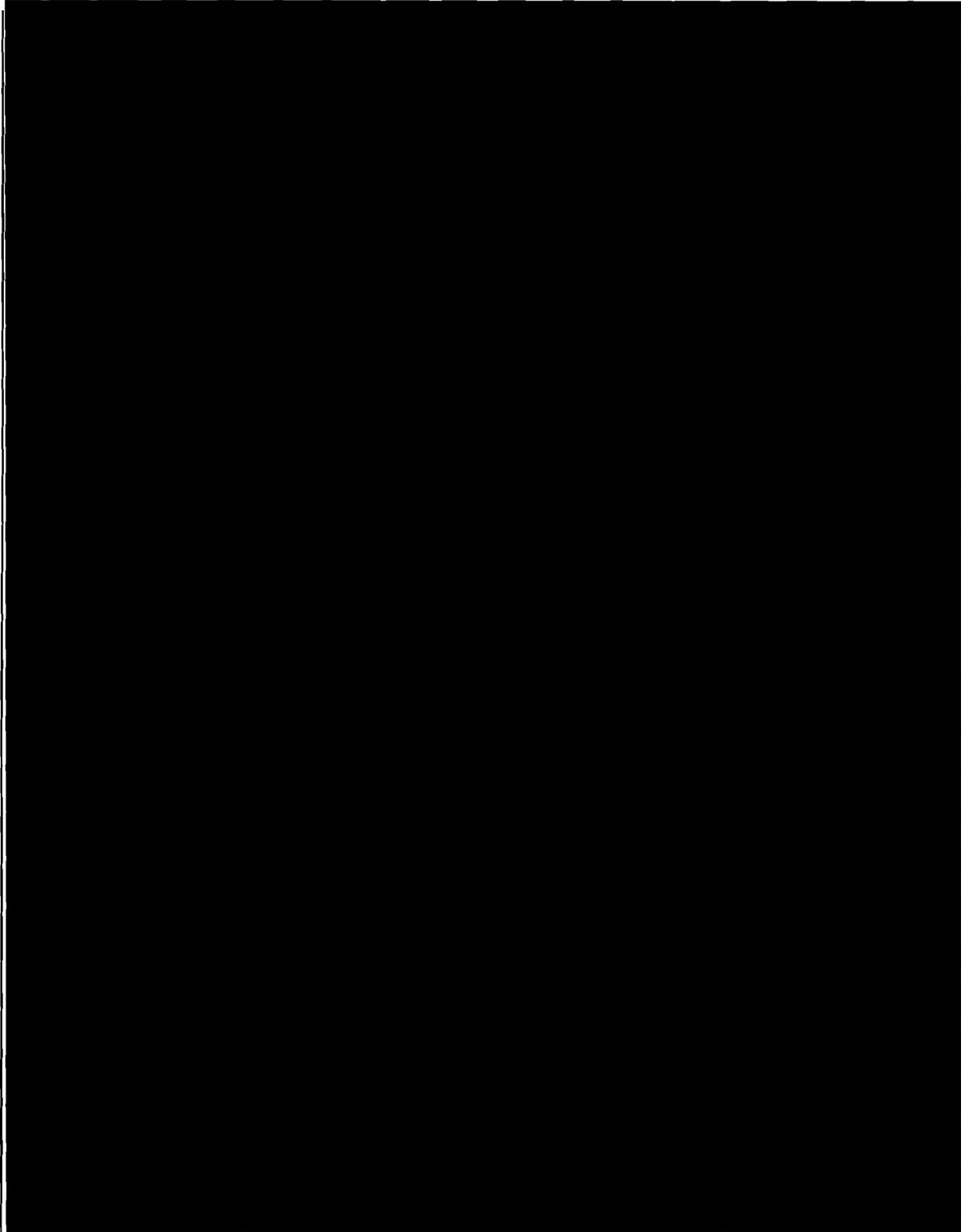
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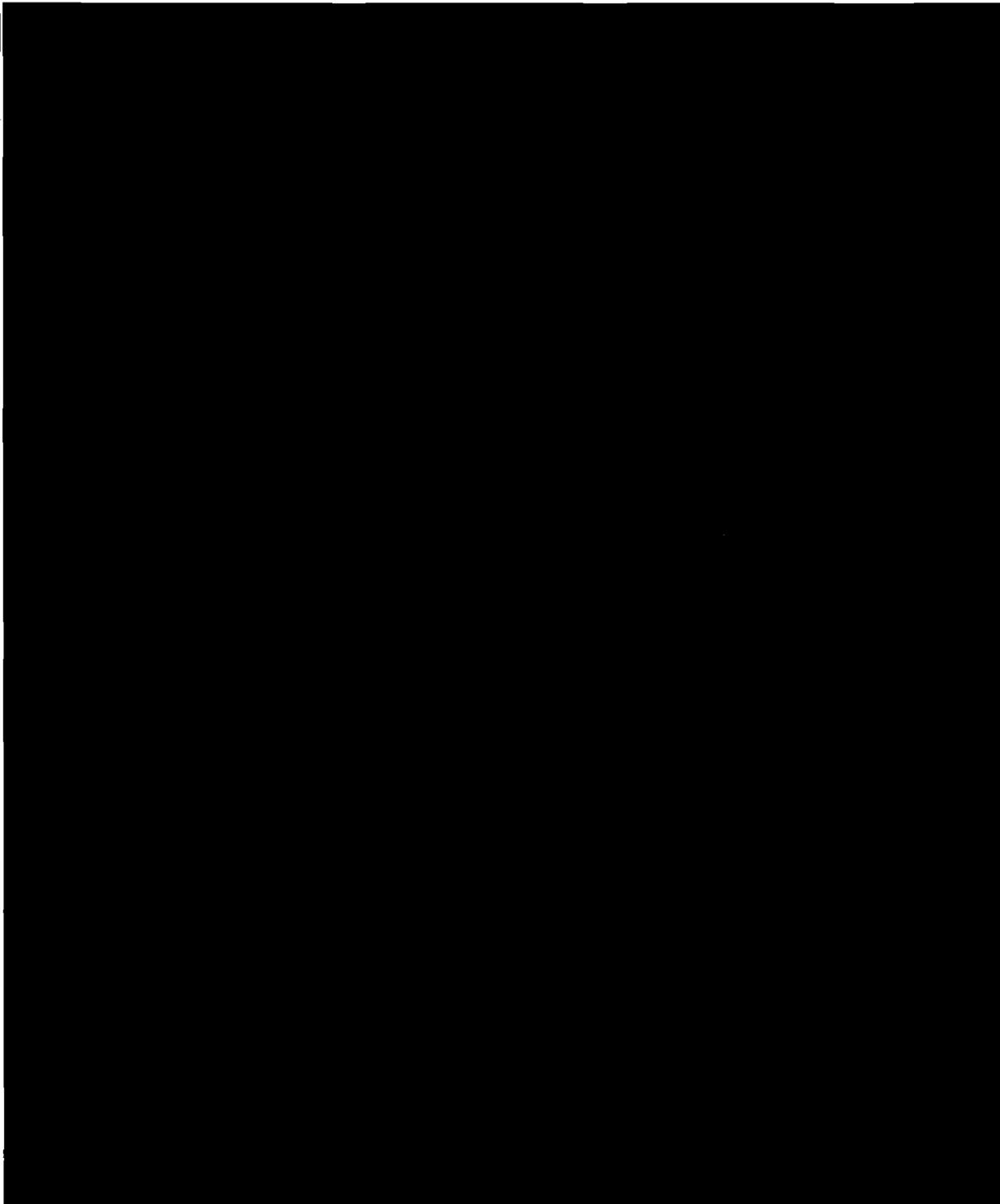
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MR. FITZGERALD. Let me show you what has been
Bates Stamped as 1747.

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1 MS. KEDIAN. This will be Exhibit 58.

2 BY MR. FITZGERALD:

3 Q. And we'll deem that an exhibit again, just to make
4 sure the classification level is correct.

5 A. Thank you, sir.

6 Q. And if you look down -- I'll point to you on the
7 page.

8 A. Yes, sir.

9 Q. Do you, do you see what appears -- is this your
10 handwriting?

11 A. Yes, sir, it is.

12 Q. Do you see --

13 A. Or most of it is. Some of it is not.

14 Q. -- senior staff?

15 A. Yes.

16 Q. That say, uranium story?

17 A. Yes.

18 Q. Can you -- why don't you just read that line across?

19 A. Uranium story is becoming a question of the
20 President's truthworthiness (sic). Lead all new. Probably,
21 "leads all the news" is what I was saying. It's turning to a
22 process story is what the thought was, I believe. And then it
23 has Mr. Rove at the senior staff meeting saying, "now they
24 have accepted Joe Wilson as credible expert?" "We're one day
25 late with getting CIA write response," I think that's what

1 | it --

2 | Q. Okay. Fair to say at the senior staff meeting,
3 | there was concern expressed that this is a question going to
4 | the trustworthiness of the President at this point?

5 | A. Yes, sir.

6 | Q. And there's a question here that's leading all the
7 | news, and Rove is complaining that Mr. Wilson is being taken
8 | as a credible expert?

9 | A. Yes, sir.

10 | Q. Fair to say that there was an effort to undermine
11 | his credibility as an expert?

12 | A. I don't know about that. My view was that we could
13 | get the facts out about what he had done, that would be more
14 | than sufficient because the record was very clear about what
15 | he had done and hadn't done, and that the CIA had not accepted
16 | what he had done as, as refuting the point. So I don't know
17 | that there was an effort to undermine him as a credible expert
18 | for what he did. But that --

19 | Q. Well, in the effort to undermine the story were
20 | people going around saying, let's undermine his story but
21 | let's be very careful not to hurt him?

22 | A. I never heard that.

23 | Q. And is it fair to say that there was a considerable
24 | degree of frustration at this point -- we're now in day --
25 | this is, I believe, July --

1 MS. KEDIAN. I think it's the 8th --

2 MR. FITZGERALD. -- the 8th --

3 MS. KEDIAN. -- I believe.

4 BY MR. FITZGERALD:

5 Q. -- or the second day in on that week --

6 A. Yes, sir.

7 Q. -- two days of the Wilson story out there, Rove says
8 we're a day late in getting responses to the story. This is
9 going right to the President's trustworthiness and people want
10 to set the President's record straight.

11 A. Yes, sir.

12 Q. Now, do you recall an effort being made to push back
13 against Wilson's credibility that week?

14 A. Yes, I recall the effort being made to get -- we
15 made a lot of effort that week to get the CIA Director or Dr.
16 Rice -- as I say, it was initially not clear how it would be
17 done, to issue a statement which would set the record straight
18 about what Ambassador Wilson had said, and what he had found
19 and not found, and the Agency had not found it to disprove the
20 President's statement, and in fact found it to support the
21 President's statement. The irony to all this was that if you
22 read Ambassador -- when the CIA read Ambassador Wilson's
23 cable, they thought the first part of it, as Director Tenet
24 made clear at the end of the week, didn't disprove much at
25 all. The first part of Ambassador Wilson's cable, he had --

1 the cable about what he had said -- Ambassador Wilson had gone
2 to the government of Niger and said, I'm going to tell the
3 United States government what you tell me. Did you in effect
4 sell uranium to the number one enemy of America in the world
5 which might use it to make an atomic bomb that might be used
6 to threaten America? And a Nigerian official said, why no, we
7 didn't do that. And I think the CIA found, as Director Tenet
8 said on the 11th, that there's only so much credibility you
9 can add to that because it would be amazing if they said, yes,
10 we did do that.

11 The second part of what Ambassador Wilson's report
12 said was that in fact a delegation had come from Iraq to talk
13 to the Nigerians, Nigerians, I think it's pronounced, as -- to
14 see if they would sell uranium to Iraq or that's how the Niger
15 official interpreted it. So, in fact, his cable was not taken
16 by the CIA to disprove that Iraq had gone, as Director Tenet
17 himself says on July 11th when he finally issues his
18 statement. And in fact, there was evidence in the cable,
19 which was directly contrary to what Ambassador Wilson was
20 saying he had -- to telling America he had found which was
21 there was no attempt to procure uranium. And so if you could
22 just get that story out, maybe said better than I just said
23 it, it would be pretty clear that Ambassador -- what
24 Ambassador Wilson was saying didn't hold water in that he
25 hadn't disproved it and his report wasn't definitive, and the

1 CIA had considered it and had still, six months later, issued
2 an NIE, highest level of intelligence they have, which said
3 Iraq did not try to procure uranium. So there was a strong
4 attempt by us to get that -- get those facts out.

5 Q. Is it fair to say though that the sound bite you
6 took away from Karl Rove is they're now accepting Joe Wilson
7 as a credible expert? Correct?

8 A. Yes, sir.

9 Q. And is it fair to say that many would think that if
10 Joe Wilson were hired because of nepotism, because of a
11 contact he had at the Agency, that might undermine his
12 credibility as an expert?

13 A. Some people may have taken it that way. That was
14 never -- what I took out of it, the wife working there,
15 Ambassador Wilson's wife working there, because what he did he
16 was perfectly competent to do. What he did was he went and he
17 sat down with the people from Niger and said, hi, I'm here,
18 I'm going to talk to the United States government, as he says
19 in an article, he sat down and had tea with them and asked
20 them what they had done or hadn't done, and ambassadors do
21 that all the time. So I thought he was very competent to do
22 that mission.

23 Q. Sir, are you telling us under oath that you never
24 thought that Mr. Wilson was hired because of nepotism?

25 A. I didn't know why he was hired and I did not know at

1 | this point, I think I had forgotten exactly how he came -- or
2 | I don't think I knew how he came to be hired at this point. I
3 | think that came out with the Rove report. What I, what I had
4 | known but forgotten at that point was that his wife worked at
5 | the division, but I didn't know at that point that his wife
6 | had anything to do with hiring him as far as I can recall.
7 | And on this day, July 8, as I've, as I've tried to make clear,
8 | the best of my recollection is that I was surprised when I
9 | learned from Russert that his wife worked there. So I think I
10 | had forgotten it. That's what I, what I think. But the,
11 | the -- I'm sorry.

12 | Q. I just want to talk -- I'm, I'm focused on what you
13 | thought of Mr. Wilson and not something else.

14 | A. Yes, sir.

15 | Q. And you're clear in your mind that you weren't
16 | telling Ari Fleischer over lunch the day or two before that
17 | look, here's some information that's hush-hush or on the q.t.,
18 | Wilson's wife works at the CIA?

19 | A. I'm, I'm -- I don't recall discussing that with,
20 | with Ari Fleischer at lunch. I'm sorry, I just don't recall
21 | it. Sorry to keep saying this. But all I recall is that I, I
22 | recall being surprised on the 10th when I spoke to Tim
23 | Russert.

24 | Q. And we'll, we'll get to that conversation in a
25 | moment.

1 A. Yes, sir. Can I just say one more thing about this
2 note? These are short -- my shorthand notes. It, it doesn't
3 mean it's exactly what he said. He probably spoke in some
4 greater length. This is just what I took down as a flavor of
5 it to relay back to my boss, to the Vice President.

6 MR. FITZGERALD. Let me show you a document Bates
7 Stamped 2906 from, I believe, July 10th, and I believe they're
8 your notes, but I'll show them to you to check. The originals
9 if you have them.

10 MS. KEDIAN. The originals, sure.

11 MR. FITZGERALD. I can find it.

12 BY MR. FITZGERALD:

13 Q. Looking at what we'll deem marked as Grand Jury
14 Exhibit No. --

15 MS. KEDIAN. Fifty-eight (sic).

16 BY MR. FITZGERALD:

17 Q. -- 58, those are your notes from July 10th?

18 A. Yes, sir.

19 Q. Does that indicate --

20 MS. KEDIAN. Excuse me, 59.

21 BY MR. FITZGERALD:

22 Q. -- 59. Does that indicate a meeting between you,
23 the Vice President and Stephen Hadley?

24 A. Yes, sir.

25 Q. And then down below, is that an attribution, the

1 first one, to Stephen Hadley?

2 A. Yes, sir.

3 Q. And then "SH", and then it has a colon, and it has
4 "MCL". Is that referring to McLaughlin?

5 A. Yes, sir.

6 Q. And is that Hadley quoting Deputy Director of
7 Central Intelligence John McLaughlin?

8 A. Yes, sir.

9 Q. Colon, quoted GT. Is that McLaughlin quoting George
10 Tenet?

11 A. Yes, sir.

12 Q. Okay. So is it fair to say that you're with the
13 Vice President --

14 A. Yes.

15 Q. -- and Stephen Hadley?

16 A. Yes.

17 Q. Hadley is reporting back to you guys what McLaughlin
18 is saying that George Tenet is saying?

19 A. Full credit, sir.

20 Q. Okay. And then during this time you guys are trying
21 to get Tenet to make a good statement that will sort of take
22 this issue out and restore the President's credibility?

23 A. Absolutely, sir.

24 Q. Fairly tense time?

25 A. Yes, sir.

1 Q. Okay. Now, it says, "Wilson is declassified"?

2 A. Yes, sir.

3 Q. Is that to you an indication that the report on
4 Wilson was declassified?

5 A. Yes, sir.

6 Q. And then what does the next sentence say?

7 A. "We haven't started to declassify NIE." And then
8 Steve Hadley started to say something which I didn't have time
9 to write down.

10 Q. And the next attribution is that Hadley quoting
11 Condi Rice?

12 A. Yes, sir.

13 Q. Okay. And what does that say?

14 A. "Spoke to President, he's comfortable."

15 Q. And does that indicate despite the stress of the
16 time that the President is okay with -- so far with how things
17 are going?

18 A. It's not clear to me what. There's a space missing
19 there --

20 Q. Okay.

21 A. -- and I probably didn't write something down. I
22 left a space to go back and I probably never got -- I never
23 got back to it. So -- these things look sort of like a
24 transcript but they're not really because there could be long
25 moments when I don't write anything down. So she was saying

1 the President was comfortable about something, but I don't
2 know what the antecedent was to --

3 Q. And the next line?

4 A. Says -- this is Steve Hadley saying, no question,
5 it's better if we leak the NIE.

6 Q. What does that mean?

7 A. Steve Hadley is saying that it would be better if we
8 got the NIE out, and "leak" means telling it to -- giving it
9 to a reporter to say, you know, here's something you can write
10 about. It's like an exclusive or something like that.

11 Q. And had the NIE been declassified at that point?

12 A. It had in the sense that the President had told me
13 to go out and use it with Judith Miller. I don't, I don't
14 know that Mr. Hadley knew that at that point.

15 Q. Okay. And did anyone decide to leak the NIE that
16 week?

17 A. Well, the President had told me to use it and
18 declassified it for me to use with Judith Miller. I don't
19 think Mr. Hadley was told to go out and talk about it. I
20 think Ms. Rice had talked about the NIE in general earlier in
21 the week on television.

22 Q. And so --

23 A. Well, some time. I'm not sure when it was.

24 Q. -- so prior to July 10th you had talked to Judith
25 Miller about the NIE?

1 A. Correct, sir.

2 Q. And your understanding is that even though it was a
3 classified document the President had authorized you to talk
4 to her about it?

5 A. Definitely, sir.

6 Q. And then -- and do you know if anyone decided to
7 share the NIE -- did you tell Mr. Hadley at the time that you
8 had already in effect leaked the NIE by -- with the
9 President's approval by telling -- Judith Miller?

10 A. I -- yeah, I don't know if it's leaking once it's
11 declassified and you're told to do it. I had talked to Judith
12 Miller about the NIE at the President's, you know, at, at the
13 President's approval relayed to me through the Vice President,
14 and I did not tell Mr. Hadley at that time.

15 Q. And was there any reason why you didn't tell Mr.
16 Hadley that you had told Ms. Miller about the NIE?

17 A. I was sitting with the Vice President. The Vice
18 President knew it and chose not to tell Mr. Hadley and so I
19 didn't change what he had done.

20 Q. Now --

21 A. And then there's a comment below it from the, from
22 the Vice President.

23 Q. Yes?

24 A. Should I read that for you?

25 Q. Sure.

1 A. He says, "anything less than full and complete
2 disclosure is a serious mistake." And Steve Hadley says, "I
3 will -- I told that to George Tenet." So the Vice President
4 is pushing it. He does on a number of these things, get all
5 of this stuff out. Let's have every -- it's a good story,
6 tell it all, get all these documents out to the public.

7 Q. Okay. And I'll deem this marked, and we'll take
8 back custody of it. Fair to say that you went through the
9 notes and there's a number of times where the Vice President
10 during that week has said you need to get everything out?

11 A. Yes, sir.

12 Q. Tell the whole story. The whole truth has to get
13 out. Anything less than that is a big mistake?

14 A. Yes, sir. That's exactly what we wanted to do.

15 Q. And that was a constant thing that week?

16 A. Yes, sir.

17 Q. And the Vice President, to be, to be blunt, was
18 frustrated that it wasn't all getting out there and it wasn't
19 sort of putting the story to rest, and he was sort of getting
20 ticked off that we needed to resolve this issue?

21 A. I'm not sure I would use the word "ticked off", but
22 he was frustrated. Yes, sir, that's a fair, fair statement.
23 And this -- the statement from Director Tenet was supposed to
24 come out -- first it was going to be, I think, Tuesday night,
25 and then it was going to be Wednesday night. It took a long

1 time to get this statement out. It was useful when it did
2 come out, but it took too long to get it out. People were
3 saying, you know, "get it out".

4 Q. Now, tell me about the circumstances of your
5 conversation with Mr. Russert.

6 A. Chris Matthews, who is an NBC correspondent, had
7 been -- has a TV show at night, and he is a rather outspoken
8 fellow. And he was saying on this television show that the
9 Vice President sent Joe Wilson out on this mission, that the
10 Vice President got a report back from Joe Wilson on this
11 mission, that the Vice President therefore knew that the
12 uranium report was false and should have stopped the President
13 from putting it in the State of the Union. And I believe he
14 said it both on the night of the 8th, the night of the 9th,
15 and he was saying this even though the White House Spokesman
16 had come out, the Office of the Vice President had come out
17 and the CIA spokesman had come out, all of them had come out
18 on the public record and said, the Vice President did not ask
19 for this mission, he did not get a report back, the report
20 wasn't definitive and the intelligence was actually the other
21 effect. So Mr. Matthews was saying these things on national
22 television, ignoring the public record, and not even referring
23 to the public record. It would be one thing if he says, now,
24 the White House has denied this, and the CIA has denied it,
25 and the Office of the Vice President has denied it, but I'm

1 | telling you nonetheless that the Vice President asked for this
2 | report, but he wasn't doing it. He was just saying flat out
3 | that, that the Vice President had known this, and should have
4 | told the President. Otherwise -- and me also, me by name.
5 | And so this was frustrating to us and we wanted to get him to
6 | acknowledge that the public record was other than he was -- as
7 | he was saying. This wasn't the first time Chris Matthews had
8 | said something negative about, about the White House, and I
9 | had prior discussions about this with Mary Matalin who was for
10 | the first two years, as I mentioned, lo these many hours ago,
11 | had worked for the Vice President as our communications
12 | person. And so I called Mary to find out what she thought we
13 | could effectively do to try and get Mr. Matthews to
14 | acknowledge the public record and to stop saying these things
15 | in such an unqualified and incorrect fashion. I reached Mary
16 | by phone and she had her own view of where we were and relayed
17 | to me in depth her view of where we were. And -- but also in
18 | the course of it said, look, the thing for you to do is to
19 | call Tim Russert and she gave me his phone number which I
20 | wrote on my notes which I turned over to you guys. And so I
21 | called Tim Russert. Want me to continue?

22 | Q. Yes. Actually, before we -- yes, continue.

23 | A. Okay. So I called Tim Russert. I can't recall
24 | whether I got him on the phone right away or whether he had to
25 | call me back. When I eventually spoke to him -- this note

1 with Mary Matalin is dated on the 10th, and I think I called
2 Mr. Russert sort of lateish on the 10th, either late afternoon
3 or early evening and went through -- I, I got him on the
4 phone, we had some -- we have mutual friends in common, I'd
5 known him a little bit over the years, and then I, I didn't
6 want to take up much of his time, and I turned to our issues.
7 And I said, I had two things that were bothering me. One is
8 that some things that Andrea Mitchell was saying, and I think
9 that may have been the comment on the 8th that we referred to
10 before, but it might have been something earlier, but I said
11 that, I'm not really calling you tonight about what Andrea
12 Mitchell is saying. I'm calling you about what Chris Matthews
13 is saying. And then I ran through for him what it was that
14 Chris Matthews was saying and why it was wrong and on the
15 public record wrong. That it seemed to me good reporting, he
16 at least had to say that the White House has denied this, the
17 CIA has denied this, the Vice President's office has denied
18 this. And Mr. Russert said -- after he got the facts about
19 it, I am unclear, I apologize but I'm unclear as to whether he
20 then said, I'll have to call you back, but I think he said,
21 I'll have to call you back. And I think then there was a
22 delay and then a second phone call with Mr. Russert. What I'm
23 about to tell you is either in the second phone call, or if
24 there was one phone call it was in the first phone call, I
25 just don't recall. I -- my sense of it is that there was a

1 | delay, a sort of longish delay which I was uncomfortable with.
2 | I think the second phone call was on the -- that there was a
3 | second phone call and it was on the 11th because it was a long
4 | delay. In any case, it was longer than I anticipated it would
5 | be for him to get back to me is my recollection. In any case,
6 | one of these two times we had a fuller conversation in which
7 | he told me, you know, he understood what I was saying, that
8 | there wasn't much he could do about what Chris Matthews was
9 | saying. He understood that it was not complete given that the
10 | public record was the other way. And then he said, you know,
11 | did you know that this -- excuse me, did you know that
12 | Ambassador Wilson's wife works at the CIA? And I was a little
13 | taken aback by that. I remember being taken aback by it. And
14 | I said -- he may have said a little more but that was -- he
15 | said that. And I said, no, I don't know that. And I said,
16 | no, I don't know that intentionally because I didn't want him
17 | to take anything I was saying as in any way confirming what he
18 | had said, because at that point in time I did not recall that
19 | I had ever known this, and I thought this is something that he
20 | was telling me that I was first learning. And so I said, no,
21 | I don't know that because I want to be very careful not to
22 | confirm it for him, so that he didn't take my statement as
23 | confirmation for him.

24 | Now, I had said earlier in the conversation, which I
25 | omitted to tell you, that this -- you know, as always, Tim,

1 our discussion is off-the-record if that's okay with you, and
2 he said, that's fine.

3 So then he said -- I said -- he said, sorry -- he,
4 Mr. Russert said to me, did you know that Ambassador Wilson's
5 wife, or his wife, works at the CIA? And I said, no, I don't
6 know that. And then he said, yeah -- yes, all the reporters
7 know it. And I said, again, I don't know that. I just wanted
8 to be clear that I wasn't confirming anything for him on this.
9 And you know, I was struck by what he was saying in that he
10 thought it was an important fact, but I didn't ask him anymore
11 about it because I didn't want to be digging in on him, and he
12 then moved on and we finished the conversation, something like
13 that.

14 Q. How did the -- just focusing on your complaint about
15 Chris Matthews' coverage, how was that resolved in --

16 A. Oh, it was -- sorry.

17 Q. -- the second conversation, if there was a second
18 conversation, or the latter part of a long conversation?

19 A. He said, you know, there's nothing I can really do,
20 you're going to have to talk to his producer. And so in
21 short, I struck out trying to get Mr. Russert to intercede.
22 As the Bureau Chief for NBC News I was hoping he would
23 intercede with Chris Matthews and say, you know, this isn't
24 right, and this is NBC, you know, we have our standards and
25 you shouldn't say these things if there's public denials on

1 the record. You should at least report them and I was hoping
2 he would intercede with Mr. Matthews and get him to hopefully
3 stop saying it at all, but at least put out our denials, the
4 White House, and the CIA's, and the Vice President's denials,
5 but he was unwilling or unable. In any case, he didn't do
6 that. He said we should call his producer.

7 Q. And I assume when you said his producer, you mean
8 Chris Matthews' producer?

9 A. Yes, thank you, sir, yes.

10 Q. And did he give you the name of the producer?

11 A. He did, yes.

12 Q. Do you remember what the -- the producer's name?

13 A. I have a note somewhere. I think it's Shapiro, I
14 think.

15 Q. Did you actually call the producer?

16 A. Not that night, no, sir.

17 Q. Okay. What happened? Did you eventually call the
18 producer?

19 A. I think -- I did not. I think we asked someone from
20 the White House Press shop who knew the producer to call the
21 producer.

22 Q. And do you know who that person was from the Press
23 shop that called --

24 A. I think it was Adam Levine we asked to call.

25 Q. And did he achieve success, Mr. Levine?

1 A. No, I don't think he did. This conversation, as I
2 recall it, was as I say, was late the 10th or I think more
3 likely the 11th. The 11th was the day that George Tenet's
4 statement came out and I had some, turns out vain hope, that
5 when Director Tenet came out and said Vice President Cheney
6 didn't know about this report, we didn't circulate a report to
7 him, the CIA on its own initiative was the one who asked for
8 the mission, and that the report that we got back from
9 Ambassador Wilson was not definitive, and in fact that there
10 was evidence in the report that Iraq had sought uranium from
11 Niger. I thought all those facts, I was hoping, would temper
12 what Mr. Matthews was saying. I think the very -- that was on
13 Friday night. The following Monday night he was still saying
14 the same thing, and so I think -- against what we hoped. So
15 on Tuesday, I think, we spoke to Mr. Levine and asked him to
16 call, but I don't think we had any luck.

17 GRAND JUROR. Mr. Fitzgerald, just five minutes, if
18 we could stand up and stretch a little bit?

19 MR. FITZGERALD. Okay, sure.

20 GRAND JUROR. Okay?

21 MR. FITZGERALD. Can it be two minutes? Just a --

22 GRAND JUROR. Two? Okay. Two and a half, five?

23 MR. FITZGERALD. I mean, do you need five minutes
24 to stretch or do you mean, in five minutes to stretch --

25 GRAND JUROR. Well, can we stretch now for five

1 minutes?

2 MR. FITZGERALD. Sure.

3 GRAND JUROR. Okay. A little water, whatever.

4 MR. FITZGERALD. Okay. If you could just step out
5 and we'll step out for five minutes.

6 (Whereupon, the witness was excused at 3:29 p.m.)

7 (Whereupon, the witness was recalled at 3:40 p.m.)

8 GRAND JUROR. I just want to remind you, Mr. Libby,
9 that you're still under oath.

10 BY MR. FITZGERALD:

11 Q. 2907, and --

12 A. Thank you.

13 Q. No problem.

14 MS. KEDIAN. Exhibit 60.

15 BY MR. FITZGERALD:

16 Q. And again, we'll deem that as an exhibit, and if we
17 need to -- deem it marked as an exhibit. If we need to place
18 it before the Grand Jury, we'll verify that all the sections
19 are appropriate.

20 A. Yes, sir.

21 Q. Is that -- are those are your notes from July 10th
22 and a telephone conversation you had with Mary Matalin?

23 A. They are indeed, sir.

24 Q. Okay. And you mentioned earlier that she had given
25 you Russert's telephone number. Would that be listed at the

1 top of the page?

2 A. Yes, sir.

3 Q. And what's under MM, is that the time of the call?

4 A. No, I think that says not, 6:15 to 7:15. And I
5 think what she's telling me -- she's telling me not to call
6 somebody between 6:15 and 7:15. I think it's actually
7 probably Russert that she's telling me not to call in that
8 period. And if that's the case, I wrote it in the wrong
9 place, but that's what I think it is. It might be her but --

10 Q. Okay. And below that does it say, re Niger, Niger -

11 -

12 A. Yes.

13 Q. -- and go broad?

14 A. Yes.

15 Q. There was other evidence --

16 A. No, I'm sorry, other countries.

17 Q. Countries?

18 A. Yes.

19 Q. And is that H is a bad guy? Is it Hussein?

20 A. Yes.

21 Q. Does it say something -- well, why don't you just
22 read that sentence?

23 A. Yes. It says, "go broad, there were other
24 countries, Saddam Hussein is a bad guy, this is feeding into
25 the Democrats' case that Bush's credible -- credibility

1 something, keep saying our story." And she says, "we need
2 someone who can sum it up, Tenet-like" If I can editorialize
3 for a second?

4 Q. Sure.

5 A. She, she did not know at this point that we were
6 working on the Tenet statement very hard trying to get a Tenet
7 statement out, and I don't tell her in this conversation, I
8 don't believe. So she's saying, we've got to get somebody out
9 there and while she's saying that we're struggling mightily to
10 get this statement out, but I didn't tell her that because I
11 didn't know if I was supposed to, as I recall.

12 Q. If you could skip to the first box --

13 A. Yes, sir.

14 Q. -- and just transliterate what's there?

15 A. She says -- this is Mary Matalin again saying, "get
16 the New York Times, Sanger or someone, to expose Wilson's
17 story, give it to them."

18 Q. And the next box?

19 A. "Story has legs. Fits the Democrats theory for the
20 campaign," similar to what she said above, "will not go away,"
21 the Democrats and then something that doesn't -- I didn't
22 finish.

23 Q. And then the next sentence?

24 A. "Need to address Wilson motivation."

25 Q. And the next sentence?

1 A. "We need to get cable out declassified, President
2 should wave his wand." This is referring to the notion that
3 he could declassify anything he wants, if he says so, that's
4 what she means by wave -- he should wave his wand, meaning he
5 should use his power to declassify anything.

6 Q. And the next sentence?

7 A. "Call Tim. He hates Chris." That refers to Chris
8 Matthews. "He needs to know it all. He needs to know the
9 whole story and that Chris Matthews is not getting it right."
10 This is in relation to my request to her which is what spurred
11 the phone call. How do we get Chris Matthews to stop saying
12 these things without at least reporting our denials and
13 preferably just stop saying these things because they're
14 wrong?

15 Q. And then there's two parentheticals down below, one
16 and two. Could you read what one says?

17 A. One says, [REDACTED]

18 Q. And the second one?

19 A. The second one says, "consider judgment of the
20 intelligence community was that they," meaning the Iraqis were
21 looking -- I didn't finish it, but for uranium is what it's
22 saying.

23 Q. Okay.

24 A. And then it says, "eventually it will come out."
25 That all this stuff will come out, we need to get it out.

1 Q. So Matalin's advice is, let's get the Wilson story
2 out there, we need to address his motivation, Tim needs to
3 know it all, and part of that she says that [REDACTED] ?

4 A. Yes, she's, she's colorful.

5 Q. And I'll take that -- we'll take that back as marked
6 but not before the Grand Jury until a later time.

7 Now, in your conversation -- and as you sat there do
8 you recall whether or not when you spoke to Mary Matalin you
9 knew that Wilson's wife worked at the CIA?

10 A. As I -- this was before my call with Tim Russert and
11 at the time of that conversation I don't believe that I knew
12 that his wife worked at the CIA. Of course, I had written
13 those notes a month earlier or so, but I had forgotten them,
14 as best I recall.

15 Q. And if Mr. Grossman had told you about that as well,
16 you did not remember that conversation when you spoke on this
17 date with Ms. Matalin?

18 A. Correct.

19 Q. And if you had discussed this with the Vice
20 President earlier in the week, you did not remember discussing
21 that at the time of this conversation?

22 A. Correct, sir.

23 Q. And Mr. -- if you had discussed this with Mr.
24 Fleischer over lunch you did not remember that fact at the
25 time of this conversation?

1 A. As best I recall, when I had this conversation, I
2 didn't recall that fact. The reason I believe that is because
3 of my conversation later that night with Tim Russert.

4 Q. And when you --

5 A. Or the next day with Tim Russert. Whenever he
6 said --

7 Q. And the, the relevant conversation with Tim Russert
8 where you tell us that he told you about Wilson's wife, you're
9 clear that that happened either the 10th or the 11th?

10 A. Yes, I believe it was in, in the Chris Matthews'
11 phone call. The notes with Mary show that I was talking to
12 her on the 10th and looking to call Russert later that day.
13 And as I say, I think it was in a second phone call that it
14 happened, so it would have been the 10th or the 11th. Yes,
15 sir.

16 Q. You had testified before the break that there was
17 one call and maybe a second call to follow up, although
18 perhaps it could have been a single call with, with Russert on
19 the 10th or 11th?

20 A. Yes, sir.

21 Q. And then a later call after the 14th to complain
22 again?

23 A. To -- not to Russert but --

24 Q. Okay.

25 A. -- yes.

1 Q. Spoke to his producer, not to Russert?

2 A. That's when, I think, Adam Levine, at our request,
3 may have called Chris Matthews' producer. Yes, sir.

4 Q. Okay. You did not talk to Russert again about --

5 A. No, sir.

6 Q. -- the Wilson matter after these one or two calls on
7 the 10th and 11th of July?

8 A. To the best of my recollection, no, sir.

9 Q. Now, when you called Mr. Russert, were you calling
10 him as a source?

11 A. No, I was off-the-record. I was trying to get his
12 help to intercede with Chris Matthews.

13 Q. And you were calling him in his capacity as a Bureau
14 Chief, as a supervisor, not as much as a reporter?

15 A. I was calling him as a person who might have
16 influence on Chris Matthews. In my sense he had some
17 responsibilities as a Bureau Chief. Yes, sir.

18 Q. When you met with Pincus before the June 12th
19 article, you were going to him as a reporter to give him the
20 administration's point of view. Correct?

21 A. Yes, sir.

22 Q. When you met with Judith Miller on July 8th you went
23 to her as an administration official talking to a reporter to
24 give her the background of the full story?

25 A. Correct, sir.

1 Q. When you called Russert, were you calling him as
2 manager or as a reporter?

3 A. I was not trying to get him to write a story. I was
4 trying to get him to exercise influence on Chris Matthews. I
5 don't know technically whether he is the manager of Chris
6 Matthews, but he's got a lot of -- he's a respected figure in
7 the news industry and I thought moral persuasion from Tim
8 Matthews -- from Tim Russert would have some influence but he
9 chose not to exercise it as far as I can tell.

10 Q. And when he told you the name of the producer you
11 recall that might have been the name Shapiro that you had to
12 call, do you know if you wrote it down?

13 A. I don't know if I wrote it down. There is a sheet
14 where I have that name written down. I'm not sure whether
15 it's the sheet -- a sheet I had when I was talking to Tim
16 Russert. I might have just remembered it at that point. I
17 did at some point write down that name and -- but whether it
18 was with Russert or not, I don't know, sir.

19 Q. Okay. Now, when he told you -- and, and what's your
20 best recollection of the words Russert used concerning
21 Wilson's wife, what he said?

22 A. Did you know that his wife, or Ambassador Wilson's
23 wife, Wilson's wife, whatever he said, did you know that his
24 wife works at the CIA?

25 Q. And you said?

1 A. No, I don't know that.

2 Q. And his response?

3 A. Yeah, all the -- something like yes, yeah, all the
4 reporters know it.

5 Q. And your response?

6 A. No, I don't know that. I wanted to be clear that I
7 wasn't confirming anything.

8 Q. And why were you so concerned that you didn't
9 confirm anything to Mr. Russert about something you weren't
10 providing him?

11 A. I just -- because sometimes reporters will call you
12 with something that you don't know and try and get you to
13 confirm it. Sometimes reporters will call you and try to get
14 you to confirm something. You may or may not know what
15 they're calling you with is true or not. For example, before
16 the President took a trip to the Azores before the Iraq war
17 there were rumors among the press that he was going to go to
18 the Azores and some reporters called me and said, "hey, we
19 hear the President's going to the Azores, doesn't that mean
20 everything's falling apart?" And I had to be very careful in
21 talking to them to say, I can't -- I don't know anything about
22 whether he's going to the Azores, I'm not confirming anything
23 about whether he's going to the Azores, that sort of thing. I
24 wanted to make sure that they didn't play off what I said to
25 be, you know, confirmation they could then go out and print

1 something, and I didn't want him thinking any -- that I was in
2 any way confirming something about the wife because at the
3 time I didn't know it.

4 Q. And at the time did you think there was anything
5 sensitive about whether his wife worked at the CIA that you
6 wanted to make sure that you weren't a confirming source for
7 that fact?

8 A. Not sensitive in the sense of a classified factor or
9 anything. I didn't know it. I didn't -- I had forgotten what
10 I knew, and I didn't know if it was true or false or anything.
11 I didn't want to be a confirmation of that.

12 Q. And as you sit here today, do you have a specific
13 recollection of remembering that you had forgotten that you
14 knew that Wilson's wife worked at the CIA?

15 A. As I sit here today I have a specific recollection
16 that I was surprised when Tim Russert said it, and I thought
17 during that conversation -- when I said, "I don't know," I
18 thought I was actually being truthful. I was being truthful,
19 I didn't know as I sat there.

20 Q. And again, if Marc Grossman had told you in the past
21 that Wilson's wife worked at the CIA, your testimony is you
22 had forgotten that as of the time you spoke to Tim Russert on
23 July 10th or 11th? Is that correct?

24 A. Correct, sir.

25 Q. And it's your testimony that to the extent that the

1 notes show that you had a conversation where Vice President
2 Cheney, had told you some time prior to the Pincus article
3 that Wilson's wife worked in the functional office of
4 Counterproliferation, that you had forgotten that as of the
5 time of the July 10th or 11th conversation? Correct?

6 A. Yes, sir.

7 Q. And as you sit here today if Cathie Martin had
8 discussed with you prior to July 10th that Wilson's wife had
9 worked at the CIA, your testimony is that you had forgotten
10 that fact by the time you spoke to Tim Russert on July 10th.
11 Correct?

12 A. I'm sorry, repeat that one again.

13 Q. If, if Cathie Martin had told you about Wilson's
14 wife working at the CIA prior to July 10th, it's your
15 testimony that you had forgotten that fact when you spoke to
16 Tim Russert on July 10th?

17 A. My testimony is I don't remember Cathie doing that,
18 and I was surprised on July 10. I don't mean to say that if
19 she told me, that I forgot it in those two days, I just don't
20 recall her telling me that at all. And -- yes.

21 Q. And it's your testimony that if you had discussed
22 Wilson's wife with Ari Fleischer over lunch that Monday, July
23 7th, that you did not recall it at the time that you spoke to
24 Tim Russert on July 10th or 11th?

25 A. My recollection is that I was surprised when Tim

1 Russert told me this fact, and told me that all the reporters
2 knew that. And from that I think I wasn't knowledgeable about
3 it earlier in the week, just because I didn't remember it when
4 he told me on July 10th and those were only a few days
5 earlier. And that's just -- that is what I -- what left, what
6 left the impression with me was when Russert said it, and I
7 don't recall those earlier, those earlier conversations.

8 Q. And what did you do after -- and did Russert tell
9 you who the reporters were, any of the reporters were, who
10 were saying that Wilson's wife worked at the CIA?

11 A. No. No, sir.

12 Q. And did you check with the Press Office to tell
13 people, hey, have you guys heard what all the press are
14 saying, that Wilson's wife works at the CIA?

15 A. No, sir.

16 Q. Had anyone told you from the Press Office that we've
17 been getting calls from the press calling up to find out if
18 Wilson's wife works at the CIA?

19 A. I don't recall any discussion with the Press Office
20 about that.

21 Q. And what did you do as a result of the fact that
22 Russert told you something that you believed, you believed at
23 the time was new to you, the fact that Wilson's wife worked at
24 the CIA?

25 A. I don't believe I really did much of anything, but

1 | there were subsequent events that I can describe for you if
2 | you wish.

3 | Q. Did you tell the Vice President about Russert
4 | informing you this curious fact that Wilson's wife worked at
5 | the CIA?

6 | A. I don't recall if I told the Vice President at that
7 | time what had been told to me. I'm not sure if I saw him at
8 | that time and had a chance to tell him. I don't, I don't
9 | recall telling him at that time.

10 | Q. What's the next conversation you recall where you
11 | discussed Wilson's wife's employment with anyone?

12 | A. On what I believe to be the 11th, so I think later
13 | the same day I heard from Tim Russert. We were still waiting
14 | for Director Tenet's statement to come out and that was
15 | holding us up from getting our story out because once, once
16 | Director Tenet's statement came out we would have on the
17 | record that the Vice President hadn't asked for the mission,
18 | and didn't get the reports, etcetera, etcetera, so we were
19 | waiting for Director Tenet's statement to get out and it was
20 | still taking shape even as we went through the day of the
21 | 11th.

22 | Towards the end of the day I went to see Karl Rove
23 | to tell him where I thought we were on getting Director
24 | Tenet's statement out which would be a very useful thing that
25 | we were all waiting to get out. And I went up to Karl Rove's

1 office and told him about where we were on Director Tenet's
2 statement, that I thought we were going to get some useful
3 stuff out of Director Tenet's statement, I wasn't sure that we
4 were going to get everything that we would have wanted out of
5 Director Tenet's statement. And during this conversation Karl
6 Rove said to me that he had had a conversation with Bob, Bob
7 Novak. And I thought that -- my sense was that it was recent,
8 although I didn't -- I don't know what gave me quite that
9 sense. And he told me that Bob Novak had told him that -- Bob
10 Novak had told -- Karl Rove told me that Bob Novak had told
11 Karl Rove that he was going to be writing about Ambassador
12 Wilson, my sense was that weekend, and that he had run into
13 Ambassador Wilson in the Green Room. A Green Room is, in
14 case, like me -- you know, if people don't know what that is,
15 is the room that people sit in when they're waiting to go out
16 on a television show, like the Chris Matthews show. They give
17 you fruit and coffee and you sit there waiting for your turn
18 to go on the air. And Karl Rove told me that Bob Novak had
19 run into Ambassador Wilson in a Green Room at some point and,
20 you know, had a bad taste in his mouth after running into
21 Ambassador Wilson. I've forgotten exactly what it was, but
22 somehow Ambassador Wilson sort of turned him off. And that he
23 also -- that, that Bob Novak had concerns as to how Ambassador
24 Wilson came to be chosen for this mission because Ambassador
25 Wilson, in Novak's view, as related to me from what Karl had

1 taken away from his phone call, Ambassador Wilson had -- might
2 not be a fair and impartial reporter of all this, might have
3 an axe to grind. And then the third thing that Karl told me
4 was that Novak had told Karl that Ambassador Wilson's wife
5 worked at the CIA. So this was confirmation of a sort, from
6 what I had heard from Tim Russert that all the reporters know
7 that Ambassador Wilson's wife works at the CIA. This was on
8 the 11th, as I understand it.

9 I told Karl that I had heard from Tim Russert that
10 Ambassador -- the same thing, that the ambassador's wife works
11 at the CIA and that, that he -- that Karl -- that Tim Russert
12 had told me that all the reporters know this. I don't
13 remember the exact order of this conversation, but that's the
14 sum and substance of what, of what we talked about with regard
15 to that.

16 Q. First of all, do you know where the conversation
17 took place?

18 A. Karl Rove's office.

19 Q. And if July 6th was a Sunday, so the 9th would be a
20 Wednesday, the 10th is a Thursday and the 11th a Friday --

21 A. Correct.

22 Q. -- do you know which day of the week it was, which
23 day or date?

24 A. It was after my conversation with Tim Russert, so I
25 believe it was on the 11th, but I'm not -- it was certainly

1 after my conversation with Russert on the 10th. I believe it
2 was on the 11th.

3 Q. And whatever day it was, you recall it being in the
4 evening?

5 A. I tend to believe it was late in the day but, you
6 know, in the West Wing everything feels like evening. There
7 are not a lot of windows and I just don't -- I don't recall
8 for sure. What I recall is being towards the end of the day
9 because I had a pretty good sense of where Director Tenet's
10 statement was coming out, but it wasn't yet out, but I had a
11 feeling that, you know, we're not going to get everything that
12 we'd hoped to get.

13 Q. Whatever -- it was either after the -- it could be
14 afternoon or evening but it wasn't the morning as far as you
15 recall?

16 A. I don't. This is pushing my memory, sir, but I
17 don't, I don't think -- my sense was it was later in the day,
18 but I don't have anything --

19 Q. And did you tell Karl Rove how you had responded to
20 Tim Russert when he told you the fact that Wilson's -- that he
21 believed that Wilson's wife worked at the CIA?

22 A. I don't -- you mean, when I said that I don't know?
23 I don't think so, I don't know, I don't think so.

24 Q. Did Karl Rove tell you what, if anything, he had
25 said to Mr. Novak when Mr. Novak told him that he believed

1 Wilson's wife worked at the CIA?

2 A. No, Karl, you know, was animated that -- Rove was
3 animated that Novak was animated about this. Novak's got a
4 thing about this, he's writing about it sort of thing. He
5 didn't tell me what he said back to Mr. Novak.

6 Q. Did he tell you one way or the other whether he told
7 Novak, I know that too, or I didn't know that?

8 A. No, he didn't say anything like that.

9 Q. And what was Karl's reaction to the information and
10 the fact that Mr. Novak was writing a column?

11 A. That Mr. Novak was -- I'm sorry, sir?

12 Q. Was writing a column about this?

13 A. He didn't give me a -- it was a fact. Novak's going
14 to write about it.

15 Q. You had been sort of beaten up all week, the
16 administration, both the President and the Vice President,
17 about all the allegations stemming from the Wilson story. Was
18 there a sense of relief that finally somebody is going to
19 write something that will sort of respond to this?

20 A. He didn't use any words about that. He didn't seem
21 distressed that he was writing about it. I think he thought
22 it was a good thing that somebody was writing about it. But
23 it was more body language and the tone in which he said things
24 rather than any words he used, as I recall. And the more
25 important thing to me was that the Tenet statement was about

1 to come out, and the Tenet statement was going to have, you
2 know, directly on the facts rebut the things that Ambassador
3 Wilson had been saying.

4 Q. And were you pleased that a story was coming out
5 that weekend or thereafter about Wilson's background?

6 A. It didn't seem to me to be a key element, as key as
7 the Tenet statement. I was really focused on the fact that
8 the Tenet statement -- I hoped it would be a little better
9 than it looked like it was going to be, but I was -- it was
10 good enough, I thought, and I was eager to see it come out.
11 Unfortunately, it still wasn't out when I talked to him, which
12 as I say, I think was afternoon, and I was afraid that by the
13 time it came out it would miss the evening news. Now, there's
14 a timing to these things. If things don't come out at a
15 certain time of day you end up just getting in the overnight
16 newspapers. The overnight newspapers would be the Saturday
17 papers which are probably the least attended to papers of the
18 week. And so the timing was -- it was great to get the Tenet
19 statement out but it looked like it might actually miss the
20 evening news that night and we were eager to get it out, get
21 the truth out.

22 Q. Putting the Tenet statement aside, were you happy
23 that Mr. Novak was going to write a column responding to Mr.
24 Wilson's allegations?

25 A. Well, I didn't know what Mr. -- I didn't know what

1 Mr. Novak was going to say in his column, so if he said the
2 right things, I'd be happy about it. I was glad somebody
3 would be out there saying -- if he was going to address the
4 merits. There were plenty of merits at this point including
5 that we had all denied that the Vice President had sent him
6 out. If that was in the column, that would be good. The
7 stuff about the Green Room, I didn't see how that would, you
8 know, I -- if, if, if Mr. Novak wrote a column which basically
9 went at it the way Karl was saying, which is to go after the
10 arguments about, you know, why did they pick this guy, I
11 actually thought that would be something of a distraction
12 because the real argument was here, was not so much why they
13 picked him, it was the facts were clear that we didn't ask for
14 it, no report came back to us. The report that came back, the
15 NIE, and the January 24 document, were clear that Iraq was not
16 seeking uranium from Niger. So there was no need to get dancy
17 on this point and come around the sides. The straight ahead,
18 here's what the facts are would be the better story. That's
19 what I most wanted to come out.

20 Q. But sir, if people are saying the Vice President
21 sent Wilson to Niger, and he didn't, isn't it fair to say the
22 logical common man on the street question is, well, if the
23 Vice President didn't send him, who did?

24 A. Yes.

25 Q. And if the story comes out, it's his wife who sent

1 | him, doesn't that make it more powerful an argument to say
2 | see, we told you Mr. Cheney had nothing to do with it?

3 | A. If it came out that way, but I don't think I knew at
4 | that point that it was his wife who sent him. All I knew is
5 | his wife worked at the CIA. Thousands of people work at the
6 | CIA. The, the point about it was his wife who suggested it, I
7 | don't think I knew until the 14th when the column appeared.

8 | Q. And what was it --

9 | A. If you had told me that, if somebody said, yes, it
10 | was going to be clear in the column that it wasn't us, that it
11 | was the CIA who sent him, that would have been a good fact.
12 | Yes, sir.

13 | Q. What occasioned you and Mr. Rove to talk about the
14 | fact that the two reporters knew that Wilson's wife worked at
15 | the CIA?

16 | A. Well, as I say, I came up to his office to tell him
17 | about the Tenet statement. That the Tenet statement was about
18 | to come out, you know, it was something we were waiting for.
19 | You know, it was in our interest to get that statement out to
20 | the press, the statement might come out too late for the
21 | evening news and it might be some need to try and get the
22 | statement out over the weekend to make sure people paid
23 | attention to it, so I went up to talk to him about that. And
24 | it was in that context that, that we talked about this
25 | other --

1 Q. And did you know if you told Rove about whether or
2 not Mr. Novak had called you that week?

3 A. I don't, I don't -- no, I did not tell Mr. Rove that
4 I had -- Mr. Novak had called me that week. I don't know that
5 I had spoken to Mr. Novak that week and, you know, my
6 recollection is hazy on when I spoke to him, but I'm still
7 sort of persuaded by my note that I didn't talk to him until
8 later, but I don't know.

9 Q. And did you talk to Andrea Mitchell during this time
10 frame about Wilson and his wife?

11 A. I talked to Andrea Mitchell some time after I spoke
12 to Tim Russert. I don't know exactly when it was other than
13 it was after I spoke to Mr. Russert. I noticed later that NBC
14 put out a statement about Andrea Mitchell and said that, that
15 whoever she spoke to about this, she spoke to after the 14th.
16 But I don't know -- I don't recall when I spoke to her.

17 Q. When you did speak to Andrea Mitchell, do you recall
18 discussing Wilson's wife with her?

19 A. What I recall for sure is an awkward moment in that
20 I was talking to her about all this, and I remember sort of
21 being concerned about talking to her about the wife because
22 Tim Russert had told me about it, and he had said all the
23 reporters know. And as I was talking to her, I realized that
24 I didn't know if Andrea Mitchell knew, and if Andrea Mitchell
25 didn't know and I told her that, that I had heard this, and

1 she asked me where it was, I didn't want to lie to her and I
2 didn't want to tell her -- it's a little bit convoluted -- I
3 didn't want to tell her that Tim Russert had told me it if in
4 fact Tim Russert had not told her because I didn't want to get
5 her mad at Tim Russert for not having shared something with
6 her that he had shared it with me, and that's what I most
7 recall about it. I may have gone on to talk to her about --
8 that part I don't really recall -- but I recall this sort of
9 dilemma about, about --

10 Q. So do you know whether or not you discussed Wilson's
11 wife with her?

12 A. I don't recall whether I discussed Wilson's wife
13 with her. I -- but I -- what I recall is this dilemma about
14 not wanting to, to get her mad at Tim Russert and therefore
15 get Tim Russert mad at me.

16 Q. So -- and let me make sure I understand this. So
17 either you talked about it with her and you were worried as
18 you talked about with her that you may reveal to her that Tim
19 Russert had told you, or you didn't discuss it but you had the
20 concern as the conversation was going that if it came up you
21 might reveal that Tim Russert had told you?

22 A. Correct. I had the concern, yes, that's correct.

23 Q. Now, would that in your mind fix the conversation
24 with Andrea Mitchell before July 14th when Novak's column
25 would have printed that Wilson's wife worked at the CIA?

1 A. No, I don't, I don't know when it was. It was some
2 time after Russert, I'm sure of that. It may have been, it
3 may have been before the 14th. The only thing that fixes is
4 the NBC statement that Andrea Mitchell didn't talk about this
5 until after the 14th. But I don't, I don't know.

6 Q. Well, if Novak had already published in the
7 newspaper that Wilson's wife worked at the CIA, why would you
8 be concerned that you might tip her hand that you knew
9 something?

10 A. I was afraid that she might ask me, you know, is
11 this true, or when did you learn this, or something like that,
12 that's all.

13 Q. And why couldn't you just tell her, I can't comment?

14 A. I could, but I don't usually like to obfuscate in
15 that way, but I, I could. I just was concerned about --

16 Q. Let me see if I have this correct. You don't know
17 whether the Mitchell conversation was before or after the
18 Novak column, but you know it was after the Russert
19 conversation?

20 A. Correct, sir.

21 Q. And you don't know whether you discussed --

22 A. I know it was after -- I'm sorry. I know it was
23 after the Russert conversation because I remember having this
24 dilemma about what I talked about with Tim Russert.

25 Q. And do you remember thinking about the dilemma, that

1 you're concerned that you may reveal to Ms. Mitchell that
2 Russert told you what reporters know about Wilson's wife?

3 A. That's, that's what stuck in my mind. Yes, sir.

4 Q. And, and as you sit here today you don't know
5 whether you discussed Wilson's wife with Ms. Mitchell?

6 A. I, I don't recall whether I discussed it with her or
7 not. What I recall for sure was this dilemma about it.
8 That's what I recall.

9 Q. And as you sit here today you're obviously saying
10 that as of that time you didn't recall learning this fact from
11 the Vice President even though that it had happened earlier.
12 Correct?

13 A. Correct. Yes, sir.

14 Q. And you don't recall any conversation with either
15 Grossman, or Fleischer, or Cathie Martin concerning Wilson's
16 wife. Correct?

17 A. Correct.

18 Q. But you do recall having a thought during a
19 conversation with Andrea Mitchell that if this comes up, it
20 could put me in an awkward position because I learned this
21 from Russert and not from any of those people that I may or
22 may not have talked to. Correct?

23 A. Correct.

24 Q. Now, did there come a time when you took a trip on
25 Air Force Two on July 12th?

1 A. Yes, sir.

2 Q. And was that for the purpose of going down to the
3 christening of the USS Ronald Reagan?

4 A. Yes, sir.

5 Q. And were you accompanied on that trip by your
6 family?

7 A. Yes, sir.

8 Q. And was it your son's birthday?

9 A. Right, sir.

10 Q. And at that time were there -- reporters had been
11 calling about various stories during those few days?

12 A. Yes.

13 Q. And was there an outstanding request by a reporter
14 named Matthew Cooper?

15 A. Yes, sir.

16 Q. And is he with Time magazine?

17 A. Yes, sir.

18 Q. And were there other reporters who had made
19 outstanding requests at that time?

20 A. Yes, sir. Most of these go to Cathie Martin, but
21 there were a number of calls in during this period that she
22 would know about. Often when reporters call for me, they
23 get -- my assistant will just refer them directly -- either
24 take a message and refer them to Cathie Martin, or refer them
25 directly to Cathie Martin so that they can -- she can deal

1 with it. And I think I was not talking to any press, or
2 generally not talking to press in that period until we could
3 get the Tenet statement out. So there, there were -- my
4 impression was that Cathie had a number of calls. The Time
5 magazine one that she wanted to address.

6 Q. And you recall that the 12th was a Saturday.
7 Correct?

8 A. Correct.

9 Q. And is it fair to say that on Air Force Two flying
10 down that you sat up front with the Vice President and your
11 family on the trip down to the USS Reagan?

12 A. No, sir. I sat with my family on the flight.

13 Q. Okay. And did you do any work on the way down?

14 A. My recollection is no, we did not do work on the way
15 down.

16 Q. And you didn't do any work other than being there at
17 the christening of the Reagan?

18 A. Correct, sir.

19 Q. On the way back did you address -- on the return
20 flight on Air Force Two, begin to address how to respond to
21 Mr. Cooper and others?

22 A. Yes, sir. Either on the return flight or actually
23 when we had landed at the return, but it was in that period.

24 Q. And did you have a conversation with Cathie Martin
25 about what it was that Cooper wanted to know?

1 A. Yes, sir.

2 Q. Okay. Do you recall reviewing an e-mail that came
3 from Mr. Cooper raising certain questions?

4 A. I recall that there was an e-mail. Yes, sir.

5 Q. And did you -- and when you, when you discussed this
6 with Cathie Martin is it fair to say that you were in a part
7 of the plane away from the Vice President?

8 A. Yes, I, I think so, sir.

9 Q. And -- copy of the e-mail -- did there come a time
10 when you went forward to see the -- let me just show you the
11 e-mail first. Well, we'll come back to the e-mail.

12 Did there come a time you went forward to talk to
13 the Vice President about how to respond to Mr. Cooper from the
14 Post?

15 A. Yes, sir.

16 Q. Okay. And did you go forward with Cathie Martin or
17 alone?

18 A. I don't recall. I think I was alone but I don't
19 recall. She may have been with me.

20 Q. And did you discuss with the Vice President what it
21 was that you were to say to the press?

22 A. Yes, sir. It was actually just a -- to give a
23 fuller answer to your question one or two ago, I went forward
24 to talk to the Vice President about what we were going to do
25 about getting the Tenet statement out, answering the Time --

1 | the questions from Time. But it was more -- it was broader
2 | than just the Time magazine questions. It was the whole issue
3 | of now the Tenet statement was out, what would we do?

4 | Q. And did you have a discussion with the Vice
5 | President about what would be said to the press, in what
6 | language, and who would be the person to say it?

7 | A. Yes, sir.

8 | Q. And what do you recall the Vice President telling
9 | you?

10 | A. Vice President was -- dictated to me what he wanted
11 | me to say to the press. He specifically said he wanted me to
12 | make the statement on-the-record to Time magazine because he
13 | wanted it, he wanted it, he wanted it to draw -- he wanted it
14 | to get some attention. And he felt if I put my name on it, it
15 | would get more attention than just a senior administration
16 | official, or however else they wrote it up. So he dictated
17 | things for me to say and he instructed me to say it -- with
18 | Time magazine, to give it basically word-for-word quote that
19 | he dictated, some background material that he wanted me to
20 | use, and for me -- with regard to the quote to use my name,
21 | which I don't usually do.

22 | Q. And did you actually write down word-for-word what
23 | it is that he wanted you to say?

24 | A. I did, sir, on a card that I turned over to you all.

25 | MR. FITZGERALD. Okay. Why don't we jump to that.

1 MS. KEDIAN. Okay.

2 MR. FITZGERALD. That's Bates 2892 and 2893, the
3 originals. Sorry about that. We can come back to e-mail if
4 we need to but --

5 BY MR. FITZGERALD:

6 Q. And before we get to the text of it, did the Vice
7 President indicate who should actually speak to the reporters,
8 as between you and the press people?

9 A. Yes, he wanted me to do it, is that what you mean?
10 Yes, he wanted, he wanted the press people, meaning Cathie
11 Martin?

12 Q. Yes.

13 A. He wanted me to do it.

14 Q. And why did he want you to speak to the reporters as
15 opposed to Cathie Martin using your name?

16 A. Well, usually when you give a -- you could give a
17 statement from Cathie Martin to me, but he wanted me to give
18 the statement. He wanted to make sure it was done exactly
19 correctly and he wanted me to give it in name, and so I
20 called -- so I was the one who called.

21 Q. And is it fair to say that sometimes you would have
22 a press person give an exact statement, a quote, in your name
23 if you write it out and say, call a reporter, here's what I
24 have to say, and attribute it to my name?

25 A. Yes, they could, but in this case he wanted to not

1 just a direct on-the-record statement but also some points on
2 deep background and background, as we discussed earlier today,
3 and those there was no direct text for. That was something
4 you would have to talk your way through and he wanted me to do
5 that.

6 Q. Okay. And do you recall what he told you to say on
7 background and deep background?

8 A. It's in the notes. But my recollection was that he
9 wanted me to say -- first, he had a long direct quote. On
10 background, deep background, he wanted me to talk about the --
11 what was in the NIE, I think, that Director Tenet had now
12 talked about on the record. It would be faster if I looked at
13 the --

14 Q. Yes, why don't you take a look at the notes.

15 A. Thank you. Thank you.

16 Q. If we could focus on the back of 2893.

17 MS. KEDIAN. It's a different number for him.

18 MR. FITZGERALD. Oh, I'm sorry. The back of the
19 card.

20 WITNESS. Yes, sir. Where it says deep background?

21 MR. FITZGERALD. Yes, well --

22 MS. KEDIAN. It's 1734.

23 BY MR. FITZGERALD:

24 Q. I'm sorry, the first page. Was there a reference
25 here crossed out --

- 1 A. Magazine --
- 2 Q. -- deny, deny Wilson, VP --
- 3 A. -- VP link.
- 4 Q. -- link --
- 5 A. Yes.
- 6 Q. -- and then on record?
- 7 A. Yes. In other words, if I could explain? The top
- 8 part of this page are notes that I had made to talk about with
- 9 him when I got some time with him, which would -- on the way
- 10 back or on the ground, and I had written down the magazines as
- 11 a reference to Time and Newsweek. Time -- both Time and
- 12 Newsweek had calls into us. And the question that I was
- 13 writing down, does he want us to deny the VP/Wilson link on
- 14 the record. Does he want me to, you know, do you want to do
- 15 it on the record either in his name, my name or Cathie's name
- 16 or somebody's name? And we covered that point and I crossed
- 17 out the line. And then he dictated what he wanted us to say.
- 18 Q. Okay. And then the dictation on the first page of
- 19 this card has on the record on the left column?
- 20 A. Yes, that's correct.
- 21 Q. And if we could turn to the other side of the
- 22 column -- card, if you could transliterate what this card
- 23 says?
- 24 A. Under deep background, sir, or the whole thing?
- 25 Q. The whole thing.

1 A. VP was maybe unaware of Joe Wilson trip and didn't
2 know about it until this year when it became public after the
3 State of the Union.

4 Q. And what was the part that was crossed out? You
5 said, did not know anything?

6 A. Did not know anything, right. He, he got more
7 specific.

8 Q. And then if you could read what it says under deep
9 background?

10 A. Only written record of Wilson trip included a
11 statement that the former Prime Minister of Niger was saying
12 that he had been approached by the Iraqi officials in what he
13 believed to be an official -- to be an effort to acquire
14 uranium in 1999. That's the point from the second part of the
15 Wilson cable, and he thought on deep background I should make
16 sure that people understood that.

17 Q. Okay. And the next bullet point?

18 A. He didn't see this until recently. That he saw the
19 NIE last fall, which I, meaning the Vice President, took to be
20 authoritative. This is all stuff to say on deep background.

21 Q. And then the next reference?

22 A. Deep background, as an administration official as
23 opposed to, I guess, deep background, a senior administration
24 official. That I should give a straight report on the NIE
25 which was covered in -- also covered in Tenet's statement and

1 not Report said -- oh, that the NIE said that the -- it was
2 the NIE, not the, not the Wilson report, I guess, that said
3 that Iraq had begun to vigorously pursue trying to procure
4 uranium. So that I think there was some ambiguity in the
5 Tenet statement. He wanted it very clear that it was the NIE
6 six months after Wilson's trip where the CIA and the
7 intelligence community was saying affirmatively that they had
8 tried to procure uranium, and that's what he had taken to be
9 authoritative.

10 Q. Okay. And at this point do you know if you talked
11 to Vice President Cheney about the 12th about the conversation
12 you believe you had on the 11th, perhaps the 10th, with Mr.
13 Russert, and then later with Mr. Rove where reporters were
14 indicating that Wilson's wife worked for the CIA?

15 A. I don't recall. It's not on my list here of things
16 to raise with him that day. I don't recall if I talked about
17 it to him the previous night.

18 Q. And you recall discussing with Rove, but you don't
19 recall whether you discussed it with the Vice President?

20 A. Correct. I recall with Rove in part because of the
21 Novak bit that he had done. I don't recall whether I
22 discussed it with the Vice President. I'm not sure if I -- I
23 don't know that I saw him in, in that sort of a setting after
24 my discussion with Rove because my discussion with Rove may
25 have been later in the day, and I had no private time with him

1 in the morning, and then I went into this. So I don't, I
2 don't recall.

3 Q. And to the extent that it was written out pretty
4 much verbatim what your statement would be on the record.
5 Correct?

6 Q. Yes, sir.

7 Q. And it's written out verbatim what your statement
8 would be on deep background. Correct?

9 A. Just about. Yes, sir.

10 Q. And why couldn't you allow Cathie Martin, the press
11 person, to make the calls and attribute the statement to you?

12 A. I did what he told me to, sir. He said he wanted me
13 to make the call. He was concerned that he wanted it done
14 right. He said, I want you to make the calls. Cathie Martin
15 went with me and sat with me and listened to me as I made the
16 call to Cooper, but he wanted me to make the call, I didn't
17 fight it. He said me make the call, I made the call.

18 Q. Did you get the sense that he had any concerns about
19 whether she could handle this correctly?

20 A. I think he felt he had more confidence in me making
21 this call, especially when it got into this stuff about the
22 NIE, which I was more familiar with than Cathie. He had
23 confidence that I would be able to get it out --

24 Q. And --

25 A. -- in a better fashion.

1 Q. -- tell us about the calls you made to the, to the
2 press.

3 A. We went into a lounge at -- we were on the airplane
4 and we needed a land line phone or, you know, a phone where we
5 could have a good connection. So we went into the lounge at
6 Andrews Air Force Base, and we found a phone that we could
7 use. And we sat down to make the phone calls, we being Jenny
8 Mayfield, my assistant; Cathie Martin; and I. And we tried to
9 call three or four reporters at that point. Matthew Cooper
10 from Time Magazine; Evan Thomas, who had calls into us from
11 Newsweek magazine; Glen Kessler from the Washington Post; and
12 later I talked to Judith Miller. I think we tried her then
13 but I'm not sure if we didn't try her later. And I wanted
14 to -- you know, it was a Saturday, everybody had spent the
15 whole day doing this commissioning ceremony and I wanted to
16 get everybody out of there, so we tried to place all the calls
17 right there from Andrews while we were all together. We were
18 unable to reach Glen Kessler at first. Well, we did reach him
19 shortly thereafter. We were unable to reach Evan Thomas at
20 all for a while but we did reach him later. And -- but we did
21 reach Matthew Cooper while we were sitting in the lounge and
22 so I had a conversation with Matthew Cooper in the lounge.

23 Q. And what did you tell Matthew Cooper?

24 A. I had not met Matthew Cooper before, so Cathie
25 introduced us. She said that, you know, we wanted to have

1 | this phone call in response in part to his questions, that
2 | some of the conversation would be on-the-record, some of it
3 | would be on deep background, some of it might be off-the-
4 | record, but we would have different layers of, of press
5 | conversations.

6 | So I -- after she finished that preliminary, I
7 | talked to him about the Tenet statement and I gave him this
8 | quotation on-the-record that we had here, and I think I also
9 | covered some of these background points with him in the phone
10 | call. And so I went through that, that the Vice President had
11 | asked a question that -- this is same thing, isn't it?

12 | Q. Without --

13 | A. Yes.

14 | Q. -- repeating -- without repeating what is in the
15 | statement that had been agreed that you would tell him, did
16 | you have a discussion with Mr. Cooper about Wilson's wife?

17 | A. Yes, sir.

18 | Q. Okay. Tell us about that conversation.

19 | A. I went through -- just a little bit of preliminary.
20 | I went through these points and I went through what Tenet had
21 | said that, you know, the day before in his statement, you
22 | know, I hope you noticed Director Tenet's statement the day
23 | before, which is why we were making these calls, which said
24 | that I -- that he hadn't made the, he hadn't made the request
25 | and he hadn't gotten the reports on it. And after all of

1 | that, Matthew Cooper said, "well then why does Wilson say it?"
2 | And you know, I was a little taken aback because here we have
3 | the Director of Central Intelligence saying the Vice President
4 | didn't request it, the Vice President saying he hadn't
5 | requested it in his statement, White House spokesman etcetera,
6 | etcetera. And instead of sort of saying, oh, well, I see that
7 | he didn't request it, he said, well, why does Wilson say it?
8 | Wilson, of course, had said earlier in the week that someone
9 | had told him that the Vice President had asked for his
10 | mission. So I said, well, I don't know why he said it. You
11 | know, I said, we're off-the-record, and he agreed. And I
12 | said, someone -- I don't know why he said it, but I would have
13 | thought -- off-the-record, I would have thought that, that the
14 | CIA wouldn't tell somebody who is going on a mission who asked
15 | about it. And you know, conversation the Vice President has
16 | about these things are supposed to be confidential. But if he
17 | did -- if they did officially -- they wouldn't officially tell
18 | such a thing. If they did officially tell someone, they would
19 | tell them the right thing, which was that the CIA decided to
20 | do it, which is what Director Tenet had said in his statement
21 | the day before. So I wouldn't have thought that officially he
22 | heard this, which -- but it -- you know, it's possible he
23 | heard something unofficially. And if he heard something
24 | possibly unofficially, you know, maybe he knows somebody there
25 | and somebody said something to him that was wrong because it

1 was unofficial. And in that context, I said, you know, off-
2 the-record, reporters are telling us that Ambassador Wilson's
3 wife works at the CIA and I don't know if it's true. As I
4 told you, we don't know Mr. Wilson, we didn't know anything
5 about his mission, so I don't know that it's true. But if
6 it's true, it may explain how he knows some people at the
7 Agency and maybe he got some bad skinny, you know, some bad
8 information. So that was the discussion about Ambassador
9 Wilson's wife.

10 Q. And his response?

11 A. I don't recall specifically what he said about that.
12 I recall the response, "why does he say it," because that's
13 what led into this conversation.

14 Q. And it's your specific recollection that when you
15 told Cooper about Wilson's wife working at the CIA, you
16 attributed that fact to what reporters --

17 A. Yes.

18 Q. -- plural, were saying. Correct?

19 A. I was very clear to say reporters are telling us
20 that because in my mind I still didn't know it as a fact. I
21 thought I was -- all I had was this information that was
22 coming in from the reporters.

23 Q. And at the same time you have a specific
24 recollection of telling him, you don't know whether it's true
25 or not, you're just telling him what reporters are saying?

1 A. Yes, that's correct, sir. And I said, reporters are
2 telling us that, I don't know if it's true. I was careful
3 about that because among other things, I wanted to be clear I
4 didn't know Mr. Wilson. I don't know -- I think I said, I
5 don't know if he has a wife, but this is what we're hearing.

6 Q. Did you have any further conversation about Wilson
7 and his wife with Cooper during this phone call?

8 A. I don't think so and I don't think I had a
9 subsequent phone call with him. That was it for Mr. Cooper.

10 Q. And consistent with your practice would Cooper have
11 to call you back to verify the quote in his article to say
12 here's what, what I attribute to Lewis Libby?

13 A. No, that -- this would be an exception because I
14 gave it to him on-the-record the first time, and I read it,
15 and I read it slowly so that he could get it down correctly.

16 Q. And any other reporters that you discussed Wilson's
17 wife with on that day, July 12th?

18 A. Yes, sir. I talked to three other reporters that
19 day. Towards the end of the day I believe I talked to Judith
20 Miller, and I know that I discussed it with Judith Miller, New
21 York Times, and the discussion was pretty much as I just
22 described with Ambassador -- excuse me, with Matthew Cooper.

23 Q. Why don't you describe the conversation for us?

24 A. I said, that -- I went through all about the Tenet
25 statement, that the Tenet statement had just come out, you

1 know, please pay attention to the Tenet statement which said
2 that we didn't know about the trip, that we didn't get the
3 report, that the report was not definitive, that the NIE
4 actually comes out and says that Iraq had begun to vigorously
5 pursue acquiring uranium, and that -- and I did not use this
6 text, as an exact quote, I did not use it exactly again, but I
7 went through some of the same points with her. And I don't
8 remember exactly how it came up, but I said to her -- sorry,
9 but I --

10 Q. No, no, I'm just checking for my own self. Please
11 continue.

12 A. I'm sorry, I don't mean to hold you up here. I said
13 to her that, that I didn't know if it was true, but that
14 reporters had told us that the ambassador's wife works at the
15 CIA, that I didn't know anything about it. But if that were
16 true, that may explain how he got this unofficial -- I went
17 through the same officially/unofficially sort of breakdown,
18 trying to shorten it for you.

19 Q. No, please, don't shorten it. We're --

20 A. Okay.

21 Q. -- we're not going to finish today, break everyone's
22 heart, so we'll just cover it -- you know, once so we don't
23 have to cover the Miller conversation again.

24 A. I also spoke to Evan Thomas. And with Evan
25 Thomas --

1 Q. I just wanted to finish the Judith Miller
2 conversation. Was there something that triggered it, your
3 conversation with Judith Miller, to discuss Wilson's wife's
4 employment in the way that Cooper had asked you, "why is Mr.
5 Wilson saying this?"

6 A. I think there was. I don't recall exactly what it
7 was. Something that she said -- I thought something that she
8 said, I think, triggered it. That's my, my vague recollection
9 about it. You know, it had been something that was important
10 to Tim Russert. It was something that, you know, Cooper still
11 wanted to know at this point and I think partly by the time I
12 talked to Judith Miller I was thinking, you know, the
13 reporters seem to have this unopen -- unanswered question, and
14 the question is, was, Wilson had said that someone had told
15 him that the Vice President requested the mission. He said
16 that on national television earlier in the week. And even
17 with the explanation from George Tenet, it leaves unanswered
18 this question well, how did he happen to hear it? And so, you
19 know, I was pretty ready to explain that I didn't think he
20 would have heard it officially, but he might have heard it
21 unofficially, but I think there was something that she said
22 that led me into it.

23 Q. Okay.

24 A. Evan Thomas?

25 Q. Yes.

1 A. I, I recall, recall that I did reach Evan Thomas
2 eventually. I was home at this point. And I told Evan
3 Thomas -- I, I drew his attention to the, to the Wilson
4 statement -- excuse me. I drew his attention to the Tenet
5 statement that had come out the day before. Evan was calling
6 me in part because we were going to meet about something else.
7 And he said, "I got it," my recollection. In other words,
8 when I, when I laid out what, what Tenet had said, that we
9 hadn't asked for it, that we didn't get the report, that the
10 report was not definitive, that the NIE in fact said -- that
11 the NIE in fact said that Iraq had been looking for six months
12 after Wilson's report -- the CIA had not taken Wilson's report
13 to be definitive, he said he got it, and he wanted to move on,
14 and I just moved on. So I did not discuss it with Evan
15 Thomas.

16 Q. And are you sure you did not discuss it with Evan
17 Thomas?

18 A. Pretty sure.

19 Q. Do you recall being interviewed by the FBI and
20 telling them you couldn't recall whether or not you discussed
21 it with Evan Thomas?

22 A. As I say, I'm pretty sure I did not discuss it with
23 Evan Thomas because I remember him saying it. I don't recall
24 discussing it with Thomas. I do think I recall him saying I
25 didn't -- that I got it, and so I don't think I talked to him

1 about it.

2 Q. And did you talk to Glen Kessler that day?

3 A. I did.

4 Q. Okay.

5 A. We didn't get Glen Kessler -- excuse me. We didn't
6 get Glen Kessler while we were in the -- at Andrews, but we
7 got him on a cell phone while we were in the car driving back
8 from Andrews to my house, which is like a 40 minute drive or
9 something. And so while Cathie Martin and, and Jenny Mayfield
10 were still with me, along with my family in the van, I spoke
11 to him about this stuff. Kessler was, Kessler was, was
12 contacting me primarily about Colin Powell's February 5th
13 presentation. He was interested in the origins of the
14 presentation that Colin Powell had made back on February 5th.
15 And -- but I think he also wanted to know about this, or in
16 any case, it was an occasion for me to make sure that he, from
17 the Washington Post, paid attention to George Tenet's
18 statement. So we talked a lot about Powell's February 5th
19 presentation, and we also talked about the, the Tenet
20 statement. Sorry. Lost thought -- I lost focus there for a
21 second. We also talked about the Tenet statement at that
22 point. And what I recall about this conversation was that
23 Glen Kessler was at the zoo with his kids, and yet he was able
24 to have this lucid conversation, something that I could never
25 do with my kids at the zoo on a sunny day with, you know,

1 hundreds of people milling around. And at one point he said,
2 give me a moment here to get located, and then -- because he
3 wanted to get someplace where he could see his kids. But then
4 he was able to have this conversation, which I thought was
5 pretty impressive actually, and we talked about this stuff.

6 Q. Did you talk about Wilson's wife working at the CIA
7 with Glen Kessler?

8 A. I don't know for sure. What I -- I believe I did
9 have a conversation with Glen Kessler about, about Ambassador
10 Wilson's wife. I tend to think it was later, not in this
11 conversation, but it was possibly in this conversation. And
12 so possibly I did. I'm not sure. I'm pretty sure I did have
13 a conversation with Glen Kessler about Ambassador Wilson's
14 wife eventually, but I just don't know if it was this
15 conversation.

16 Q. And do you know if you spoke to, or made attempts to
17 speak, to Andrea Mitchell that day?

18 A. No. Well, I did speak to Andrea Mitchell at some
19 point in that period but I don't know if it was before or
20 after the --

21 Q. And how about Mark Matthews of the Baltimore Sun?
22 Do you know if there was any effort to speak to him?

23 A. I don't think I did talk to him. I don't know if he
24 was one of the ones Cathie wanted me to talk to or not. I
25 don't know Mr. Matthews, Mark Matthews, and I don't, I don't

1 recall if we tried him or not.

2 Q. Do you know if you ever spoke to Mark Matthews about
3 this topic at all?

4 A. In this weekend, I don't think so in this weekend.
5 I think it was just those four. But I don't know him. It's
6 possible. You know, after you've had a few of these
7 conversations, they run together.

8 Q. One last name, Mike Isikoff. Do you know if you
9 spoke to him that weekend?

10 A. I don't think so. I do know -- I now know Mike
11 Isikoff. I don't think I really knew him then. I met him
12 at -- I had met him but I really had a long conversation with
13 him subsequent to that, and I don't think I talked to him that
14 weekend. He would also be Newsweek, so he would be
15 duplicative of Evan Thomas, I think.

16 Q. We'll wrap -- we're going a little bit late. I'll
17 just take a minute to wrap something up.

18 When the Novak column came out on July 14th, did
19 you -- you knew it was coming from your conversation with
20 Rove. Had you ever heard or seen an advance copy of the Novak
21 column?

22 A. No, sir.

23 Q. Did anybody indicate to you whether or not anyone
24 had received a draft column either by fax or by e-mail?

25 A. I've never heard that, sir.

1 Q. And do you have any recollection of when it is that
2 you discussed with Vice President Cheney, his comments about
3 whether or not Ambassador Wilson had been sent on this trip by
4 his wife as a junket?

5 A. I know that there -- that Vice President Cheney
6 asked -- made some comments like that. I think of them in my
7 mind as later, you know, later in July or August or later,
8 asking not so much in me, but just sort of how did he come to
9 be sent on this? I don't know if he also made them earlier.
10 That sort of runs together for me.

11 MR. FITZGERALD. Why don't we adjourn --

12 WITNESS. Can I just make one other comment about
13 this stuff? I get a lot of information during the course of a
14 day. I probably get -- you know, after this all came up I
15 sort of for a few days tried to take a census of how many
16 pages of stuff I get in a day, and I tend to get between 100
17 and 200 pages of material a day that I'm supposed to read and
18 understand and I -- you know, I start at 6:00 in the morning
19 and I go until 8:00 or 8:30 at night, and most of that is
20 meetings. So a lot of information comes through to me, and I
21 can't possibly recall all the stuff that I think is important,
22 let alone other stuff that I don't think is as important. And
23 so when a lot of this -- a lot of stuff that comes to me, what
24 I will normally do is I'll gather my staff together and say,
25 hey, what happened here? You know, there was some meeting we

1 had on, let's say, Iraq. What did, what did people say, or
2 what happened last week when we had that meeting? Did State
3 agree to do something, or was the Defense Department supposed
4 to do something? And we'll sort of pool our recollections of
5 it and that almost always bring me a fuller recollection of
6 what's happened. I haven't done that here because as I
7 understand it, you don't want me to do that here. I'm happy
8 to do it at some point, but I haven't. So I apologize if my
9 recollection of this stuff is not perfect, but it's not in a
10 way that I would normally do these things. I would normally --
11 in the normal course of what we do in a day, I would bring the
12 staff together or ask the Vice President and go through all
13 this, and I haven't done that here, and I apologize if there's
14 some stuff that I remember and some I don't, but it's -- I'm
15 just trying to tell you what I do in fact remember.

16 MR. FITZGERALD. Okay. We'll pick it up from
17 there. I'm going to ask the foreperson to advise the witness
18 he remains under subpoena. We'll talk with your counsel and
19 with the Grand Jury about scheduling so we minimize the
20 disruption, and I apologize. Another matter ran long today
21 and we'll sort that out at the convenience of yourself,
22 counsel, and the Grand Jury and us. So thank you. And I
23 apologize for running a bit over, but we'll see --

24 GRAND JUROR. Thank you, Mr. Libby.

25 WITNESS. Thank you.

1 (Whereupon, the witness was excused at 4:38 p.m.)
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I hereby certify that the foregoing is a true and accurate transcript, to the best of my skill and ability, from my stenographic notes/electronic recording.

November 21, 2006
Date

Deborah H. Powers
Deborah H. Powers, Court Reporter