

1 the intent of -- for the purpose of listening to me, so --

2 Q. Let me approach you with what we'll mark as Grand  
3 Jury Exhibit 71 (sic) which is Bates Stamped 2518, and we can  
4 maybe put this one on the projector.

5 MS. KEDIAN. Seventy-two.

6 MR. FITZGERALD. Seventy-two, okay.

7 BY MR. FITZGERALD:

8 Q. I'll hand you a copy of what we'll mark as Grand  
9 Jury Exhibit 72, and ask you to look at that and tell us first  
10 whether you've ever seen it before?

11 GRAND JUROR. Down a little bit --

12 MR. FITZGERALD. I think it -- you have to move it  
13 to the side. Yeah.

14 BY MR. FITZGERALD:

15 Q. Mr. Libby, have you seen this document before?

16 A. Certainly the top half. It's my writing, I think.

17 Q. Okay.

18 A. Can I take a look --

19 Q. Sure. You were smiling. What was it that made you  
20 laugh?

21 A. I was just smiling that my boss was -- it looks like  
22 my boss's handwriting and I was smiling. It looks like he's  
23 trying to protect me a little bit, which is nice.

24 Q. Looking at the top of the document, is that your  
25 handwriting? Let's break it into three portions. There is

1 some print above the line, there's some script below a line,  
2 and then there's three words written in script by a hole  
3 punch.

4 A. Correct, sir.

5 Q. Focusing on the print above the line --

6 A. Yes, sir.

7 Q. -- is that all your print?

8 A. I'm ashamed to say it is, sir.

9 Q. Okay.

10 A. Ashamed because of the handwriting.

11 Q. I've seen worse. My own. Let me read to you, make  
12 sure I have it transliterated correctly. "People have made  
13 too much of the difference in how I described Karl and Libby,"  
14 in brackets. What is that referring to?

15 A. I think this we -- these were points that I was  
16 hoping that Scott McClellan would make, I guess. Yes, I think  
17 that's what this is.

18 Q. And then underneath it, it says, "I've talked to  
19 Libby," period, and is that a suggested talking point for  
20 Scott McClellan --

21 A. Yes.

22 Q. -- to make to the press.

23 A. Yes, sir.

24 Q. And then it says, "I said it was ridiculous about  
25 Karl and it's ridiculous about Libby."

1 A. Yes, sir.

2 Q. And that was, again, what you hoped that Scott  
3 McClellan --

4 A. Yes.

5 Q. -- would say?

6 A. Yes.

7 Q. And then it said, "Libby was not the source for the  
8 Novak story," period. "And he did not leak classified  
9 information," period.

10 A. Yes, sir.

11 Q. And what you were hoping was at the end of the day,  
12 as a result of intercession of the Vice President or others,  
13 that that statement would be made by Scott McClellan to put  
14 you in the footing that you're not involved in this leak?

15 A. Yes, sir.

16 Q. And you wrote this out. And do you recall sharing  
17 this with the Vice President?

18 A. I think I wrote this out to say, this is what I  
19 think Scott McClellan should say. And I think the Vice  
20 President then said, "Well, let me, let me take it." And that  
21 he then -- I am recalling as I look at this now, that he then  
22 came back to me and said that he had made the calls.

23 Q. And sticking on the first half of the page, above  
24 the line with the print for the moment, had you talked to  
25 McClellan at this point, or, or these proposed talking points,

1 that McClellan would use after he had a conversation with you?

2 A. Correct, sir.

3 Q. No, my question was, had you talked to McClellan --  
4 McClellan said, I talked to Libby. I said it was ridiculous  
5 about Karl and it's ridiculous about Libby. Had McClellan  
6 interviewed you by this time to see whether or not you were  
7 the source of this information being leaked?

8 A. I think I had talked to McClellan when I had done  
9 these.

10 Q. And the language you chose for the last sentence was  
11 that, "He did not leak classified information."

12 A. Yes, sir.

13 Q. And did you specifically put the word classified in  
14 there because you were concerned that you had told information  
15 to reporters about Wilson's wife and you wanted to draw the  
16 line in making sure that you weren't involved in leaking  
17 classified information?

18 A. I think the allegations that were whipping around in  
19 the press was that, you know, somebody had leaked classified  
20 information and I wanted to be clear that not only I wasn't  
21 the source of the Novak story but that I hadn't leaked  
22 classified information. I think that's why. I think it had  
23 more to do with what was swirling around in the press.

24 Q. Now, wasn't it fair to say, what was swirling around  
25 in the press was people were saying, who outed Wilson's wife,

1 | who told the press that Wilson's wife worked at the CIA? And  
2 | you could have, you could have in the abstract asserted, I had  
3 | nothing to do with telling people that Wilson's wife worked at  
4 | the CIA? But the statement here says, "And he did not leak  
5 | classified information." Were you deliberately drawing that  
6 | language because of the fact that you had told reporters what  
7 | was being said about Wilson's wife's employment?

8 |       A.    It could be.

9 |       Q.    As you -- I mean, how often have you prepared a  
10 | statement for someone else to say that you had not committed a  
11 | crime?

12 |       A.    I think what I was doing was responding to -- that I  
13 | wasn't the source of the Novak story and I hadn't told people  
14 | classified information because that's what was coming out.  
15 | Maybe, you know -- that's what I thought I was doing. That's  
16 | what I thought I was doing with this.

17 |       Q.    Did you tell Mr. McClellan during your conversation  
18 | with him, "By the way, just so you're not surprised, I did  
19 | talk to Mr. Cooper of Time magazine, and I did talk to a  
20 | Washington Post reporter, and I did talk to Judith Miller, I  
21 | did talk about Wilson's wife. But what I didn't do was I  
22 | didn't tell Novak, and when I did tell the reporters I  
23 | qualified it by saying that other reporters were saying the  
24 | story?"

25 |       A.    No, I did not tell him all that.

1 Q. As, as you sit here today do you believe that Scott  
2 McClellan has any idea that you had those conversations with  
3 those reporters where you discussed Wilson's wife prior to  
4 July 14th?

5 A. No, sir, I don't think he does because I felt -- I  
6 was happy to tell everybody anything, but I felt constrained  
7 by what I understood to be general rules that I shouldn't be  
8 going into a lot of the details about this stuff with people,  
9 but I felt I had -- it was fair enough for me to tell people  
10 that I wasn't the source of the Novak story.

11 Q. And who had imposed the rule not to go into details  
12 and when?

13 A. I think it was just a sense that, you know, because  
14 it was an investigation we shouldn't be, you know, swapping  
15 with people what we did or didn't do in general, but I had --  
16 on the source of the Novak story I felt it was important  
17 enough that I should tell him that.

18 Q. Didn't the President indicate to the entire staff  
19 that anyone who had relevant information should come forward?

20 A. And I did. I came forward to the Vice President and  
21 told him I would tell him anything that he wanted me to talk  
22 to him or anybody else about, and that I was not the source of  
23 the leak for Novak.

24 Q. But did you think that prevented you from sharing  
25 with people that you had spoken to reporters? Where, where

1 | did you get the sense from the President's direction that  
2 | people should come forward with all information the notion  
3 | that you shouldn't share any details with others?

4 |       A.    I didn't get it from that.  I got the sense  
5 | generally that the FBI doesn't like you talking to everybody  
6 | else about what, you know, what you think your story is.  That  
7 | was my sense of it.  In fact, most White House staff has been  
8 | very scrupulous about not talking to each other about what  
9 | their recollections were and stuff like that.  Anyway, that  
10 | was my sense.

11 |       Q.    Did you ever tell the President that you had spoken  
12 | to Mr. Cooper, Ms. Miller or Mr. Kessler about Wilson's wife  
13 | prior to July 14th?

14 |       A.    No, sir.  Just --

15 |       Q.    And as far as you know, as you sit here today, do  
16 | you believe that the President is aware that you had those  
17 | conversations prior to July 14th?

18 |       A.    No, sir.  I don't know.

19 |       Q.    And were you aware that the President gave a speech  
20 | in Chicago on October -- on or about October 1 saying there's  
21 | no White House involvement in any leaks whatsoever that he's  
22 | aware of?

23 |       A.    Yes, sir.

24 |       Q.    Were you at all concerned that while the President  
25 | was stating that there's no White House involvement in any

1 | leaks whatsoever, that you were one of the people who may have  
2 | been referred to in the Washington Post column that two  
3 | officials calling six reporters, that you had spoken to one of  
4 | the Time magazine reporters who indicated they had been told  
5 | about Wilson's wife and may have done so before July 14th?

6 |       A.    I was concerned to make sure that the Vice President  
7 | knew so he could decide what he wanted to do with it, and so I  
8 | went and told the Vice President that I was not the source of  
9 | the leak for the Novak column.  And as I say, I may have  
10 | talked about the other stuff.  I'm not sure.

11 |       Q.    And you were very precise to tell him you weren't  
12 | the source of the Novak column.  Were you as precise in  
13 | letting him know that you could have been the source for these  
14 | other columns?

15 |       A.    I don't recall.  What I -- as I said, I'm not sure  
16 | if I told him about those others at that point.  I think that  
17 | I may have but I don't recall as to what I told him that part.  
18 | What I recall is he sort of said, you know, "You don't have to  
19 | tell me, I know that you were not the leak -- you were not the  
20 | source of the leak."

21 |       Q.    Did you think it was something that the Vice  
22 | President and the President would want to know that if an  
23 | official in the White House had spoken to those reporters  
24 | which are now being discussed as leaks, that they learned who  
25 | the person was that spoke with them prior, prior to July 14th?

1           A.    I would have been happy to unburden myself of it,  
2 about all of this, and I went to the Vice President and  
3 offered to tell him everything I knew, and he didn't want to  
4 hear it, and I assumed that I should not go into it, and that  
5 if he wanted to hear it, I would be happy to tell him. I'd be  
6 happy to tell him today if you like. I have no problem  
7 telling him what happened.

8           Q.    I'm, I'm ask -- I'm trying to fix the mindset before  
9 the FBI interviewed you on October 6th. Did you tell the Vice  
10 President you'd be happy to tell him everything he wants to  
11 know?

12          A.    Yes.

13          Q.    In those words?

14          A.    Yeah.

15          Q.    And what did he say?

16          A.    He said, "You don't have to. I know you didn't do  
17 it. I know you weren't the source of the leak," something  
18 like that.

19          Q.    And did you -- when you offered to tell him  
20 everything you knew, did that include things other than the  
21 contacts that you didn't have with Novak?

22          A.    I haven't told him anything.

23          Q.    And when he said, "I know you're not the leak," did  
24 you say, "Well, slow down a minute, sir, I want to tell you  
25 one thing which is I spoke to some of these reporters before

1 July 14th, and they're now saying that they learned this, and  
2 so I don't want you to be in any way misled that I didn't have  
3 contact with them?"

4 A. I may have. I don't recall.

5 Q. Isn't that something that, I mean, how often do you  
6 report to the Vice President to let him know that you didn't  
7 commit a crime?

8 A. Well, the talking to the other reporters about it, I  
9 don't see as a crime. What I said to the other reporters is  
10 what, you know -- I told a couple reporters what other  
11 reporters had told us, and I don't see that as a crime. But  
12 set aside it was a crime, I don't -- I did not mean to do  
13 anything wrong or don't think I did anything wrong with it.  
14 But I was happy to tell him absolutely everything he wanted to  
15 know. My sense was that everyone felt a little bit  
16 constrained about talking about this stuff because there was  
17 talk of a criminal investigation, and therefore people didn't  
18 want to talk about it a lot. He has a good lawyer. I assume  
19 that if he wanted to know more, he'd go check with his lawyer  
20 as to whether he wanted me to tell him or not.

21 Q. And by his lawyer, referring to whom?

22 A. Terry O'Donnell. His private counsel. He also has  
23 a good lawyer in David Addington. He's a good lawyer.

24 Q. And when was this conversation with, with Vice  
25 President Cheney when he told you, you didn't need to tell him

1 anything?

2 A. There are actually two, and I don't recall exactly.  
3 They were in the fall when this sort of started to come out.

4 Q. Before, or after, or during the trip to Wyoming?

5 A. Yes. Before, or after, or during. I don't remember  
6 exactly when it was. It was -- I think there was one before,  
7 there may have been some -- there may have been a time during.  
8 I went at it once, and then I went at it again later to be  
9 sure that he wanted me to tell him anything. And he wanted --  
10 you know, my, my clear sense was he did not want me to go on  
11 so I did not go on.

12 Q. And what was it that led you to go back a second  
13 time that made you want to make sure that he knew that you  
14 were willing to tell him everything?

15 A. It was still out there, and there was still talk  
16 about it. I had a second conversation with him, or maybe it's  
17 a third. In my first conversation with him I told him, "Look,  
18 I wasn't the source of the leak of this. In fact, I learned  
19 it from Tim Russert. And, you know, by that point he was, you  
20 know -- other -- lots of reporters knew, all the reporters  
21 knew, he told me all the reporters knew," something like that.  
22 So that it was Russert, but it wasn't just Russert. And as I  
23 say, that was most of that conversation.

24 In the course of the document production, the FBI  
25 sent us a request for documents, or Justice Department, I'm

1 not sure technically. In the course of that document  
2 production I came across the note that is dated on or about  
3 June 12th, and the note that is dated sort of on or about June  
4 12 shows that I hadn't first learned it from Russert, although  
5 that was my memory, I had first learned it when he said it to  
6 me. And so I went back to see him and said, you know, I told  
7 you something wrong before. It turns out that I have a note  
8 that I had heard, heard about this earlier from you and I  
9 just -- you know, I didn't want to leave you with the wrong, I  
10 didn't want to leave you with the wrong statement that I heard  
11 about it from Tim Russert. In fact, I had heard about it  
12 earlier, but I had forgotten it.

13 Q. And what did he say?

14 A. He didn't say much. You know, he said something  
15 about, "From me?", something like that, and tilted his head,  
16 something he does commonly, and that was that.

17 Q. And did you have any discussion with him at that  
18 time about your conversations with Cooper, Kessler and Miller?

19 A. No, I don't think so. Not in that conversation.

20 Q. And, and what's the third conversation with the Vice  
21 President?

22 A. I think I went back to him a second time, as I told  
23 you before, I'm sorry, to, to re-up, volunteer again to tell  
24 him if he wanted to know anything. I shouldn't say, I think.  
25 I did go back a second time to tell him, sort of re-up on

1 offering to tell him if he wanted to know everything I did,  
2 I'd be happy to tell him everything I did.

3 Q. And the, the third conversation, the one where you  
4 pointed out that you had seen a document indicating that you  
5 had learned this the first time from Mr. Cheney himself, the  
6 Vice President?

7 A. Yes. And when I say third, I don't know the  
8 chronological order of these.

9 Q. Okay. So there could have been -- so that might not  
10 have been the third conversation, it might have been the  
11 second?

12 A. Something like that, yeah.

13 Q. And the conversation where you told the Vice  
14 President, which is at least the second conversation when you  
15 said, in effect, let me correct myself because I saw a  
16 document indicating that I learned it from you, not from Mr.  
17 Russert, the first time, was that before you had been  
18 interviewed by the FBI?

19 A. Yes.

20 Q. And the third conversation, do you know if that was  
21 before you were interviewed by the FBI?

22 A. I think they were all before I was interviewed by  
23 the FBI.

24 Q. And did he ever indicate to you, other than saying  
25 that you don't have to tell him everything, any reason why he

1 | didn't want to know?

2 |       A.    I think one of the times when I went to see him to  
3 | tell him that I wouldn't be available to him, that I would be  
4 | out for the day for an FBI interview, or something like that,  
5 | he said, you know, "Fine," and held up his hand, you know, "I  
6 | understand," and either said or I took from it, you know, we  
7 | shouldn't talk about the details of this.

8 |       Q.    Now, continue on the document, and I'll just finish  
9 | off the shortest piece. There's handwriting on the left that  
10 | says, appears to say, "Tenet, Wilson and memo," above the  
11 | three hole punch.

12 |       A.    Yes, sir.

13 |       Q.    And do you know whose handwriting that is?

14 |       A.    Looks like the Vice President's.

15 |       Q.    Okay. And do you know what -- does that ring any  
16 | bells with you? Was there any discussion in your presence  
17 | about Tenet, Wilson and memo?

18 |       A.    (No oral response)

19 |       Q.    Okay. And then below the line, before we break, let  
20 | me just see if I read this correctly, "Has to happen today,  
21 | call out to key press saying same thing about "Scooter" as  
22 | Karl. Not going to protect --" -- why don't you read it since  
23 | you know his handwriting better than me.

24 |       A.    "Not going to protect one staffer and sacrifice the  
25 | guy that was asked to stick his neck in the meat grinder

1 because of the incompetence of others."

2 Q. And if you look at the crossed out words, what do  
3 they appear to say?

4 A. "This has."

5 Q. And any chance that it says, "the Pres"?

6 A. I think it says "this," not the "the".

7 Q. Okay.

8 A. I don't know. Maybe it is "the Pres".

9 Q. And what does the word "meat grinder" refer to as  
10 far as you understand it?

11 A. I think it refers to the fact that the press, as you  
12 say, was beginning to talk about me since I was the one -- I  
13 was not exonerated, if you will, whatever the word is, by  
14 McClellan.

15 Q. And when it says, "because of the incompetence of  
16 others," who did you understand "others" to refer to?

17 A. I think this refers to the, the uranium claim  
18 getting into the State of the Union in the first place with  
19 this uncertainty that eventually develops about it. And then  
20 it may refer to the decision to, to treat it the way they had  
21 treated it in early July where they said that this -- that it  
22 shouldn't have been in the State of the Union at all. I think  
23 those two things, it could be either or both of those two  
24 things.

25 Q. And do you think it all referred to any delay it

1 took in time for George Tenet to issue his July 11th  
2 statement?

3 A. I don't know. I mean, I'm speculating on what it  
4 is. I wouldn't have -- as I, as I speculated I wouldn't have  
5 first speculated on that.

6 Q. And did you think it might refer to you dealing with  
7 the press rather than Cathie Martin?

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

9 MR. FITZGERALD. Why don't we take the break from  
10 2:30 until --

11 GRAND JUROR. 2:45, please.

12 (Whereupon, the witness was excused at 2:29 p.m.)

13 (Whereupon, the witness was recalled at 2:47 p.m.)

14 BY MR. FITZGERALD:

15 Q. Okay, Mr. Libby, sticking with Grand Jury Exhibit  
16 seventy --

17 WITNESS. Sir, can I step by you just to fill this  
18 up?

19 MR. FITZGERALD. Oh, sure.

20 WITNESS. Thank you.

21 GRAND JUROR. I just want to remind you that you're  
22 still under oath. Thank you.

23 BY MR. FITZGERALD:

24 Q. And this is Grand Jury Exhibit 72.

25 A. Okay.

1 Q. In looking at the last paragraph of 72 --

2 A. Yes, sir.

3 Q. It says, "not going to protect one staffer and  
4 sacrifice the guy" -- then there's a cross out -- "that was  
5 asked to stick his neck in the meat grinder." What do you  
6 understand, "asked to stick his neck in the meat grinder" to  
7 mean?

8 A. I guess, I don't know specifically. I suppose he's  
9 referring to the fact that I had to go talk to the press about  
10 this stuff. I had to deal with this issue that, you know,  
11 should not have had to have been dealt with at all, shouldn't  
12 have had it -- we shouldn't have had it in there in the first  
13 place, or we should had it better documented, shouldn't have  
14 had to lead to this whole issue, I guess that's what he meant.  
15 But you'd have to ask him.

16 Q. And so your, your understanding, recognizing you  
17 didn't write the language, is that you would interpret that as  
18 there's a problem that came about because of the incompetence  
19 of others, namely that the State of the Union had what it had  
20 in it, and that people decided to retreat from that language  
21 later, and that as a result you personally had to deal with  
22 the press and now you, "Scooter" Libby, needed to be cleared  
23 because you're the one who was asked to stick his neck in the  
24 meat grinder?

25 A. Well, because I wasn't responsible, yes.

1 Q. Right, as to sticking his neck in the meat grinder  
2 because of the incompetence of others. And you've testified,  
3 I think at least the last time and today, that Vice President  
4 Cheney on Air Force Two had wanted you in particular to be the  
5 one to deal with the press on July 12th.

6 A. That's correct.

7 Q. So in writing this, did you -- do you take it to  
8 mean he's thinking back to the fact that he's put the ball in  
9 your hands to say, I want you to deal with the press  
10 concerning -- on July 12th, and now you're the one who's  
11 getting heat, not being protected by the administration's  
12 press spokesperson?

13 A. I don't, I don't know if he was being that specific  
14 or not. I just -- I was, I was being hit for a leak to Novak  
15 that I hadn't -- that I wasn't responsible for. I think  
16 that -- and the whole issue wouldn't have come about, I think  
17 he's saying, but for the incompetence of others.

18 Q. But you're also being hit in part both because there  
19 were alleged other leaks, but also people were trying to pin  
20 the identity of the leak --

21 A. Yes.

22 Q. -- on the person who spoke to other journalists  
23 prior to July 14th. Correct?

24 A. Yes. I guess that's fair.

25 Q. And so you're in the sights of the press and in the

1 | Washington Post as being a person who had dealt with Time  
2 | magazine because you had talked to Time magazine on July 12th  
3 | at the express direction of the Vice President?

4 |       A.    That's correct, yeah.

5 |       Q.    And looking back on that, does that refresh your  
6 | recollection in any way as to whether or not on July 12th,  
7 | flying back on Air Force Two from the Ronald Reagan ceremony  
8 | whether you discussed with Vice President Cheney the fact that  
9 | Tim Russert or anyone else had told you that Wilson's wife  
10 | worked for the CIA?

11 |       A.    No, it doesn't, it doesn't draw that for me at the  
12 | moment.

13 |       Q.    It still remains that it is possible that the Vice  
14 | President could have told you to talk to people about Wilson's  
15 | wife working at the CIA, but you do not remember that?

16 |       A.    It's, it's not what I had on my card from that  
17 | meeting, and I don't recall him telling me to talk to the --  
18 | to anybody about the wife working at the CIA on the airplane  
19 | that day.

20 |       Q.    But you do recall him telling you back in June, from  
21 | your notes dated June 12th, and you recall that that stuck in  
22 | his mind then in June as a curious fact the way he observed to  
23 | you that his wife worked there.  Correct?

24 |       A.    Yes, sir.

25 |       Q.    And you do know that Vice President Cheney was quite

1 frustrated during the week of July 6th through July 12th at  
2 how the media was treating this issue, and the fact that he  
3 was being unfairly maligned in the media. Correct?

4 A. Yes, sir.

5 Q. And you had gotten an e-mail, I believe, from Jay  
6 Carney of Time magazine the day before saying people are  
7 pointing fingers at OVP. Correct?

8 A. That sounds right, sir. I haven't looked at it  
9 recently, but that sounds right.

10 Q. And so, on July 12th, Vice President Cheney was  
11 still determined to get the full story out. Correct?

12 A. That's correct, sir.

13 Q. And the notes show all week he said, anything less  
14 than the complete truth would be a mistake. Correct?

15 A. Correct, sir.

16 Q. And during that time the Vice President was also  
17 expressing doubts about the validity of Ambassador Wilson's  
18 conclusions because, number one, he didn't think that -- he  
19 thought it unusual that they had used a former ambassador to  
20 take this trip. Correct?

21 A. You say, "during that week," and it could be during  
22 that week. I just don't recall it as -- I don't recall there  
23 was a discussion during that week, but that could be, I recall  
24 them later, and as you pointed out, we have -- he had  
25 something like that on the lunch of the 18th. When Vice

1 President Cheney said, "get the full story out," what I  
2 understood by that was the NIE, the January 24 document, the  
3 CIA's comments in February to the IAEA, those sorts of things.  
4 The substance, the full substance that he wasn't the one who  
5 was told, et cetera.

6 Q. Well, when Mary Matalin, we saw her notes last time,  
7 talked about "get the full Wilson story out, get Wilson  
8 motivation out." Correct?

9 A. Mary Matalin had said that. Yes, sir.

10 Q. She talked about [REDACTED]. Correct?

11 A. I don't know if that was her word. That was my note  
12 about the type of things she was saying, I think.

13 Q. And Vice President Cheney talked about it with you  
14 for the first time that your notes reflect, he brought up that  
15 Wilson's wife worked at the CIA in the functional Office of  
16 Counterproliferation. Correct?

17 A. Back in June.

18 Q. Back in June.

19 A. Yes, sir.

20 Q. And the column July 6th written by Mr. Wilson with  
21 the Vice President's annotations asked "did his wife send him  
22 on a junket." Correct?

23 A. Whenever he made that note. Yes, sir.

24 Q. And so you told the FBI in your first interview, or  
25 one of your two interviews, that it's possible that the Vice

1 President could have told you on Air Force Two that you should  
2 tell the press about Wilson's wife, but you do not recall that  
3 happening. Correct?

4 A. Correct.

5 Q. And does that remain true?

6 A. It remains true that it was possible, I don't  
7 remember it happening.

8 Q. Now, when you spoke to Mr. Kessler, and you recall  
9 talking to him about the fact that Wilson's wife worked at the  
10 CIA, and you understood in your own mind that it might be a  
11 boondoggle, but not necessarily having a negative sense. Is,  
12 is it at all surprising to you that a reporter hearing that  
13 Wilson's wife worked at the CIA might draw the conclusion that  
14 in fact it was a boondoggle?

15 A. No.

16 Q. And could it have been your discussion with him of  
17 the fact that Wilson's wife worked at the CIA that could have  
18 prompted Mr. Kessler to ask you whether it was a boondoggle?

19 A. It could have been, or it could just be that in his  
20 column he had said he had made this trip to Africa, to Niger,  
21 that he had sat around drinking tea with people and talking to  
22 them, that he had his expenses paid and then he came back. I  
23 mean, it could be either one of those which led him to, to do  
24 it. Or if the discussion was after the Novak column, it could  
25 be something that was in his head because he had seen the

1 Novak column. I don't remember.

2 Q. And in going back a few months to Pincus, you spoke  
3 to Pincus before the June 12th column, do you know if --  
4 whether or not you told Mr. Pincus the fact that Wilson's wife  
5 worked at the CIA? Or the ambassador -- former ambassador's  
6 wife worked at the CIA?

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

8 Q. Are you aware of a website posting that Mr.  
9 Pincus put on the Washington Post that indicated that he had  
10 been told writing a story about Wilson's wife -- or about  
11 Wilson, that he'd been told but didn't publish that Wilson's  
12 wife worked at the CIA?

13 A. No, I was not aware of that website.

14 Q. And does that at all refresh your recollection of  
15 whether or not you could have been the person who told Pincus  
16 on June 12th that Wilson's wife worked at the CIA?

17 A. I, I -- no, it does not refresh my recollection, and  
18 I do not think that I was the person who -- I don't think I  
19 was the person, if he has a website that says that, and I do  
20 not think I talked to him about the wife working at the CIA.

21 Q. Now you mentioned before that you do not think that  
22 you committed a crime by talking to these reporters and  
23 telling them what other reporters said. Correct?

24 A. I certainly hope not. Yes, sir.

25 Q. And it's your understanding of the law that if

1 you -- that you can commit a crime by telling someone  
2 classified information that comes from a classified source.  
3 Correct? Improperly.

4 A. I suppose you can under proper -- yes, under the  
5 proper circumstances you could commit a crime.

6 Q. And also is it your understanding that if you tell  
7 someone classified information that's been published in a  
8 newspaper already or is learned from a non-classified source  
9 and merely repeated, that you're not committing a crime?

10 A. It's sort of a complicated question. If, if, if  
11 you're telling somebody something that's from public sources,  
12 I don't think it's classified. I don't think that's wrong, if  
13 you're telling people un -- excuse me, it is wrong -- if  
14 you're telling -- if you're talking to someone about what is  
15 unclassified, I don't think there's anything wrong with that  
16 generally speaking. There may be some odd set of facts, but  
17 generally it would be okay. My understanding is that if  
18 something has been cleared for use in the press and has been  
19 used in the press, that it's been in effect unclassified and  
20 is okay to refer to, my understanding is that, technically, if  
21 something has appeared in the press through a leak but has not  
22 been unclassified, you're not supposed to talk about it. I  
23 don't know whether it's a crime or not, but I think you're not  
24 supposed to talk about it.

25 Q. So that if a -- you knew a fact that was classified

1 | in your current position that you learn today from a  
2 | classified document or a classified briefing, and tomorrow  
3 | without you playing any role in it whatsoever it ran on the  
4 | front page of a newspaper, those facts are reported by a  
5 | columnist that, you know, here is what the government plans to  
6 | do regarding a certain crisis in the world, and that's a  
7 | classified fact that appears in the newspaper, do you  
8 | understand that you're entitled by law to direct other  
9 | columnists to that article in the newspaper, not saying,  
10 | "here's what I know is a classified fact," or not saying,  
11 | "here's what I got from a classified briefing," but you might  
12 | want to pick up the New York Times and read the story on page  
13 | one?

14 |       A.    I'm sort of uncomfortable because I don't know -- I  
15 | mean, there are a lot of variations of these things and I  
16 | haven't looked at the law for it, so I'm not totally --

17 |       Q.    I'm, I'm asking for your state of mind. I'm not  
18 | asking you to explain the law to the Grand Jury. I'm glad you  
19 | mentioned that so I can tell them. I'm not asking Mr. Libby  
20 | as an attorney to tell you what the law is. I'm trying to  
21 | understand in your mindset what you think the law is, right or  
22 | wrong.

23 |       A.    My understanding is, if something is on the front  
24 | page of the paper because in effect the President has directed  
25 | that it be put out, that those things are commonly done and

1 | people then talk about them. So that if he says, I'm going to  
2 | do a certain initiative or something and somebody then puts  
3 | that out publicly, that that's then something that's okay to  
4 | talk about.

5 | Q. Even if it's classified?

6 | A. Well, I think at that point it wouldn't be  
7 | classified. But you know, that's why I -- did it get into the  
8 | paper -- often things get into the paper that the President  
9 | has told Dr. Rice go talk about. Or that Dr. Rice has cleared  
10 | or somebody has cleared. I don't mean to keep using her.  
11 | Secretary Powell has cleared through the process that it's  
12 | okay to talk about. It's previously in a classified document  
13 | but they've been told to go talk about it and so they go talk  
14 | about it, and those things would be okay to talk about because  
15 | they were cleared through public discussion. Lots of things  
16 | start as classified and then become unclassified and come out  
17 | in the paper. But if someone has purloined a document --  
18 | stolen a document or something and then that document appears,  
19 | or a fact appears that there are times when that is not okay  
20 | to talk about. Safest thing is just not to talk about it.

21 | Q. And when you were interviewed by the FBI, the first  
22 | interview in this case, did you understand that if you had  
23 | told reporters that Wilson's wife had worked at the CIA, based  
24 | upon knowledge you had learned from the government or from  
25 | conversations with Vice President Cheney, that you could have

1 committed a crime?

2           A.    My understanding, when I heard it from Vice  
3 President Cheney, was that it wasn't classified information.  
4 I didn't understand it to be classified information. So my  
5 understanding would be, if I didn't think it was classified  
6 information, if it wasn't presented to me as classified  
7 information, if I wasn't intending to release classified  
8 information, that it wouldn't be a crime. But I'm not -- this  
9 is not my area of the law.

10           Q.    Is it fair to say though that as a National Security  
11 Advisor and Chief of Staff to the Vice President, and Advisor  
12 to the President on national security matters, that if the  
13 Vice President learned something from the CIA during a brief  
14 or from reviewing CIA material, that, that one can assume that  
15 much of that material is classified?

16           A.    He's usually very clear, or I see it with him. I  
17 usually have an under -- understanding of what is classified  
18 or not classified. The thing that he presented to me about  
19 the wife, if that's what you're referring to, in, in -- on or  
20 about June 12 I did not understand to be classified.

21           Q.    Did you have any sense that if you revealed the  
22 person's identity out at the CIA you may be compromising the  
23 identity of a covert person?

24           A.    Any person? No, sir. I mean, my, my understanding  
25 is that most the people at the CIA are not covert and are --

1 their employment there is open and above board.

2 Q. Your understanding is that most of the people at the  
3 CIA their employment is above board? They go around telling  
4 people I work at the CIA?

5 A. Yeah.

6 Q. And you didn't consider that there might be a risk  
7 that a person working at the CIA might be overt to other CIA  
8 employees and even sometimes to the government, but may be  
9 operating undercover, I mean, cover, meaning [REDACTED]  
10 [REDACTED] or some other cover or might otherwise be a covert  
11 person?

12 A. In this instance? In general, in this instance?

13 Q. The general first and then this instance.

14 A. In general there are a lot of people I know who work  
15 at the CIA who, you know, I play softball with or football  
16 with and they tell everybody in the game they work at the CIA.  
17 I mean, a lot of people work at the CIA and it's not a secret  
18 that they work at the CIA. If it is a secret that they work  
19 at the CIA, they don't go tell everybody in the softball game  
20 that they work at the CIA.

21 The -- in this instance I had no sense when I  
22 learned it and then forgot it that it was classified. And  
23 when Tim Russert told it to me I had no sense that what he was  
24 telling me was something classified. And when I heard from  
25 Karl Rove that Bob Novak had told him, I had no sense that it

1 was something classified. And when I talked to the reporters  
2 about it, I explicitly said, you know, I don't know if this is  
3 true, I don't know the man, I don't know if he has a wife, but  
4 reporters are telling us that. So I didn't think I was saying  
5 anything that was classified.

6 Q. And so when Tim Russert had this conversation with  
7 you, you didn't remember that the Vice President had told you  
8 in June that Wilson's wife works at the CIA. But now, having  
9 remembered what you forgot, you remember that you understood  
10 that when you learned it in June not to be classified?

11 A. That's correct.

12 Q. And you didn't have a concern that you could go  
13 around and many people can tell you at a softball game that  
14 they worked at the CIA, but you learned it in the White House  
15 from the Vice President. Correct? That Wilson's wife worked  
16 at the CIA.

17 A. It was not presented to me as in any way, going back  
18 to the June 12 statement, it was not presented to me in any  
19 way that it was a classified fact, and I didn't take it that  
20 way. As I recall, it wasn't presented to me as classified and  
21 my note doesn't reflect it in any way as having been my  
22 understanding at the time to be classified. So I just did not  
23 think it was classified.

24 Q. But many things you write in your notes are  
25 classified. Correct?

1 A. Yes.

2 Q. And then you keep your notes together as if they're  
3 classified, and they have both classified information and  
4 unclassified in them. Correct?

5 A. Yes.

6 Q. And you don't section mark your, your personal notes  
7 saying this is top secret, this is secret, this is  
8 unclassified?

9 A. That's correct.

10 Q. You might talk about your kids going on a trip to  
11 the U.S.S. Reagan on Saturday which is unclassified, and  
12 follow that with a position regarding an unnamed foreign  
13 leader who you'll put the name in, and say, here's what we're  
14 doing about this foreign affairs issue that may be highly  
15 classified. Correct?

16 A. Correct.

17 Q. So your notes don't indicate one way or the other  
18 whether or not Wilson's wife's employment at the CIA is  
19 classified. Correct?

20 A. It's correct, although when I'm dealing with  
21 something which involves covert stuff, we usually write TS  
22 (redact) on the document.

23 MR. FITZGERALD. We'll strike that. We'll just put  
24 TS and a word.

25 WITNESS. We usually write TS and a code word next

1 to it which is a -- sorry.

2 MR. FITZGERALD. We'll redact that.

3 BY MR. FITZGERALD:

4 Q. So you put TS and a code word?

5 A. Yes, usually when there's something that is of that  
6 caliber.

7 Q. And recognizing that beyond code word, SCI and  
8 sensitive compartmented information, there's top secret and  
9 then there's secret and then there's confidential, all of  
10 which are classified. Correct?

11 A. Correct.

12 Q. So top secret information wouldn't have a code word  
13 marking necessarily.

14 A. Correct.

15 Q. And secret wouldn't have a code word. Correct?

16 A. Correct.

17 Q. And confidential wouldn't have a code marking but  
18 all of those three categories of non-code word materials are  
19 still classified. Correct?

20 A. Still classified and could have a code word, but  
21 don't necessarily.

22 Q. And so your understanding, when you learn  
23 information, wasn't that it was code word, but did you have an  
24 affirmative understanding that it was not classified in any  
25 sense at the confidential, secret or top secret that Wilson's

1 wife worked at the CIA?

2 A. I had no sense at all that it was classified. Is  
3 that what you asked? I'm sorry.

4 Q. Yes.

5 A. I'm sorry.

6 Q. And you remember not having a sense it was  
7 classified sitting here today even though when you learned the  
8 information from Mr. Russert you didn't remember learning it  
9 in June?

10 A. Correct. I didn't -- it wasn't until I saw the note  
11 that it refreshed me on -- that I learned it in June. If, if  
12 I had not seen that note, I would have been pretty confident I  
13 never learned it.

14 Q. And let me ask you this directly. Did the fact that  
15 you knew that the law could turn, the law as to whether a  
16 crime was committed, could turn on where you learned the  
17 information from, affect your account for the FBI when you  
18 told them that you were telling reporters Wilson's wife worked  
19 at the CIA but your source was a reporter rather than the Vice  
20 President?

21 A. No, it's a fact. It was a fact, that's what I told  
22 the reporters.

23 Q. And you're, you're certain as you sit here today  
24 that every reporter you told that Wilson's wife worked at the  
25 CIA, you sourced it back to other reporters?

1           A.    Yes, sir, because it was important for what I was  
2 saying and because it was -- that's what -- that's how I did  
3 it.

4           Q.    And just so we're clear, so as you sit here today,  
5 it remains your testimony that you recall no conversation with  
6 Marc Grossman in which Marc Grossman told you that Wilson  
7 worked -- wife worked at the CIA.  Correct?

8           A.    I don't recall that.

9           Q.    And as you sit here today, it's your testimony that  
10 all during the week of July 6th to July 14th you never  
11 recalled your conversation back on or about June 12th with  
12 Vice President Cheney who had told you that Wilson's wife  
13 worked at the CIA in counterproliferation.  Correct?

14          A.    Right.  To be exact, I believe my testimony is I  
15 don't recall recalling that, and I recall being surprised by  
16 what Tim Russert said.  And from that I believe that I did not  
17 recall it at all during that week.  I know I didn't -- I  
18 recall being surprised when I learned it from Tim Russert, and  
19 therefore I don't think I remembered it in the day or two  
20 beforehand.

21          Q.    And you have no recollection of discussing either in  
22 June or July of 2003, with Cathie Martin, that Wilson's wife  
23 worked at the CIA?

24          A.    Correct, I don't, I don't recall having that  
25 discussion.

1 Q. And you specifically have no recollection of telling  
2 Ari Fleischer on July 7th at your lunch before he left the  
3 White House that you had a fact, you had a fact that was hush-  
4 hush or q.t. which was that Wilson's wife worked at the CIA.  
5 Correct?

6 A. I don't recall that.

7 Q. And it's your recollection that when Mr. Russert  
8 told you on or about July 10th that Wilson's wife worked at  
9 the CIA, that struck you as a new fact, you had no  
10 recollection of any prior conversations with other people  
11 concerning Wilson's wife working at the CIA. Correct?

12 A. That's how I recall it, sir.

13 Q. And in your conversations that you had with Mr.  
14 Cooper, Mr. Kessler, Ms. Miller, you recall telling each one  
15 of those when you did talk about Wilson's wife that you had  
16 learned that from another reporter or reporters. Correct?

17 A. With Mr. Cooper and Ms. Miller, yes. With Mr.  
18 Kessler, I'm still not sure that we discussed the wife on the  
19 Saturday. If we did, I'm sure that I said, "reporters are  
20 telling us that." It could be that I discussed that with him  
21 the following week, I just don't know. If that's the case, I  
22 don't know that he may have just brought it up because it was  
23 in the Novak article. I just don't recall it as clearly.

24 Q. And it remains your testimony that with regard to  
25 Andrea Mitchell, you don't recall whether or not you discussed

1 Wilson's wife working at the CIA with her, but you have a  
2 recollection of being in a dilemma that if she were to ask you  
3 how you knew, that you were afraid that you would have to tell  
4 her that Russert had told you. You didn't want her to learn  
5 from you what Russert may not have told her?

6 A. That's, that's the bit about that conversation that  
7 sticks out in my mind, sir.

8 Q. And now, did you at all feel uncomfortable in the  
9 fall of 2003, having had these conversations when you did get  
10 cleared by Mr. McClellan and the word came out that there's no  
11 White House involvement in these leaks whatsoever, did you  
12 feel uncomfortable that in any way you had misled Mr.  
13 McClellan, or the President, or anyone else in the  
14 administration to believe that there was no White House  
15 involvement in this, in this factual scenario when in fact you  
16 had been talking to reporters?

17 A. Certainly not at all uncomfortable with what I  
18 wanted Mr. McClellan to say which was I was not the source for  
19 Mr. Novak. I'm not uncomfortable about what Mr. McClellan said  
20 because I had gone to the Vice President and told him, "I  
21 would be happy to tell you everything I know if you want me  
22 to." And so I think I did what I was supposed to do. And  
23 it's my understanding that I wasn't supposed to be going  
24 around talking to lots of people about what I recall and  
25 exchanging memories on it. So I'm comfortable with that.

1 Q. And just so we're clear, I've been asking you  
2 questions about prior -- on your conversations with people  
3 prior to the FBI beginning interviews. I'm not at all asking  
4 questions about what people should be doing henceforth. So no  
5 one is asking you to go out and have conversations with people  
6 from this point forward.

7 A. Okay.

8 Q. And given that you understood that the better  
9 practice was not to have conversations with people, why did  
10 you pick up the phone to call Tim Russert rather than have  
11 your lawyer call him?

12 A. Tim Russert doesn't know my lawyer, and I picked up  
13 the phone and only said, I'd like you to -- I'm wondering if  
14 you would be willing to talk to my lawyer, and so I didn't  
15 think there was anything wrong with that because I didn't go  
16 into details about anything. And he said, "I better talk to  
17 my lawyer." And so we then had -- I think his lawyer called  
18 mine, or mine called his, and that was that.

19 Q. Did you ever hear back from Tim Russert whether he  
20 would -- did he ever tell you he had talked to your lawyer?

21 A. Never heard back from him.

22 Q. Sir, sir?

23 A. I never heard back from Tim Russert.

24 Q. Have you reached out to any other reporters, asked  
25 them whether they would be willing to speak to you, or your

1 counsel?

2 A. I have not reached out, but I had a conversation  
3 with Evan Thomas at one point about a different subject, and  
4 he said, "What's the story about this Wilson stuff?" And I  
5 said, "I'm not allowed to talk about that. But you know, if  
6 you want, I can -- you can talk to my lawyer, but I can't --  
7 I'm not allowed to talk to you about this stuff." And he  
8 said, "Okay."

9 Q. Any other conversations with third parties about the  
10 facts of the case other than those two reporters realizing how  
11 limited those conversations are?

12 A. Yeah. I don't think I discussed the facts of the  
13 case --

14 Q. Right.

15 A. -- with those two. No, I don't think I've had any  
16 discussions with any reporters about it.

17 MR. FITZGERALD. Okay, be one moment.

18 (Long pause while Mr. Fitzgerald and co-counsel  
19 confer.)

20 MR. FITZGERALD. If we could ask you to step out  
21 for just a minute and we'll see if the Grand Jurors have any  
22 questions.

23 WITNESS. Okay. Do you want me to stand out here  
24 or go all the way --

25 MR. FITZGERALD. Why don't we ask Katie? She knows

1 everything. Okay.

2 (Whereupon, the witness was excused at 3:15 p.m.)

3 (Whereupon, the witness was recalled at 3:20 p.m.)

4 GRAND JUROR. I just want to remind you that you  
5 are still under oath. Thank you.

6 BY MR. FITZGERALD:

7 Q. Okay, a few sets of questions. First, your lunch  
8 with Ari Fleischer. How often had you had lunch with Ari  
9 Fleischer in the past?

10 A. Very, very seldom. It might be the only time. It  
11 might have been two of them.

12 Q. So it was either your only lunch or one of two?

13 A. It was very modest. You usually can't get lunch  
14 with him because he's -- he does his gag -- his briefing at 1  
15 o'clock and so he doesn't do lunch a lot.

16 Q. And have you talked to Ari Fleischer since he left  
17 government?

18 A. No, sir. Oh, I'm sorry.

19 Q. It's a long day.

20 A. Yes, I saw him at a basketball game, and I think I  
21 saw him around the White House -- more than once, I think. I  
22 think I've seen him at some receptions at the White House.  
23 It's tricky about this since he left government part -- he's  
24 gotten married and I've run into him with his wife, I think.  
25 Anyway, I definitely saw him at a basketball game.

1 Q. Have you talked to him at all about this matter  
2 since he's left government?

3 A. Not that I know of. Was that a strange answer?

4 Q. Yes.

5 A. No. Sorry. I, I don't think so. At the basketball  
6 game he asked me how things were doing, things were going  
7 okay, that sort of thing. I don't think we've talked in any  
8 detail about this matter.

9 Q. Secondly, when it comes to -- when it came to your  
10 conversation with Mr. Russert, the question is, why were you  
11 so surprised when he told you that Wilson's wife worked at the  
12 CIA?

13 A. Well, I was, I was surprised that he knew it, and I  
14 thought I didn't. I mean, I didn't as I sat there know it.  
15 I'm also -- Tim Russert is -- I don't know, he's one of the --  
16 in my view anyway, he's one of the best of the newsmen, one of  
17 the most substantive of the news people, and it struck me  
18 that, that not only did he know it and I didn't know it, or at  
19 least as I sat there I didn't know it, but also that he  
20 thought it was important.

21 Q. And you mentioned that you reached out to him in the  
22 last month, like either in February or March. And the  
23 question was whether you'd reached out to Mr. Russert before  
24 or after your first Grand Jury appearance?

25 A. I don't recall. I think before but I'm not sure.

1 Q. Putting aside any advice of counsel events, was  
2 there anything that triggered your reaching out to Mr.  
3 Russert?

4 A. No.

5 Q. Next question is, what is your protocol when you're  
6 talking to White House, particularly the Vice President, as in  
7 an oral conversation about whether or not one is to assume  
8 that what you are told is classified or not? How do you go  
9 through the day talking about national security matters and  
10 other matters with the Vice President and sort out what's  
11 classified and what's not?

12 A. A lot of stuff is cleared that is clearly classified  
13 because we're in a briefing together and we're talking about  
14 things that are from the briefing. Some things are clear that  
15 they're not classified because they're coming out in a  
16 newspaper or something that's been on television news or  
17 something like that. And then there are some things which,  
18 you know, he or I will specifically say are classified. And  
19 sometimes he'll say, "This is for you only, you're not to talk  
20 to anybody else about this." Sometimes that's a classified  
21 fact, sometimes it's not a classified fact that I'm not to  
22 talk about. But -- so usually we -- usually it's clear  
23 between us from the context, but occasionally he'll actually  
24 specify.

25 Q. And does the Vice President ever ask you not to

1 write certain things down?

2 A. Maybe once or twice in a long period of time he may  
3 have said not to write something down. It's not very common.

4 Q. And without telling us the subject matter, what  
5 would occasion him to tell you not to write it down?

6 A. Something which is an operational -- maybe something  
7 about a war plan, something like that.

8 Q. You know that records are kept by the Presidential  
9 Records Act. Is there ever communication by the Vice  
10 President that he doesn't want you to write something down,  
11 not because it's going to compromise something operational  
12 concerning the national defense, but doesn't want a record  
13 kept that certain things are discussed?

14 A. No, I don't think he's ever told me that.

15 Q. Do you ever recall anything being told by the Vice  
16 President not to write anything down concerning uranium,  
17 Niger, the controversy about the sixteen words, and the  
18 discussion of Wilson's trip --

19 A. No --

20 Q. -- or the response thereto?

21 A. -- no, sir.

22 Q. The next set of questions from the Grand Jury are --  
23 concern this fact. If you did not understand the information  
24 about Wilson's wife to have been classified and didn't  
25 understand it when you heard it from Mr. Russert, why was it

1 that you were so deliberate to make sure that you told other  
2 reporters that reporters were saying it and not assert it as  
3 something you knew?

4 A. I want -- I didn't want to -- I didn't know if it  
5 was true and I didn't want people -- I didn't want the  
6 reporters to think it was true because I said it. I -- all I  
7 had was that reporters are telling us that, and by that I  
8 wanted them to understand it wasn't coming from me and that it  
9 might not be true. Reporters write things that aren't true  
10 sometimes, or get things that aren't true. So I wanted to be  
11 clear they didn't, they didn't think it was me saying it. I  
12 didn't know it was true and I wanted them to understand that.  
13 Also, it was important to me to let them know that because  
14 what I was telling them was that I don't know Mr. Wilson. We  
15 didn't ask for his mission. That I didn't see his report.  
16 Basically, we didn't know anything about him until this stuff  
17 came out in June. And among the other things, I didn't know  
18 he had a wife. That was one of the things I said to Mr.  
19 Cooper. I don't know if he's married. And so I wanted to be  
20 very clear about all this stuff that I didn't, I didn't know  
21 about him. And the only thing I had on it, I thought at the  
22 time, was what reporters are telling us.

23 Q. And the next question was, what did the Vice  
24 President tell you about his conversation with the President  
25 when the President gave you the green light to share some of

1 the NIE information with the press which turned out to be  
2 Judith Miller?

3 A. He told me to go ahead and talk to -- that we should  
4 go ahead and, and talk to the press about the NIE. I don't  
5 remember whether he said Judith Miller at that point or, or we  
6 should go ahead and talk about it. And, you know, I said, the  
7 President cleared it? And he said, "yes," or something. I  
8 didn't use those words necessarily, but that was -- I made  
9 sure that, that he had talked to the President, the President  
10 said that we should talk about it.

11 Q. Do you know if he met with the President in person  
12 or spoke to him by telephone?

13 A. I don't know.

14 Q. And do you know if the Vice President was in town,  
15 in Washington, when he talked to the President about it or was  
16 out of town?

17 A. I believe he was in town when he talked to, talked  
18 about it.

19 Q. And do you know whether the President was in town  
20 when he talked to the President about it?

21 A. I think that he talked to the President -- I believe  
22 they were both in town when they talked about it, but I, I  
23 don't know, but that was my impression.

24 Q. Any other detail that the Vice President imparted to  
25 you about his conversation that he had with the President?

1 A. No, sir.

2 MR. FITZGERALD. And -- give me a moment while I  
3 read my writing. I'll just ask someone else.

4 WITNESS. They have to read your writing?

5 (Whereupon, Mr. Fitzgerald and co-counsel confer.)

6 MR. FITZGERALD. Oh, yes, okay.

7 BY MR. FITZGERALD:

8 Q. When the Vice President asked you the question,  
9 "have they done this type of thing before," question to that  
10 effect, Vice -- did the Vice President ever ask you has the  
11 Agency ever done this sort of thing before where an ambassador  
12 was sent out?

13 A. I think he may have at some point.

14 Q. And what did you do in response to that question, if  
15 anything?

16 A. I don't know if I did anything particularly about  
17 it. I think he may have taken it up with, with Tenet rather  
18 than asking me. He knows that I'm not an Agency person. The  
19 only person on our staff who knows anything about the Agency  
20 is -- or who has worked there, I should say, is our General  
21 Counsel, David Addington. So whether he took it up with him  
22 or not, I don't know. I may have asked John McLaughlin about  
23 it but I don't, I don't recall.

24 Q. And do you recall whether or not Vice President  
25 Cheney ever told you that he in fact did talk to Tenet or

1 anyone else at the Agency about this?

2 A. I think he had talked to someone at the Agency about  
3 this subject in general. I don't know specifically about --  
4 the specific here was, was what?

5 Q. Whether they send ambassadors overseas --

6 A. Yeah, I don't know about --

7 Q. -- or don't they?

8 A. -- that particular part of it.

9 Q. What did he talk to the official that you do know he  
10 talked about?

11 A. About, you know, how this came about. I have a  
12 sense that he had talked to Tenet or somebody about, about  
13 that.

14 Q. And what time frame was that?

15 A. Summer, June, July, something like that. He was  
16 interested in this subject and, you know, he doesn't run -- he  
17 doesn't do everything through me. He does a lot of stuff  
18 himself. He meets with Director Tenet daily or McLaughlin  
19 daily, and I have a sense that he had talked to them about it  
20 along the way.

21 Q. And what gave you that sense?

22 A. Some conversation but I don't recall, I don't recall  
23 it. I mean, I don't recall any details of it. I think there  
24 was some conversation where I had the sense that he had, he  
25 had talked about this directly with them.

1 Q. Did you ever talk to a person by the name of David  
2 Shedd about Wilson, or his wife, or the trip?

3 A. David Shedd is the NSC officer for intelligence, I  
4 think. I'm not sure of his exact title. But he's from the  
5 Agency, as I understand it. I've talked to David Shedd about  
6 a lot of things, mostly involving Iraq and intelligence. I  
7 don't recall talking to David Shedd specifically about the  
8 Wilson matter. I might have but I don't recall.

9 Q. And to your knowledge has, has the Vice President  
10 ever talked to David Shedd about Wilson, the Wilson matter or  
11 the trip to Niger about uranium?

12 A. I don't know. I don't think he would often talk to  
13 David Shedd, but maybe on the margins of something or  
14 something.

15 MR. FITZGERALD. Okay. If you could step out a  
16 moment, we'll just confirm that there are no more questions.  
17 Appreciate it.

18 (Whereupon, the witness was excused at 3:33 p.m.)

19 (Whereupon, the witness was recalled at 3:34 p.m.)

20 MR. FITZGERALD. We are complete. We'll -- for the  
21 record I'd ask the foreperson just to keep you under subpoena  
22 in case something else develops that we could bring you back.  
23 We don't have to go out and serve you again, but in the  
24 unlikely event that should happen, we will contact Mr. Tate  
25 and let you know. Thank you for the time and we, we are

1 complete.

2 WITNESS. Thank you. Thank you all.

3 (Whereupon, the witness was excused at 3:34 p.m.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

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

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 15, 2006  
Date

*Deborah H. Powers*  
Deborah H. Powers, Court Reporter