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5 COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

6 U.S. HOUSE OF REPRESENTATIVES,

7 WASHINGTON, D.C.

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12 INTERVIEW OF: RONALD KLAIN

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16 Thursday, July 24, 2025

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18 Washington, D.C.

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21 The interview in the above matter was held in room 2335, Rayburn House Office
22 Building, commencing at 10:02 a.m.

23 Present: Representatives Comer, Biggs, and Khanna.

1 Appearances:

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4 For the COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

5

6 MITCH BENZINE, GENERAL COUNSEL

7 BILLY GRANT, COUNSEL, OVERSIGHT

8 JAKE GREENBERG, CHIEF COUNSEL FOR INVESTIGATIONS

9 MARGARET HARKER, SENIOR ADVISOR

10 MELVIN SOTO, DIGITAL DIRECTOR

11 PETER SPECTRE, PROFESSIONAL STAFF MEMBER

12 ELLISON TOLAN, COUNSEL

13 SHARON UTZ, SENIOR PROFESSIONAL STAFF MEMBER

14 [REDACTED], MINORITY STAFF DIRECTOR

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19 [REDACTED], MINORITY SENIOR COUNSEL

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1 For RONALD KLAIN:
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4 ZOE BROWN, ESQ.
5 Covington & Burling LLP
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1 Mr. Greenberg. We'll go on the record.

2 This is a transcribed interview of Ron Klain, conducted by the House Committee on
3 Oversight and Government Reform under the authority granted to it pursuant to
4 House rule X.

5 Accordingly, House rule X grants the Committee broad jurisdiction for the
6 Committee to conduct investigations of any matter at any time.

7 This interview was requested by Chairman James Comer as part of the
8 Committee's investigation into President Biden's alleged mental and physical decline, the
9 Biden White House's efforts to hide that from the American people, and any
10 unauthorized executive action.

11 Can the witness please state his name and spell his last name for the record?

12 Mr. Klain. Yes. My name is Ronald Klain, K-l-a-i-n.

13 Mr. Greenberg. Thank you, sir.

14 On behalf of the Committee, I want to thank Mr. Klain for appearing here today.
15 The Committee appreciates your appearance for the interview.

16 My name is Jake Greenberg, and I am chief counsel for investigations for
17 Chairman Comer.

18 Under the Committee on Oversight and Government Reform's rules, you are
19 allowed to have counsel present to advise you during the interview. Do you have
20 counsel representing you in a personal capacity present with you today?

21 Mr. Klain. Yes, I do.

22 Mr. Greenberg. Will counsel please identify themselves for the record?

23 Mr. Smith. Brian Smith, Covington & Burling, on behalf of Mr. Klain. I'm joined
24 by Zoe Brown.

25 Mr. Greenberg. Thank you, sir.

1 For the record, starting with the majority staff, can the additional staff members
2 please introduce themselves with their names, titles, and affiliations?

3 Mr. Benzine. Mitch Benzine, general counsel with the majority.

4 Ms. Harker. Margaret Harker, senior advisor for the majority.

5 Ms. Utz. Sharon Utz, senior professional staff for the majority.

6 Ms. Tolan. Ellison Tolan, counsel for the majority.

7 Mr. Grant. Billy Grant, counsel for the majority.

8 Mr. Spectre. Peter Spectre, professional staff member for the majority.

9 Mr. Soto. Melvin Soto, digital director for the majority.

10 Ms. [REDACTED], minority.

11 Ms. [REDACTED], counsel for the minority.

12 Mr. [REDACTED], staff director, minority.

13 Mr. [REDACTED], senior counsel, minority.

14 Ms. [REDACTED], senior counsel, minority.

15 Mr. [REDACTED], senior counsel for the minority.

16 Ms. [REDACTED] legal intern for the minority.

17 Mr. [REDACTED], counsel, Oversight Democratic staff.

18 Mr. Greenberg. And there are members here today. Can they identify
19 themselves for the record?

20 Mr. Comer. James Comer, Chairman, Oversight Committee, Kentucky.

21 Mr. Biggs. Andy Biggs, member of the Committee from Arizona.

22 Mr. Khanna. Ro Khanna from California.

23 Mr. Greenberg. Thank you all.

24 Mr. Klain, before we begin, I would like to go over the ground rules for this
25 interview.

1 The questioning will proceed in rounds. The majority will ask questions for up to
2 an hour, and then the minority will have an opportunity to ask questions for an hour if
3 they choose.

4 To the extent members have questions for the witness, they will be propounded
5 during their side's respective rounds.

6 The clock will stop if the witness needs to confer with counsel, when counsel for
7 the witness is speaking, and when members are speaking during the opposing side's
8 round of questions.

9 We will alternate back and forth until there are no more questions.

10 Do you understand?

11 Mr. Klain. Yes, I do. Thank you.

12 Mr. Greenberg. There is a court reporter taking down everything I say and
13 everything you say to make a written record of the interview.

14 For the record to be clear, please wait until the staffer questioning you finishes
15 each question before you begin your answer, and the staffer will wait until you finish your
16 response before proceeding to the next question.

17 Further, to the ensure the court reporter can properly record this interview,
18 please speak clearly, concisely, and slowly. Also, the court reporter cannot record
19 nonverbal answers, such as nodding or shaking your head, so it's important that you
20 answer each question with an audible, verbal answer.

21 Exhibits may be entered into the record. Majority exhibits will be identified
22 numerically. Minority exhibits will be identified alphabetically.

23 Do you understand?

24 Mr. Klain. Yes, I do. Thank you.

25 Mr. Greenberg. We want you to answer our questions in the most complete and

1 truthful manner possible, so we will take our time. If you have any questions or do not
2 fully understand the questions, please let us know, and we will attempt to clarify, add
3 context to, or rephrase our questions.

4 If we ask about specific conversation or events in the past and you are unable to
5 recall the exact words or details, you should testify to the substance of those
6 conversations or events to the best of your recollection.

7 If you recall only a part of a conversation or event, you should give us your best
8 recollection of those events or parts of conversations that you do recall.

9 Do you understand?

10 Mr. Klain. Yes, I do. Thank you.

11 Mr. Greenberg. You are required by law to answer questions from Congress
12 truthfully. This also applies to questions posed by congressional staff in this interview.

13 Do you understand?

14 Mr. Klain. Yes, I do.

15 Mr. Greenberg. If at any time you knowingly make false statements, you could
16 be subject to criminal prosecution. Do you understand?

17 Mr. Klain. Yes, I do.

18 Mr. Greenberg. This includes both knowingly providing false testimony but also
19 stating that you do not recall or remember something when, in fact, you do. Do you
20 understand?

21 Mr. Klain. Yes, I do.

22 Mr. Greenberg. Furthermore, you cannot tell half-truths or exclude information
23 necessary to make statements accurate. You are required to provide all information
24 that would make your response truthful. A deliberate failure to disclose information can
25 constitute a false statement.

1 Do you understand?

2 Mr. Klain. Yes, I do.

3 Mr. Greenberg. Is there any reason you are unable to provide truthful testimony
4 in today's interview?

5 Mr. Klain. No, there is not.

6 Mr. Greenberg. Please note that if you wish to assert a privilege over any
7 statement today, that assertion must comply with the rules of the Committee on
8 Oversight and Government Reform.

9 Pursuant to that, Committee rule 16(c)(1) states, "For the Chair to consider
10 assertions of privilege over testimony or statements, witnesses or entities must clearly
11 state the specific privilege being asserted and the reason for the assertion on or before
12 the scheduled date of testimony or appearance."

13 Do you understand?

14 Mr. Klain. Yes, I do.

15 Mr. Greenberg. I'll enter as exhibit 1 a letter transmitted to your counsel, dated
16 June 24th, 2025, from Mr. Gary Lawkowski, deputy counsel to the President.

17 [Klain Majority Exhibit No. 1.

18 was marked for identification.]

19 Mr. Greenberg. This letter informs you that President Trump has determined
20 not to assert executive privilege over your assessment of former President Biden's fitness
21 for the Office of the President and your knowledge of who exercised executive powers
22 during his administration.

23 The letter also states that President Trump will not assert immunity to preclude
24 you from testifying before the House Oversight Committee.

25 Ordinarily, we take a 5-minute break at the end of each hour of questioning, but if

1 you need to take a longer break or a break before that, please let us know, and we'll be
2 happy to accommodate.

3 Mr. Klain. Thank you.

4 Mr. Greenberg. However, to the extent that there is a pending question, we
5 would ask that you finish answering the question before we take a break. Do you
6 understand?

7 Mr. Klain. Yes, I do. Thank you.

8 Mr. Greenberg. Do you have any questions before we begin?

9 Mr. Klain. No. Let's proceed.

10 Mr. Greenberg. My clock reads 10:08, and the majority's time will begin now.

11 EXAMINATION

12 BY MR. GREENBERG:

13 Q Mr. Klain, do you think questions about Joe Biden's cognitive health are
14 legitimate questions from the American people?

15 A Yes, I do.

16 Q Do you think that the American people are wrong to have concerns about
17 how Joe Biden appeared the night of his 2024 debate against Donald Trump?

18 A Well, it was a very poor performance that night, and I understand why voters
19 found it upsetting.

20 Q Are you familiar with Ashley Williams, Mr. Klain?

21 A Yes, I am.

22 Q Who is Ashley Williams?

23 A Ashley Williams was one of the assistants to the President who worked in
24 the outer Oval Office and, you know, performed clerical duties in support of the
25 President.

1 Q And she would answer to Ms. Annie Tomasini; is that correct?

2 A For most of her tenure there, yes.

3 Q And Ms. Tomasini would report to you, ultimately, as chief of staff, correct?

4 A Ultimately, yes.

5 Q Ashley Williams told this Committee, when we conducted a transcribed
6 interview of her, that, quote, "In my experience, President Biden was in command and
7 fully executed his duties as President of the United States of America. Public
8 speculation to the contrary, in my view, is inaccurate and ill-informed."

9 Many Americans believe that President Biden was not, in fact, in command. Do
10 you agree with Ms. Williams that the American people are ill-informed?

11 A Well, I'm not sure what Ms. Williams meant by that, but I believe that
12 President Biden was fully acute to serve as President of the United States for the entirety
13 of his tenure and had the mental sharpness to serve as President and was serving as
14 President.

15 Q Do you believe he was in command the night that he debated
16 President Trump?

17 A I believe he had a very poor debate performance that night, as many
18 incumbent Presidents have in their first debates.

19 President Reagan had a very, very bad first debate with Vice President Mondale
20 back in 1984.

21 President Bush had a horrible debate his first debate when he debated Governor
22 Clinton and Mr. Perot in 1992.

23 President George W. Bush had a very bad first debate against John Kerry in 2004.

24 And President Obama had a famously horrible debate his first debate in Denver in
25 2012.

1 Q Thank you, sir, but that wasn't my question. Do you believe that
2 President Biden was in command the night that he debated Donald Trump in June of
3 2024?

4 A I believe he had a very bad debate. I don't know what "in command"
5 means in the context of a debate. He wasn't being President then; he was being a
6 candidate for President then.

7 Q If President Biden showed up to the White House every day behaving and
8 acting as he did the night that he debated Donald Trump, would you have concerns about
9 that?

10 A Well, I don't know what "behaving and acting" means. I think that the
11 President gave very weak answers that night, but I think, when he showed up in the
12 White House, in my experience -- I was chief of staff for the first 2 years; I left in February
13 of 2023 -- he arrived every day and he reviewed difficult issues and made decisions that
14 reflected a sharp mind and an ability to make very effective decisions as President.

15 Q Is it your testimony today that you haven't noticed any change to Joe Biden's
16 mental acuity over your years of knowing him?

17 A I'm sorry, Jake, that's not what I said. There's no question that he at 80 is
18 different than he was when I first went to work for him when he was 44 years old. We
19 all get older, and I think there is no question he had aged as President.

20 But he still had the acuity to be President and make Presidential decisions.

21 Q But do you think his mental acuity had declined?

22 A I think he was less energetic than he had been when he was younger and a
23 bit more forgetful, but he still had more than sufficient acuity to govern and to make the
24 decisions that he made as President of the United States.

25 Q Do you think President Biden should've run for reelection?

1 A Well, given that he withdrew from the race, obviously he should not. I
2 don't think any candidate should start a campaign if they don't intend to finish the
3 campaign. And that's true at all levels of politics, in my view.

4 Q Do you think President Biden should've withdrawn from the race?

5 A No, I do not.

6 Q Is it your testimony today that President Biden -- former President Biden is
7 not in mental decline, in your opinion?

8 A I'm not sure what you mean by the phrase "mental decline." Do I think he
9 is older and a bit slower than he was when he was younger? Yes. Do I think he had
10 the mental acuity to be President? Yes.

11 Q Thank you.

12 Let's back up a little bit.

13 A Okay.

14 Q Can you tell the Committee where you did your undergraduate studies?

15 A Georgetown University, here in Washington, D.C.

16 Q And what did you receive a degree in?

17 A My major was in government. I received an A.B. in government at
18 Georgetown in 1983.

19 Q And you graduated from Harvard Law School in 1987. Is that correct?

20 A That is correct, yes.

21 Q You have a rather lengthy professional background. I don't think we're
22 going to hit every piece of that, but I'm going to hit a few points, and we'll go from there.

23 You served as chief of staff to Vice President Gore. Is that correct?

24 A That is correct, yes, sir.

25 Q What years were you chief of staff to Vice President Gore?

1 A I started in the fall of 1995 and left in 1999.

2 Q I want to show you a document, if I can get it out. We'll mark it exhibit 2.

3 [Klain Majority Exhibit No. 2.

4 was marked for identification.]

5 BY MR. GREENBERG:

6 Q This is a memorandum for the President from senior advisors, subject:

7 "Follow up on Debates," dated April 15th, 2024.

8 April 15th, 2024, you were not chief of staff, correct?

9 A No, I was not.

10 Q Have you seen this memo before?

11 A Yes, I have.

12 Q Where have you seen it?

13 A I helped prepare this memo.

14 Q Can you describe in a little bit more detail what you mean by you helped
15 prepare it if you weren't actually in the White House at this time?

16 A Yes. Well, I was providing advice to the President's reelection campaign,
17 particularly around the question of debates. And I had urged the President to seek an
18 early debate with Mr. Trump. And this memo, I think, encapsulated those
19 recommendations and a method of proceeding on those debates.

20 And, obviously, it reflects the fact that I believe the President was mentally sharp,
21 because I would not have recommended that he debate President Trump in a voluntary
22 debate earlier than any Presidential debate in modern history if I didn't think he was
23 going to do well in that debate.

24 Q Before we actually turn to the substance of this memo, I want to just ask
25 you: It is apparent to me -- or it seems to me that it's kind of a -- I'll back up.

1 I find it strange that the "you"s and the "your"s are all capitalized and bolded. Is
2 this how you would prepare a product for President Biden?

3 A I think this was kind of the standard White House style, as I recall it, to -- I
4 don't really know where it comes from. I've seen it in prior administrations as well. I
5 think it's -- I suppose it's a way of perhaps showing respect for the President; I'm not sure.
6 But this was commonly the way memos were styled with both President Obama and
7 President Biden.

8 Q So President Obama would receive this sort of treatment; his memos would
9 have this kind of "your" and "you" capitalized and bolded as well?

10 A That's the best of my recollection, yes, sir.

11 Q And to back up, actually, when you were chief of staff to Vice President
12 Gore, same thing?

13 A I don't recall us using this style for Vice President Gore, but we might've.
14 I'm not sure.

15 Q Why did you believe that an early debate with Donald Trump was in
16 President Biden's interest?

17 A Well, as you'll recall, there was a lot of discussion about the President's age
18 in the campaign.

19 That had been the sole issue of the primary campaign launched by
20 Congressman Phillips against him. He didn't disagree with any of President Biden's
21 policies, as best I can recall. He had voted for almost all the legislation that had passed
22 under President Biden. And his one issue in that campaign was the President's age.

23 And it had become an issue in American politics, and there have been times when
24 the President had been able to push that back a bit. His State of the Union address in
25 2024 was a very effective State of the Union address, and polls showed that voters

1 lessened their concern about his age.

2 And my basic thesis was, the more the people saw the President, the more those
3 concerns would be abated. And so I thought a high-profile, high-stakes debate with
4 former President Trump was a good way to address this age question and have the
5 President show that he was fit to serve a second term.

6 So I thought going one-on-one with President Trump would be an effective tool to
7 address the number-one issue in the campaign. Of course, I was wrong.

8 Q You've brought up Representative Phillips, his criticisms of President Biden's
9 age. How often would conversations about Representative Phillips be brought up in
10 conversations about President Biden's own reelection chances?

11 A I think when Congressman Phillips first started his campaign, we would often
12 discuss it with the President.

13 The President trounced Congressman Phillips in the primaries, including a win in
14 New Hampshire where the President wasn't even on the ballot, and he won by 58 percent
15 as a write-in candidate.

16 So I think, as the race proceeded, we talked less about Congressman Phillips,
17 because Congressman Phillips continued to be drubbed at the polls by the Democratic
18 electorate.

19 Q When you would speak with President Biden about Representative Phillips's
20 criticism regarding President Biden's age, how would President Biden respond?

21 A He would respond by saying, you know, the proof of my fitness to be
22 President is my being President, and the voters will judge me based on my performance
23 as President.

24 Q I've heard you say in interviews before that the proof of President Biden's
25 being President is being President. Could President Biden be President and do anything

1 and you'd still find that a convincing argument?

2 A What I mean by that is, I saw the President make some very hard decisions in
3 the face of very difficult scenarios.

4 For example, as Russia moved troops towards the border of Ukraine, many world
5 leaders and many so-called foreign policy experts in the United States said there was no
6 way that Putin was going to invade Ukraine; it was too risky and out of character.

7 And President Biden said, no, he's going to invade Ukraine. He read the
8 intelligence. He drew on his knowledge and expertise, was quite firm in his confidence
9 that the invasion would happen, and directed NATO to be prepared and urged
10 President Zelenskyy to be prepared.

11 And I thought that showed a great deal of insight and acuity that others lacked at
12 the time.

13 Q What were the hardest decisions that you watched President Biden make
14 during your time as chief of staff?

15 A Well, I think that was one of them, certainly.

16 I watched him interact with Senator Manchin repeatedly on our legislative
17 agenda, which were difficult negotiations, and the President handled them masterfully.

18 And I watched him interact with Senator McConnell repeatedly on questions
19 about the debt ceiling and government financing, and so those were also difficult
20 negotiations.

21 BY MR. BENZINE:

22 Q Mr. Klain, turning back to this memo, it says, "FROM: Senior Advisors."
23 Based on your testimony, I'm assuming you're one of the senior advisors. Who were the
24 other drafters of this memo?

25 A I don't recall specifically who else drafted the memo. I think it would've

1 certainly been reviewed by Ms. Dunn and by Jennifer O'Malley Dillon, who was running
2 the campaign, and perhaps by others as well.

3 Q Would Mr. Zients have been involved in this decision?

4 A He would've certainly been involved, but whether or not he helped draft the
5 memo, I'm not sure.

6 Q And, then, you said that you were a big advocate for an early debate to try
7 to put voters' questions about age to rest. Did Ms. Dunn and Ms. Dillon agree with the
8 early-debate advocacy?

9 A Yes. To the best of my recollection, yes.

10 Q To your knowledge, for the same reasons as yourself?

11 A Yes.

12 Q Were there any advisors advocating against an early debate?

13 A Not that I recall, no.

14 Q Were there any advisors advocating against a debate, period?

15 A Not that I recall, no.

16 Q Did the Special Counsel Hur report change any of your calculations?

17 A It did not change my calculations. I -- obviously, I think the political
18 ramifications from the Hur report might've further reinforced my view that, given that it
19 added to the discussion about the President's age, we should take steps to try to abate
20 those concerns, and I thought the debate would be one of those steps.

21 Q Okay. Thank you.

22 BY MS. HARKER:

23 Q Was the number-one issue in the campaign the President's fitness or his
24 age?

25 A I believe it was his age.

1 Q How would an early debate change voters' view of his age? He wouldn't be
2 younger because there was a debate earlier, right? I mean, a couple days, a couple
3 weeks, but -- I'm not following. Could you explain?

4 A Yes. I think that his age became a bit of a surrogate for his capabilities to
5 serve another 4 years. And I thought that him performing robustly against Mr. Trump in
6 a debate would show voters that he had the fight and feist to continue to serve as
7 President for 4 more years.

8 And so, you know, it's hard to know, when voters say age is a concern, what
9 exactly they have in mind. They're not writing essays; they're just responding to poll
10 questions. And so, you know, I think if the -- I think related to age is vitality. And I
11 thought that -- and we know that that concern ebbed shortly after the State of the Union,
12 when they saw the President giving a vital, energetic address before Congress, and I
13 thought that a good debate performance would serve the same purpose.

14 BY MR. GREENBERG:

15 Q You have said, a lot of people have said, Joe Biden has said, that his debate
16 performance was not good and he had a bad night.

17 Were there other bad nights, similar to his debate performance, that you recall?

18 A No, certainly not like that that I recall.

19 Q The debate occurred on June 27th, 2024, correct?

20 A Yes.

21 Q You spent the week prior to the debate at Camp David, correct?

22 A Yes.

23 Q You were helping prepare President Biden for the debate?

24 A Yes, I was.

25 Q During that week, did President Biden demonstrate any of the actions or

1 symptoms of what was happening on the debate stage on June 27th?

2 A Well, the practice did not go well. It was not quite as bad as the actual
3 debate, but he clearly had not reviewed his materials for the debate before we got to that
4 week at Camp David and he was not fluent in the arguments of the campaign.

5 Q What materials should President Biden have reviewed that he did not?

6 A Well, typically, for any debate, his advisors would prepare sample answers
7 that reflected things he had said previously but reduced to the style and format of a
8 debate, which required timed answers. And there were cards that had those answers
9 drafted on them, and it was pretty clear to me he had not reviewed those cards.

10 BY MR. BENZINE:

11 Q Who else was at Camp David for the entirety of the week before the debate?

12 A Bruce Reed, the deputy chief of staff to the President, and Mike Donilon, his
13 senior advisor.

14 Q Did anyone else flow in and out?

15 A Yes. A number of other campaign aides and White House aides made
16 briefer visits to Camp David during that period.

17 Q Steve Ricchetti?

18 A Yes. I believe so.

19 Q Mr. Zients?

20 A I'm not sure if Jeff ever came or not. I don't recall specifically.

21 Q Jake Sullivan?

22 A I don't recall.

23 Q Anita Dunn?

24 A Yes.

25 Q Anthony Bernal?

1 A Not that I recall, no.

2 Q Annie Tomasini?

3 A Yes.

4 Q Neera Tanden?

5 A I believe Neera was there briefly, but I'm not certain.

6 Q Ashley Williams?

7 A I don't recall.

8 Q Karine Jean-Pierre?

9 A I don't believe she was there at all.

10 Q Did any Members of Congress participate in debate prep?

11 A Not that I recall, no.

12 Q Who played President Trump in debate prep?

13 A Bob Bauer, the President's lawyer. He had played President Trump in
14 debate prep in our 2020 preparations as well.

15 Q And then you said practice did not go well; it was clear he did not review the
16 materials.

17 Is your meaning behind that that he did not have a grasp of the facts and
18 circumstances in the materials, or were there similar kind of missteps that you saw on the
19 debate stage?

20 A What I mean by that is that President Biden, as has been widely reported,
21 had a stutter as a child and managed that stutter through his political career, and one way
22 he managed that stutter was by marking up materials he was going to deliver -- speeches,
23 remarks -- with backward slashes to note what should be a single phrase. I think it's a
24 common tactic taught to stutterers to try to manage their stutter.

25 And so, if President Biden had been through the material he intended to deliver,

1 the slashes would be all over the material. And when I looked at the cards, there were
2 no slashes, which said to me that he had not reviewed it.

3 Q And beyond the -- I mean, on the debate stage, which we'll get into more, he
4 made factual mistakes, like saying that no one during his tenure -- no troops died during
5 his tenure in foreign wars. Was he making similar mistakes like that during prep?

6 A Not that I recall, no.

7 But what I'd say is, I think what he meant by that was that he had ended the war
8 in Afghanistan, and, while obviously we had lost 13 members of the Armed Services as
9 part of the withdrawal, you know, since then, no further troops had -- unlike prior
10 Presidents, where this war in Afghanistan had been going on for 25 years, or 20 years,
11 whatever it was -- we suffered no further casualties.

12 Mr. Greenberg. You think that's what he meant, or you think that he forgot?

13 Mr. Klain. I think that's what he meant.

14 Mr. Benzine. He made another statement during the debate of -- it was along
15 the lines of, "We beat Medicare," or Medicaid; I don't remember which one. Did he
16 make mistakes like that during prep?

17 Mr. Klain. The President sometimes would swap proper nouns for other proper
18 nouns. And I think what he meant by that was, "We defeated Big Pharma," which was a
19 statement he often made on the campaign trail, and we defeated Big Pharma by allowing
20 Medicare to negotiate prescription drug prices. So I think he just garbled two sentences
21 in a way that was inaccurate.

22 BY MR. GREENBERG:

23 Q The President used to switch proper nouns? That seems significant. How
24 often would that occur?

25 A I would say, the President's main strengths -- he often would confuse

1 names -- was not a strength. I understand it's a weird tactic for -- tool for a politician to
2 be bad on names and faces, but he would often say someone's -- get someone's name
3 wrong. And, you know, I just think it was a -- just, you know, one of his weaknesses as a
4 politician.

5 Q Do you think it got worse as you knew him?

6 A Yes.

7 BY MR. BENZINE:

8 Q Two-ish more.

9 During debate prep, did you ever hear anyone say that you were, quote, "grading
10 Biden on a curve"?

11 A I did not, no. Nor did I grade the President [inaudible] did I grade the
12 President at all.

13 Q And then a, kind of, logistical question: Outside of the President and the
14 chief of staff, you have to be invited to Camp David. Is that correct?

15 A That is correct, to the best of my knowledge, yes.

16 Q And the President or chief of staff has to sign off on the invitation?

17 A I believe so, yes.

18 Q In your tenure, did you ever sign off on an invitation for the Vice President?

19 A I never signed off on any invitations to Camp David.

20 Q Did the Vice President ever visit Camp David during your tenure?

21 A I do not know.

22 BY MR. GREENBERG:

23 Q You provided Chris Whipple material for his book. It's titled, "Uncharted:
24 How Trump Beat Biden, Harris, and the Odds in the Wildest Campaign in History." I'm
25 just going to refer to it as "Uncharted" for this interview.

1 Is it correct that you provided material for Mr. Whipple?

2 A I was interviewed by Mr. Whipple, yes.

3 Q Did you provide material for Mr. Jake Tapper or Alex Thompson for their
4 book "Original Sin"?

5 A I met with Mr. Tapper once, yes.

6 Q Did you speak with Josh Dawsey, Tyler Pager, or Isaac Arnsdorf for their book
7 "2024"?

8 A I had a brief exchange with Mr. Pager but not the others, as best I recall.

9 Q Have you talked to Karine Jean-Pierre for her book?

10 A Not for her book specifically. I know Karine, of course, and have had
11 conversations with Karine. Karine used to work for me at the White House. But I did
12 not sit for an interview for her book, no.

13 Q What motivated you to sit down with these authors, these journalists, to
14 speak about your time in the White House and afterwards?

15 A Well, Mr. Whipple had written an earlier book about the first 2 years of the
16 Biden Presidency, and the President had directed us to cooperate with Mr. Whipple for
17 that book, and so I did. I was interviewed by him extensively for his first book, got to
18 know Chris. And so, when Chris said he was going to write a book about the campaign, I
19 thought it was appropriate for me to cooperate with him.

20 And Mr. Tapper I've known for more than 25 years and thought I would answer his
21 questions. So, I don't know, it just seemed like the right thing to do.

22 Q When we spoke to Neera Tanden, she had made reference -- or she testified
23 to the fact that she had met Mr. Tapper first at what she believed was a social drink and it
24 turned out to be more of an attempt to get her for an interview, and she did not sit for an
25 interview.

1 Did Mr. Tapper explain to you, when you spoke to him, what he was going to be
2 writing about?

3 A He told me he was writing a book about the 2024 campaign. And that's
4 how he explained it to me. And I agreed to be interviewed by him about the 2024
5 campaign.

6 Q Did you talk to Joe Biden before that about sitting for that interview?

7 A I did not, no.

8 Q Did you talk to Mr. Biden -- excuse me -- former President Biden about
9 sitting down for interviews with any of the individuals that I've named?

10 A Not that I recall, no.

11 Q When was the last time you spoke to former President Biden?

12 A I spoke to him a couple weeks ago, after his diagnosis for prostate cancer, to
13 wish him well, and we had a brief conversation.

14 Q And before that interaction, had you spoken with President Biden since he
15 had left office?

16 A Yes. I believe once or twice before.

17 Q What was the substance and nature of those conversations?

18 A He asked for my advice about how to staff his post-Presidential life and
19 which former White House staffers might be willing to work for him post-Presidency and
20 how he should spend his time.

21 Q What did you tell him?

22 A I recommended some individuals and urged him to work on his memoirs -- I
23 thought he should have a voice about what this all looked like -- and to begin to put
24 together the team to build a library, because I knew that -- I always knew that building a
25 library for him in his hometown of Wilmington, Delaware, was very important to him.

1 Q Which individuals did you recommend to former President Biden?

2 A I recommended Bruce Reed and Jeff Peck, who had worked for us -- worked
3 for -- been one of my reports on the Senate Judiciary Committee staff in the 1980s.

4 Q Turning back -- oh, go ahead.

5 BY MR. BENZINE:

6 Q Did you recommend Anthony Bernal?

7 A I did not.

8 Q Did you recommend Annie Tomasini?

9 A I did not.

10 Q They're co-chiefs-of-staff of the post-Presidential office. Does that surprise
11 you?

12 A It does not. I knew they were serving in that role, and I think the President
13 was asking more about the long-term future, you know, the next few years as he works
14 on his memoirs and potential library, and I don't know how long Annie or Anthony intend
15 to serve in their roles.

16 Q And then you said you had a conversation with the former President after his
17 cancer diagnosis. Was that the extent of that conversation?

18 A Yes. I called to say I was thinking about you and wishing you well, and
19 asked him how he was doing, and he said that the disease was advanced but he was
20 responding to the hormone therapy, and so he was optimistic about it.

21 I said, well, you know, a lot of people like myself are praying for you, and if there's
22 anything I can do to be helpful, let me know. And he said, thank you. And that was
23 the extent of our conversation.

24 Q Thank you.

25 BY MR. GREENBERG:

1 Q Backing up to Mr. Whipple's book --

2 A Yes.

3 Q -- I'm going to mark as exhibit 3 -- this is a packet of pages or passages from
4 that book that we might be referencing throughout this interview.

5 [Klain Majority Exhibit No. 3.

6 was marked for identification.]

7 BY MR. GREENBERG:

8 Q I think it should have all the pages that I'll be referencing. So exhibit 3 is
9 one we're going to probably be returning to, just --

10 A Okay.

11 Q -- so keep it handy.

12 I'm going to start with --

13 Mr. Smith. Jake, just to clarify, this is the Whipple book? I want to make sure,
14 because it's not marked as such.

15 Mr. Greenberg. Yes, sir, this is the Whipple book.

16 Mr. Smith. Thanks. Thanks.

17 BY MR. GREENBERG:

18 Q On the first page of this packet, which is page 1, "Introduction," titled, "What
19 the fuck happened to this guy?", Mr. Whipple quotes you as saying -- or, when you
20 arrived at Camp David to prepare the President, the President "didn't know what Trump
21 had been saying and couldn't grasp what the back and forth was."

22 Is that true?

23 A Yes, it is true. The President seemed unfamiliar with the claims
24 President Trump was making on the campaign trail and hadn't really thought through
25 what his response to those claims would be.

1 And what I'm thinking about specifically there was, I said to the President,
2 President Biden: "President Trump is saying that the war in Ukraine is your fault
3 because you're a weak President and that Putin never invaded Ukraine while Trump was
4 President, he invaded Ukraine while Biden was President; it shows your weakness."

5 And the President said, "That's ridiculous. He should ask Macron or ask Scholz if
6 he thinks that's true."

7 Q If you turn to page 84 in that packet, I'm going to read from the fourth
8 paragraph down.

9 "At his first meeting with Biden in Aspen Lodge, the president's cabin, Ron Klain
10 was startled. He'd never seen him so exhausted and out of it."

11 Did I read that correctly?

12 A Yes, you did.

13 Q Did the President appear exhausted?

14 A Yes, he did. He seemed quite tired, and also ill.

15 Q He was tired and ill. Did you ever hear anybody or did anybody ever bring
16 up to you that the President should be given any kind of medication or treatment to take
17 care of either his exhaustion or his illness?

18 A Yes. Over the course of our time there, the President's voice started to get
19 worse. He had -- I'm going to -- I'm not a doctor, I'm not sure, but -- some kind of upper
20 respiratory infection, at least I would say, in my experience. You know, he was sneezing
21 and coughing. And his throat was getting scratchy, and, as a result, his voice was getting
22 scratchier.

23 And I said to him, "Have you talked to the doctor about that?" And he said, "Yes,
24 I have, and they're giving me something for that -- something for my throat." And I said,
25 "Okay. That's good, because you're going to need a strong voice for the debate."

1 And so that's what I know about the President receiving medical treatment at
2 Camp David.

3 Q Hunter Biden has recently said that the people around President Biden gave
4 him Ambien in the run-up before the debate. Are you aware if that's true or not?

5 A I have no knowledge of that.

6 Mr. Benzine. Was the President -- all Presidents maintain a pretty healthy flying
7 schedule across multiple time zones, sometimes within the same day.

8 Was Ambien common to assist the President in travel or getting back into the
9 same time zone?

10 Mr. Klain. Not that I'm aware of, no.

11 Again, the President traveled with medical staff, a medical team, and they were
12 responsible for the President's medical treatment.

13 BY MR. GREENBERG:

14 Q Just to be clear, are you aware of the President ever being given Ambien?

15 A Not that I'm aware of, no. But I would not have any knowledge of that,
16 either way. The doctors do not consult me on what medicines they did or didn't give
17 the President.

18 Q Is it your testimony today that you have no knowledge of any medication or
19 medical treatment that Joe Biden was receiving while he was President of the United
20 States?

21 A No. To be precise, I was aware that he was being treated for his cold, or
22 whatever it was, and for his loss of voice, but that was what the President told me.

23 Mr. Smith. Jake, are you talking only about the time at Camp David or across his
24 entire time?

25 BY MR. GREENBERG:

1 Q Across the entire time.

2 A Oh, of course I was aware that the President was treated periodically for
3 COVID. In 2022, he very publicly tested positive for COVID and received Paxlovid for his
4 treatment for that. And that was reported on the President's medical report and also
5 disclosed at the time.

6 And I knew the President had received regular examinations from his medical
7 team, and if the President ever had any kind of illness, the White House medical staff
8 would be responsible for treating that.

9 Q As chief of staff, were you ever made aware of any instruction being given to
10 the White House medical staff about leaving anything out of their reports on President
11 Biden's health?

12 A No.

13 Q Are you aware of, throughout -- from 2021 to 2025, are you aware of
14 anybody who was not medical staff providing medication or medical treatment to
15 President Biden?

16 A Not that I'm aware of, no.

17 Q And just to be clear, you never heard a rumor, nobody ever told you, that
18 Annie Tomasini ever provided medical care or medication to President Biden?

19 A Not to the best of my recollection, no.

20 Q Not to the best of your recollection, or no?

21 A As far as I recall, no, I never heard a rumor or a report that anyone other
22 than the President's doctors were giving the President medical treatment.

23 Q Thank you.

24 BY MR. BENZINE:

25 Q "The President's doctor," meaning the Physician to the President?

1 A And his team. The other doctors -- the Physician to the President,
2 Dr. O'Connor, of course, had time off and wasn't always on duty, so other members of his
3 team might give medical treatment to the President.

4 Q There's a number of doctors within the Biden family. Did any of them give
5 medication to the President?

6 A Not that I know of, no. And the only doctor I'm aware of was Ashley's
7 husband, Howard. So I don't know if that's a "number" of doctors or just "a" doctor.

8 Q I thought there were two, but if it's just "a" doctor, then --

9 A As far as I'm aware of. There may be other relatives I'm not aware of.

10 BY MR. GREENBERG:

11 Q Howard's brother, Steven, is a doctor.

12 A But I'm not sure that your son-in-law's brother is a member of your family.

13 Q Fair enough.

14 A I'll say that as someone who has a daughter who's married.

15 Q Backing up to -- returning to the quote that you gave to Mr. Whipple, you
16 used the terms "exhausted" and "out of it."

17 What did "out of it" mean?

18 A "Out of it" meant -- what I told Mr. Whipple was that the President seemed
19 to be unaware of what President Trump was saying on the stump every day and seemed
20 just incredulous that these were arguments in the campaign.

21 And I said, "Look, these are arguments in the campaign. And they're arguments
22 that are having traction with voters. And you need to have answers for these
23 arguments. And whether you agree with them or not, they are arguments that the
24 former President of the United States is making, and you need to be able to answer these
25 arguments."

1 And President Biden was just very dismissive of the arguments.

2 Q So is it your testimony that President Biden was being insulated by his staff?

3 A No, it is not. What I'm saying is, the President had spent a lot of time
4 overseas and seemed very focused on the views of NATO leaders about his leadership,
5 which were quite positive, and dismissive of the criticisms of his leadership by
6 President Trump, which I knew were gaining traction in the campaign.

7 Q So you don't think -- well, do you think President Biden's staff was giving him
8 a full picture of the political landscape at that time?

9 A I think the President had not absorbed the full picture, and that might be -- I
10 attributed that more to the President's decision, as some Presidents do, to really become
11 very focused on foreign affairs.

12 I think the same thing happened to President George H.W. Bush in 1992, where he
13 became a very foreign-affairs President and was ill-suited for a campaign against
14 Governor Clinton.

15 And so I think the President's responsible for that. And he had just spent the
16 better part of the past several weeks flying back and forth to Europe.

17 Q You said that he wasn't absorbing information. Previously you said he
18 couldn't grasp what the back-and-forth was. You have said he was exhausted. You
19 said he was out of it.

20 Sitting here today, do you think that he was prepared to run for -- to serve for
21 another 4 years?

22 A I think he could've served for another 4 years. I just think he was not
23 focused on the political challenge he had in 2024.

24 And I think this is a common thing with Presidents, where they become very
25 focused on foreign policy. And most American voters don't care about foreign policy.

1 They want to know about the price of groceries and about Presidential strength and
2 about domestic matters.

3 And the fact that foreign leaders found him to be a very effective leader of NATO,
4 which seemed to be one of his top talking points, was not going to avail him in a debate, I
5 thought.

6 Q Right, but even if we accept that Presidents become focused on that, other
7 Presidents have listened to advice or their staff around them to focus on those domestic
8 issues to their benefit, to win an election. Why couldn't President Biden?

9 A Well, I don't know about "couldn't." He didn't. And I don't know why
10 President George H.W. Bush didn't either and got, you know, beaten very soundly by
11 Governor Clinton, notwithstanding the challenges that Governor Clinton faced as a
12 candidate in 1992.

13 And, you know, he just -- he was very focused on the war in Ukraine and very
14 focused on, you know, his relationship with NATO leaders, and, you know, he just wasn't
15 making a case, an effective case, for his own candidacy.

16 Q Did he think he was making an effective case?

17 A I believe he thought so, yes.

18 I had earlier publicly criticized his economic messaging on the stump. In the year
19 before, I had given remarks at an economic messaging conference where I said I thought
20 the President was too focused on bridges. And, you know, his economic message was a
21 lot about the infrastructure bill, and I thought that was highly ineffective with voters, who
22 like bridges but I don't think they love bridges.

23 And so I had said that publicly before and, you know, continued to be focused on
24 that at Camp David, that his economic message was way too focused on bridges.

25 Q How many debate prep sessions -- and if there were different kinds, let me

1 know -- but how many were there during the course of this week?

2 A Well, I hesitate to put a number on it, because it kind of flowed in and out.

3 There were two kinds of sessions. One was myself, Mr. Donilon, and
4 Mr. Ricchetti, Mr. Reed, sitting around the dining-room table at Aspen cabin with the
5 President, just going back and forth on questions.

6 And then there would be more formal mock debates. And, as I recall, we did two
7 of those mock debates in the theater room at Camp David, with Mr. Bauer playing
8 President Trump.

9 Q Did the President at one point announce that he needed some sun and go
10 off to sit by the pool?

11 A Yes. The first day we were there, he -- we did some practice, and he said,
12 "Look, I need some sun, I look pale, so I'm going to go out and sit by the pool."

13 Q He fell asleep?

14 A And, yes, he fell asleep while he was sitting by the pool.

15 Q Did you have to wake him up?

16 A I did not, no.

17 Q How long was he out by the pool?

18 A I don't know. Once I saw the President was asleep, I left Aspen cabin and
19 went back to my cabin.

20 Ms. Harker. Have you ever had to wake up President Biden?

21 Mr. Klain. When I was White House chief of staff, I woke him up in the middle of
22 the night several times to deal with global crises, yes.

23 Ms. Harker. During the day?

24 Mr. Klain. No, never during the day.

25 Mr. Biggs. While you're taking a break, I just have a couple of quick questions in

1 the middle of that.

2 Mr. Klain. Yes, sir, Congressman. Yes, please.

3 Mr. Biggs. Refresh my recollection. When did you leave as chief of staff, again?

4 Mr. Klain. February 7th of 2023.

5 Mr. Biggs. And from February 7th, 2023, 'til the debate time, how many times
6 did you visit with President Biden personally, where you were actually seeing him?

7 Mr. Klain. Congressman, I'd hesitate to put a precise number on it, because I
8 don't want to be wrong. But I would say -- I would say, probably once a quarter, every 2
9 or 3 months, I'd go over and see him.

10 Mr. Biggs. Did you see any derogation in his performance or his mental acuity
11 from the time you left from chief of staff, let's say, to the time you got to the debate
12 prep?

13 Mr. Klain. Congressman, I'd say, not his mental acuity. I think his -- I noticed,
14 not so much in my meetings with him but when I'd seen him appear on television, that his
15 rhetorical skills were not as strong as they had been, and his speeches were less effective,
16 I thought. I think it was a combination of both delivery and message, in my opinion.

17 But in my personal conversation with him, I did not notice any diminution in his
18 mental acuity.

19 Mr. Biggs. Thank you.

20 Jake?

21 BY MR. GREENBERG:

22 Q How did the second big debate prep session go with President Biden?

23 A Well, it went better than the session that he ended and went out and took a
24 nap, but, still, he was skeptical that President Trump's attacks would get traction with the
25 voters and was -- and I was pushing him hard to talk about priorities for a second term.

1 Because, in my view, elections are always about the future, not rewards for past
2 performance, which is my political theory. And I don't think that's uniquely mine; I think
3 that's a widespread theory in politics. And I encouraged him to talk less about the
4 number of jobs he created and the bridges and talk more about what he would do as
5 President in his second term. And he reacted very negatively to that.

6 Q How did he react?

7 A He said, "I'm not going to make promises that I don't know if I can keep,
8 depending on who's in Congress, and I'm just not going to do that."

9 Q Do you think that was a wise political move?

10 A Obviously I did not, because I was recommending the exact opposite.

11 Q Did you notice that your advice was less heeded by President Biden during
12 this entire week than it had previously while you were chief of staff?

13 A I don't know if I noticed it at the time, but I certainly think that's true now, in
14 retrospect.

15 And perhaps it's because I was no longer his chief of staff. You know, when I was
16 chief of staff, I had daily interaction with the President, so, you know, I think it's probably
17 easier to be an effective advisor when you interact with someone daily than when you
18 see him once every 3 months and then all of a sudden you're back. It was -- you know, I
19 think it's hard to come back.

20 Q This is roughly about a year and a half after you had left the chief of staff
21 role. Is that correct?

22 A Yes, roughly, yeah.

23 Q How often in that interim would you have a conversation or see
24 President Biden?

25 A Well, as I said to Congressman Biggs, about once a quarter.

1 Q And how often would you have a conversation with Jeff Zients during that
2 time?

3 A Oh, I talked to Jeff about once a month.

4 Q Did you maintain contact with Steve Ricchetti?

5 A Not that I recall.

6 Q Did you have any kind of regular conversations with Mike Donilon?

7 A Not that I recall, no.

8 Q What about Anita Dunn?

9 A Periodically, yes.

10 Q And what would she tell you during this time while you were away from the
11 White House?

12 A We would talk about the President's messaging and the strategy of the
13 campaign and, kind of, the communication strategy of the campaign. And I would offer
14 her my perspective, she'd offer her perspective, we'd discuss it.

15 I had known Anita for a long time, going back to the 1980 U.S. Senate campaign in
16 Indiana. So I'd known Anita for 40 years. And we talked about our views on the Biden
17 campaign.

18 Q Did you believe the Biden campaign was failing at messaging?

19 A I don't think I ever used the word "failing," but I thought the messaging was
20 not very effective.

21 Q Why?

22 A Because, as I said, I thought the messaging was too much about the
23 President's accomplishments and not enough about the current issues in front of the
24 country.

25 Inflation was a big problem, and the President was talking a lot about bridges and

1 jobs. And I don't think bridges and jobs was an answer to inflation. And I thought the
2 President needed a more effective answer on inflation.

3 Q Who do you think was giving him the advice to talk about bridges and jobs?

4 A I think that was the President's instinct.

5 What I'll say is, with all due respect to the Members of the House in the room
6 now, the President spent a long time in the Senate, and I think Members of Congress and
7 the Senate get very focused on delivering for their districts and delivering for their States
8 and get very enamored that "I brought back this project" and so on and so forth. But
9 that's a common course of discourse in congressional and Senate campaigns, and I think
10 that just was very hardwired into him.

11 BY MR. BENZINE:

12 Q You said that you advised changing that message and the President reacted
13 negatively.

14 A Yes.

15 Q What did he say to you?

16 A Well, as I said, he said, "I'm not going to make promises I can't keep,
17 depending on the makeup of the Congress." And I said, "Well, you have to tell people
18 what you'll do with 4 more years, other than just the phrase 'finish the job.'"

19 Q Were there any conversations beyond that about reluctance to talk about
20 inflation or grocery prices? Were there any conversations that it could be attributed to
21 his own policies?

22 A No. I did not believe there were -- I did not believe the inflation was the
23 result of President Biden's policies, and he did not believe that either.

24 BY MR. GREENBERG:

25 Q Did you talk to -- during this time period that we're focusing on, between

1 you leaving as chief of staff to returning to work on the campaign, did you speak with
2 Anthony Bernal?

3 A Not that I recall, no. I mean, I might've encountered him at a social event
4 at the White House, but not a meeting or anything like that.

5 Q Do you like Mr. Bernal?

6 A Yes, I do.

7 Q What was your relationship with Mr. Bernal while you were chief of staff?

8 A I had very little interaction with Mr. Bernal when I was chief of staff.
9 Mr. Bernal had worked for Vice President Gore when I was Vice President Gore's chief of
10 staff. And when President Biden got elected, I introduced Mr. Bernal to Dr. Biden, and
11 then he had become part of Vice President Biden's staff.

12 Q What role did Mr. Bernal hold while you were chief of staff to
13 President Biden?

14 A He was a senior advisor to the First Lady and worked in her office in the East
15 Wing.

16 Q Did Mr. Bernal ever recommend to you to hire or fire somebody in the
17 White House or the administration at large?

18 A Not that I recall, no.

19 Q Did you ever get the impression that other people in the White House were
20 intimidated by Mr. Bernal?

21 A No, I did not.

22 Q Did you ever say that when Mr. Bernal wanted something, that it wasn't
23 worth fighting over it, and it's not worth fighting City Hall?

24 A I -- it sounds like something I might've said. And I would've been referring
25 to the fact that my experience was that generally when the First Lady -- in prior

1 administrations too -- when the First Lady wanted something, it was best for the staff to
2 go along with that.

3 That was my experience in the Clinton administration, the Obama administration,
4 and so I carried it forward to the Biden administration. That was less about Mr. Bernal
5 and more about the First Lady.

6 Q But Mr. Bernal was the means by which the First Lady got what she wanted.
7 Is that fair to say?

8 A Mr. Bernal often expressed the First Lady's point of view on things, yes.
9 That was his role.

10 Mr. Benzine. Was it the First Lady's point of view, or was it Mr. Bernal's point of
11 view?

12 Mr. Klain. I understood it to be the First Lady's point of view.

13 BY MR. GREENBERG:

14 Q Were you ever aware of Mr. Bernal making anyone cry?

15 A Not that I was aware of, no.

16 Q Did you ever receive complaints about Mr. Bernal's demeanor in the
17 White House?

18 A I did not, no.

19 Q What was the relationship like between Ms. Tomasini and Mr. Bernal?

20 A I'm not sure what the relationship was like. I never heard any reports on
21 that one way or the other.

22 Q You're aware that we conducted a deposition of Mr. Bernal and
23 Ms. Tomasini last week?

24 A Yes, I am.

25 Q They pled the Fifth Amendment during their respective depositions.

- 1 You were -- they both answered to you, correct?
- 2 A For the years 2021 and 2022, yes.

1 [11:02 a.m.]

2 Mr. Greenberg. You are sitting here for a voluntary transcribed interview. I'm
3 just wondering if you have thoughts about why Ms. Tomasini and Mr. Bernal would elect
4 to take the Fifth.

5 Mr. Klain. I did not discuss their appearance with them, and I do not know why
6 they chose to exercise their constitutional rights.

7 Mr. Greenberg. Okay. We're going to end our hour right here, and we'll go off
8 the record. Thank you.

9 [Recess.]

10 Mr. [REDACTED] We can go on the record.

11 Mr. Khanna. Mr. Klain, I had a few questions before I leave back for my district.
12 You mentioned that you graduated Harvard Law School in 1987. As a ballpark,
13 how many years after that have you spent in public service?

14 Mr. Klain. Well, Congressman, I could do the math if you really need me to, but
15 I'd say roughly about half my time since then has been in public service.

16 Mr. Khanna. And I'm sure you had other classmates who made different choices.
17 They went to law firms, they went to private equity, investment banks, all fine things to
18 do. My guess is, if you had chosen that, you would have made a lot more money. Is
19 that fair?

20 Mr. Klain. I think that's fair. I think private law practice is a very important
21 thing too in our country, and I don't begrudge anyone that. And I have done private law
22 practice, both as a big firm lawyer and as an in-house lawyer for a venture capital firm
23 and now for a major tech company. And I think people who do that are also doing
24 something that's in the public interest, too.

25 Mr. Khanna. Certainly. And there are Republicans who have made similar

1 choices to you, to go into public service, and anyone who makes that choice is making
2 somewhat of a sacrifice. Is that fair?

3 Mr. Klain. Well, I hesitate to use the word "sacrifice." People who are making
4 sacrifices are the people who are serving in our Armed Forces and as first responders.
5 They're truly making sacrifices.

6 I think that the kind of public service I did as a lawyer in the government was a
7 chance to hopefully make a difference for the better. But my family never starved, and I
8 think that it was my choice.

9 Mr. Khanna. My last question is, what do we need to do though to make it so
10 that people like you, who are graduating in top institutions, who have a passion for public
11 service, whether it's Republican or Democrat, are choosing public service, that we're not
12 making it so difficult for people who want to make that choice?

13 Mr. Klain. Well, I was very fortunate. My parents, who were both small
14 business people, saved for my education. And I worked. I worked on Capitol Hill
15 between college and law school and saved some money for my education.

16 But I know that funding education is very hard, and a lot of people go into the
17 private sector because they feel they have no choice financially. And so I have always
18 supported more generous grant and loan programs to encourage people from less
19 fortunate backgrounds than mine to be able to leave their college or leave their graduate
20 program and go into public service.

21 Public service, again, I never felt poorly paid, but it does not pay, certainly, as well
22 as private work does. And I think people should -- I think it's in our national interest to
23 allow people not to be financially constrained to go to big law firms or big corporations
24 and instead have a chance to serve the public, whether that's as prosecutors or defense
25 attorneys or nonprofit groups or whatever. I think there's a lot of ways. Or in this

1 body, as staff members, which is what I did when I first finished college and after I
2 finished my clerkship. I came back and worked in the Congress.

3 And I just think that we should encourage more people to do that. I think it
4 makes a big difference, whether you're a Republican or a Democrat. And I think that the
5 cost of higher education is a real impediment to that right now.

6 Mr. Khanna. Thank you.

7 Mr. Klain. Thank you, Congressman.

8 EXAMINATION

9 BY MR. [REDACTED]

10 Q Good morning, Mr. Klain.

11 A Good morning.

12 Q In the previous round, my majority colleagues asked you at length about
13 President Biden's mental and physical condition during his term in office, as well as a
14 number of book excerpts containing quotes attributed to you.

15 I will get to the quotes. But I'd first, in the interest of making sure we have as
16 clear a record as we possibly can, like to ask you generally about your assessment of
17 President Biden's mental condition.

18 You noted, as I understood your testimony, certain manifestations of aging in
19 President Biden over time. Is that correct?

20 A Yes. What I've said and what I believe is that the President's rhetorical
21 skills ebbed over time. Anyone who remembers, has seen videos of his rhetorical
22 appearances in his 1988 presidential campaign, which was the first time I worked for him,
23 he was a -- he delivered stem-winder addresses, powerful, booming, stentorian speeches
24 that could be heard without a microphone in the back of the room, and that was his
25 political style.

1 And by the time he became President and throughout his Presidency he was much
2 more soft-spoken and quiet, and I think that that's a change.

3 But in terms of his mental acuity, I had no doubt at any time that the President
4 was mentally fit to serve as President and mentally fit to make the decisions of President.

5 Q So mentally fit to fully and competently execute the duties of the
6 Presidency?

7 A Absolutely, yes.

8 Q Throughout his term in office?

9 A Throughout his term in office, yes.

10 Q Was it ever your view that President Biden was unable, at any point during
11 his term in office, to make decisions about matters within the scope of his presidential
12 duties?

13 A Well, you said at any time, and what I'll say is, there was a time, I believe in
14 2022, when the President had to receive anesthesia for a medical procedure. And at
15 that -- for that brief period of time, for those couple of hours in which he was
16 incapacitated, he handed over powers under the 25th Amendment to the Vice President,
17 who became acting President. So that would be the only time I recall, yes.

18 Q So apart from that one instance, you never held the view that President
19 Biden was unable to execute the duties of his office?

20 A No, I've always assumed the President was capable of executing the duties.
21 That's my opinion. And that's -- that was my -- based on my interactions with the
22 President.

23 Q Did you ever have any concerns about President Biden's ability to handle
24 significant policy matters at any point during his term in office?

25 A No, I did not. As I explained earlier, I thought he handled one of the most

1 difficult policy matters he faced as President in a way that showed his acuity to exceed
2 those of most experts, which was his response to Russia's threatened invasion of Ukraine
3 and ultimate invasion of Ukraine.

4 Q My majority colleagues asked you about certain portions of the book titled
5 "Uncharted," so I'd just like to walk through those again just to make sure that we're
6 completely clear as to what you did and did not mean when you spoke to the author of
7 that book.

8 The first quote you were asked about was in the context of the debate prep and
9 involved the phrase "couldn't grasp what the back-and-forth was." And as I understood
10 your testimony, the issue you were addressing there was President Biden's lack of
11 preparedness. Is that accurate?

12 A His preparedness and his lack of familiarity with what Donald Trump was
13 saying on the campaign trail and the fact that it was getting traction with the voters.

14 Q So you were not suggesting by those words any inability on the President's
15 part to understand what the Trump campaign had been saying?

16 A I was not speaking to the President's mental acuity, just the state of his
17 then-current absorption of what was going on in the campaign.

18 Q At another point in the "Uncharted" book there's a view attributed to you
19 that President Biden was, quote, "unaware of what was happening in his own campaign."
20 And I take it, again, you were referring to his lack of familiarity with the issues taking
21 place on the ground in the context of the campaign. Is that fair?

22 A That is fair. I made that clear to Mr. Whipple. I have made it clear to
23 Mr. Whipple in subsequent conversations after the book came out.

24 Q So the words "out of it" are not a reference to any issue of mental acuity on
25 the President's part?

1 A No, the words "out of it" are that he was very, very aware of what was being
2 said by NATO leaders and not really aware of what Donald Trump, his opponent in the
3 2024 campaign, was saying and how voters were reacting to that.

4 Q In your view, was President Biden the first presidential candidate to fall short
5 in that respect, in the context of preparing for a debate?

6 A No. In fact, I have prepared virtually every Democratic nominee for
7 President for their debates going back to 1992, and so I have seen this many times before.

8 We saw this, as I mentioned earlier, with President George H.W. Bush in the first
9 1992 debate when I was working for President -- for then-Governor Clinton.

10 We saw this also when President George W. Bush debated Senator John Kerry in
11 2004. And even though Bush was substantially ahead in that race at that time and his
12 staff had said he would finish off Kerry that night, Kerry won the debate decisively and the
13 race became virtually a tie after that.

14 So I think this is a common phenomenon incumbent Presidents face in their first
15 debate.

16 Q I think you also mentioned during the previous round that, in your view,
17 President Biden was excessively focused on foreign affairs at the expense of domestic
18 policy issues. Is that accurate?

19 A That is accurate, yes, in my view.

20 Q You, as you mentioned, you viewed him as comparable to President George
21 H.W. Bush in that respect?

22 A Yes.

23 Q Okay. Did you ever have a view of former President Bush as mentally
24 infirm?

25 A I did not, no.

1 Q You also alluded during the previous round to your view of President Biden's,
2 as I understood it, strong command of foreign affairs. Is that fair?

3 A Yes.

4 Q He understood foreign affairs with a high level of expertise?

5 A Yes.

6 Q And that was the case throughout his Presidency?

7 A Yes.

8 Q Would it be fair to say that President Biden had a stronger command of
9 foreign affairs than many public servants significantly younger than him?

10 A Yes. As I explained with regard to the invasion of Ukraine, there were
11 many global leaders, including President Zelenskyy and President Macron, who were
12 obviously both younger than President Biden, who were just absolutely confident that
13 Putin was not going to invade. You could have turned on the television and seen any
14 number of former military leaders or other pundits saying this is crazy, it's not going to
15 happen. And it did happen, and President Biden always believed it would happen.

16 Q There was also a discussion concerning what I understood to be different -- a
17 different perspective on your part and on the President's part concerning messaging
18 surrounding the concept of bridges and jobs.

19 A Yes.

20 Q I think the President, in your telling, was very focused on that message.
21 You had a different view.

22 So the issue there, as I understood it, was, again, a difference in perspective
23 between yourself and President Biden. Is that accurate?

24 A That is accurate, yes. And as I said before, I think that part of his view was
25 hardwired as service in this body where kind of delivering pork for the district is seen as a

1 major part of someone's job. I don't think that's what people were looking for in a
2 President, and I thought it was an ineffective message for a presidential campaign.

3 Q So if I'm understanding correctly, you did not attribute the President's view
4 in that instance to any lack of mental capacity?

5 A No. I attributed it to habits developed over decades of service in the
6 United States Congress.

7 Q If I could turn briefly to an exhibit that my colleagues marked in the previous
8 round. That would be the briefing memo.

9 A Yes.

10 Q It was marked as exhibit 2.

11 I just wanted to note for the record that this memo consists of over five
12 single-spaced typewritten pages. By my count, seven subheadings. It contains
13 significant detail, for example, on pages 3 and 4, references to the Supreme Court's
14 expected ruling in cases involving access to Mifepristone, the Emergency Medical
15 Treatment and Labor Act, and Trump's claims of immunity from conspiracy and
16 obstruction charges related to the 2020 presidential election.

17 Mr. Klain, you were a coauthor of this memo, as I understand. Did you prepare it
18 for someone who you viewed as cognitively infirm?

19 A No, I obviously did not. I think the memo, while not extraordinarily
20 complex, does raise a number of complicated topics, like the Supreme Court's expected
21 rulings on EMTALA and Mifepristone and the Trump -- and the whole issue of presidential
22 immunity.

23 And as I said before, I think the idea that I or others around the President thought
24 he was mentally infirm is belied by the mere fact -- by the fact at all that we were
25 pursuing this extraordinary early debate, which no sitting President had ever done in

1 American history.

2 Q Is it your understanding that the coauthors of this memo held the same
3 view?

4 A It is my understanding that the coauthors of this memo held the same view.
5 It is a mere -- it is a fact that no sitting President had ever debated their opponent this
6 early in the cycle in the history of our country.

7 Mr. [REDACTED] Okay. I have no further questions for the moment. Thank you.

8 Mr. Klain. Thank you.

9 Mr. [REDACTED] Off the record.

10 [Pause.]

11 Mr. Benzine. We can go on the record.

12 BY MR. BENZINE:

13 Q Kind of tangential to the debate was President Biden's election chances and
14 discussions around that.

15 Were you involved in his decision to run for reelection in 2024?

16 A I believe it was a decision the President made. I did not offer advice either
17 way to the President. And I certainly was involved in the planning of the campaign.

18 Q I think it was reported in one of the books -- and I'm paraphrasing -- that
19 everyone said that the President made his decision and it's pretty much your job to just
20 advance the decision. Is that fair?

21 A Yes. I think that's a fair characterization in my mindset.

22 Q Who were the primary staff involved in the campaign?

23 A Well, by the end, the campaign was a large entity. But I'd say in the early
24 days it would be Jennifer O'Malley Dillon, who was -- had been his campaign manager in
25 2020, was the Deputy White House Chief of Staff, and ultimately became his campaign

1 manager again.

2 Julie Chavez Rodriguez, who became the first campaign manager of the 2024
3 campaign and was working at the White House in Intergovernmental Affairs.

4 Anita Dunn, who had been the White House communications advisor and was an
5 advisor to the campaign.

6 Mike Donilon, who was the President's principal political strategist.

7 I'm sure I'm leaving people out, but those seem like the major people.

8 Q Just a quick question on Ms. Dunn. She kind of flowed back and forth.

9 At this time, at the beginning of the campaign, was she back at, I believe it was
10 SKDK, or was she in the White House?

11 A Well, I don't know the exact period of time you're talking about, but
12 certainly in 2023 she was at the White House. And then she went back to her firm,
13 SKDK, and then ultimately, I believe, transitioned to a super-PAC.

14 Q Okay. Was the First Lady involved in campaign conversations?

15 A She would attend campaign meetings. She rarely offered a point of view,
16 but she would attend and had some views.

17 Q What about Mr. Bernal?

18 A Not in the early meetings, but in the meetings we had in advance of this
19 debate. Mr. Bernal attended some political meetings, yes.

20 Q What about the Vice President?

21 A She was not directly involved in these meetings, as I best recall, but certainly
22 sometimes the President would say, "Let's go get the Vice President's view, see what she
23 thinks."

24 Q And what about the Second Gentleman?

25 A I don't recall him being involved in these meetings at all.

1 Q My -- I have only ever worked on the Hill, so my rudimentary understanding
2 of campaigns is there's often surrogates, Members of Congress, members of the Cabinet.

3 Who were the primary Cabinet secretaries involved in the campaign?

4 A I don't believe any of the Cabinet secretaries were involved in the campaign
5 due to the Hatch Act and other restrictions on their political activities. So I can't think of
6 a Cabinet member who was involved in the campaign.

7 Q There weren't any Cabinet secretaries that you were sent out to tout
8 accomplishments?

9 A Well, there were certainly -- Cabinet secretaries were touting
10 accomplishments. That wasn't about the campaign; that was about the
11 accomplishments.

12 Q Okay.

13 A Secretary Buttigieg certainly traveled a lot about these infrastructure
14 programs. Secretary Granholm was quite outspoken about the clean energy programs
15 that had passed in the Inflation Reduction Act. But they weren't part of the campaign.

16 Q What about Members of Congress?

17 A I think the President's principal surrogates were actually not Members of
18 Congress but governors. Governor Newsom, Governor Shapiro, Governor Whitmer
19 were kind of the principal surrogates who were sent on media appearances.

20 Certainly, Members of the House and Senate did make media appearances,
21 sometimes on their own accord, sometimes at the request of the campaign, but there's a
22 number of them.

23 Q My memory may be wrong. Was the now new Ranking Member of this
24 Committee, Mr. Garcia, the co-chair of the campaign?

25 A The campaign had a number of co-chairs. I think Congressman Garcia was

1 one of the co-chairs, yes, sir.

2 Q Okay.

3 A He had been an early supporter of President Biden in the 2020 campaign.

4 And when he was the mayor of Long Beach, he had worked closely with the Biden

5 administration on issues around the Port of Long Beach.

6 Q And in April 2023, when President Biden made his formal announcement,
7 what were his polling numbers looking like?

8 A I don't recall his polling numbers at that time.

9 Q At that time, were there any discussions regarding his age?

10 A I would say the discussions --

11 Mr. Smith. Can you clarify with whom?

12 Mr. Klain. I mean, I would say that the question of his age was a major question
13 in the campaign, and certainly it was being discussed by his advisors and by the political
14 class. And it was hard to turn on the TV and not see a discussion of his age.

15 BY MR. BENZINE:

16 Q You were also involved in 2020. Were there any discussions on the
17 campaign regarding being a single-term President?

18 A Some people on the campaign had raised that question, but I think he had
19 decided that he was not going to be a single-term President -- or not that he was going to
20 pledge to be a single-term President -- and he would make a decision on reelection when
21 it was time to make that decision.

22 He had been a zero-term President at that point in time ----

23 Q Yes.

24 A -- so maybe he also felt that, like, proclaiming how many terms he was going
25 to serve when he hadn't been elected to one seemed almost arrogant.

1 Q Were you involved in any -- prior to the debate -- were you involved in any
2 discussions of the President not running for reelection?

3 A I was involved in discussions about whether or not the President was going
4 to run for reelection where the question of him not running for reelection definitely came
5 up. But I think it was clear to those of us who knew him that he intended to run.

6 And particularly after the midterms, where the Democrats had achieved a
7 surprisingly positive result -- or a surprisingly non-negative result -- I think the conclusion
8 that he was the right person to lead the party seemed to be kind of widespread in our
9 party.

10 Q Was that kind of where the midterms -- were the '22 midterms kind of a
11 turning point in solidifying the decision to run for reelection?

12 A I believe so, yes.

13 Q During the course of the campaign, how was polling data presented to the
14 President?

15 A The President would be briefed on polling data by Mike Donilon, who was
16 his senior political strategist, and Mike would often report on polling data to the
17 President.

18 Q Were you involved in the briefings?

19 A No, because I had left the White House at that time.

20 Q Even during campaign meetings, were you ever present when Mr. Donilon
21 would present polling numbers?

22 A Not in campaign meetings. But in meetings on legislation and issues
23 Mr. Donilon would often present polling data to the President as we were trying to move
24 the President's agenda through the Congress.

25 Q In Camp David, prior to the debate, did Mr. Donilon present any polling

1 data?

2 A I don't recall him presenting any polling data at Camp David.

3 Q And then, were you -- how involved were you in, like, kind of day-to-day
4 campaign events? Like, the President went to former Governor Terry McAuliffe's house
5 for a fundraiser. He did various other fundraisers with celebrities and other politicians.
6 Were you involved at all in those?

7 A I was not involved in those. I did not attend any of those events.

8 Q Do you believe the polling was being properly communicated to the
9 President at this time?

10 A To the best of my knowledge, yes. The President often trailed in the polls.
11 In 2019, he was dead last in the polls and went on to win the primaries and win the
12 Presidency.

13 So I think the President took and the people around him took with some
14 skepticism the idea that his current standing in the polls was how the election was going
15 to come out.

16 And throughout the '22 election cycle, there were a lot of polls that said the
17 Democrats were going to get wiped out, they were going to lose the Senate, they were
18 going to lose 50 or 60 seats in the House, and it didn't transpire.

19 So there was a difference between whether or not -- what the polls said and what
20 the outcome was going to be, and there was a lot of skepticism in the Biden camp around
21 polls at one time predicting the outcome.

22 Q And you believe the President was well-informed as to what the polls were
23 saying regarding the potential outcome?

24 A I believe he was, yes.

25 Q Were there ever any either -- well, we'll start in the White House.

1 Was there ever any consideration in not providing the President with bad news?

2 A Not that I know of, no.

3 Q What about during the campaign?

4 A Again, not that I know of, no.

5 Q Were there any polls that you saw leading up to the debate that suggested
6 President Biden was beating President Trump?

7 A In the weeks immediately before the debate, no, he was clearly trailing by a
8 couple of points.

9 Q What about immediately after the debate?

10 A I saw very little change in the polls immediately after the debate.

11 Q What about a kind of broader question. Were there ever any polls that had
12 President Biden leading President Trump?

13 A Early in the 2024 cycle, I believe so, but certainly not by the summer.

14 Q And it was reported that close to the timeframe of the President deciding
15 not to run for reelection anymore that Speaker Emerita Pelosi met with him in the Oval
16 Office and presented her polling, and it was polling the President had never seen before.
17 Are you aware of that reporting?

18 A I'm aware of that reporting. I wasn't present. I wasn't aware of the
19 meeting at the time. I have certainly read about the meeting subsequently.

20 Q Do you -- I'll ask it again. Do you believe the President was being presented
21 with all available polling?

22 A I don't know about all available polling, but he was being presented with
23 polling that Mr. Donilon thought was accurate polling and reliable polling.

24 There was a big problem. Polling was -- a lot of the polling was wrong. I think a
25 lot of people in politics have become skeptical of polling, that it was calling people's

1 phones, they weren't answering their phones, calling people's cell phones, didn't know
2 who you were getting.

3 And so I think there was a lot of skepticism, and Mike had a very rigorous screen
4 to try to present the most accurate polls.

5 Q There's also been reporting in these books of the President's pollsters
6 being -- having limited access to the President, that everything would flow through
7 Mr. Donilon. Are you aware of that?

8 A Yes. I don't think that that was the way the 2020 campaign was conducted
9 or the way the 2024 campaign was conducted. The President didn't meet with the
10 individual contractors who presented polls. Those contractors rolled up to Mr. Donilon,
11 Mr. Donilon forwarded them to the President.

12 Q Did you ever have any concerns that Mr. Donilon was leaving out bad polls?

13 A No, I did not. But, again, I also want to make very clear that I think there
14 was a widespread view among the President's political advisors that bad polls were like
15 the weather. Like, it was raining today; it didn't mean it would be raining tomorrow or
16 the next day necessarily. And that didn't change the fact that President Biden was the
17 right candidate to run against President Trump.

18 BY MR. GREENBERG:

19 Q Turning back to Camp David, not to belabor this point, but I do want to be
20 clear on it.

21 When you told Mr. Whipple that President Biden seemed out of it, it's my
22 understanding that today you are saying that what you are meaning by that is that his
23 intransigence was not allowing him to see the political landscape. Is that fair?

24 A I don't know about "intransigence." That's your word, not mine. I think
25 his point of view and his focus on foreign policy had distracted him from the political

1 landscape here in the U.S. and led him to be just highly, highly skeptical of what
2 President Trump was saying was going to have any effect.

3 Q So do you think that President -- did President Biden give you the impression
4 that he believed he was going to win that debate?

5 A We didn't talk about winning or losing the debate. I think President Biden
6 thought he would do well in the debate, yes.

7 Q Did you think he was going to do well in the debate?

8 A Not after practice, no. I obviously thought he was going to do well on the
9 debate on the way into the debate or else I wouldn't have proposed it. I was wrong.

10 Q President Biden was using note cards, I believe you said, during the
11 preparation, preparation sessions. Is that correct?

12 A Yes.

13 Q Who prepared those note cards?

14 A I believe Mr. Reed prepared the note cards.

15 Q Would Mr. Reed have been responsible for preparing all of the preparation
16 documents that you were saddened to see President Biden did not seem to have
17 reviewed?

18 A I believe so, yes, or those working with Mr. Reed.

19 Q And do you believe Mr. Reed or those working with Mr. Reed did, in fact,
20 prepare those documents?

21 A Yes. The documents -- I saw the documents at Camp David.

22 Q How many documents were there?

23 A It was a stack of cards. It was about this thick. I know I'm not supposed
24 to use hand gestures --

25 Q Sure.

1 A -- because the court reporter can't say it, so we'll say it's about an inch thick.
2 And then some briefing memos that went with them.

3 Because the President really was quite insistent on knowing the details behind the
4 claims. So if one of the points in the memo -- if one of the points in the cards was like, "I
5 created 16 million jobs," he'd want to know, like, what is the data behind that, like,
6 who -- like, "According to what source I created 16 million jobs, where are the 16 million
7 jobs," things like that. So behind the cards there were memos that kind of elaborated
8 on the factual claims.

9 Q Did you ever speak with Mr. Reed about President Biden's apparent failure
10 to review those documents?

11 A Yes, I did.

12 Q What did Mr. Reed say?

13 A He said the President had been traveling, had been quite engaged in working
14 with NATO, had been to Europe twice, and was focused on those meetings and the
15 preparation for those meetings and the execution of those meetings.

16 Q Did Mr. Reed express any kind of regret that the President was not able to
17 review those documents?

18 A Well, I don't think "regret" is the right word, but I think he was aware that it
19 was a serious lack of preparation.

20 Q Did you, in the course of your working with President Biden as Chief of Staff,
21 use note cards regularly with him to prepare him?

22 A Yes. He often used note cards to prepare for an event or to prepare for
23 what he was going to say at an event or questions he would ask others at an event,
24 something like that, yes.

25 Q What about teleprompters? Did he use those?

1 A He used those sometimes for longer speeches, more formal remarks.

2 Q Did he ever use teleprompters in Cabinet meeting?

3 A I don't believe so. Not that I recall. Not that I ever witnessed.

4 Q Did you see an increase of President Biden relying on note cards as he -- as
5 your time -- as you spent time in the White House?

6 A No, I don't believe so. In fact, I think he made most extensive use of his
7 cards on the campaign trail in 2020, and I didn't see any real change in his habits in the
8 White House.

9 Q How did his reliance on note cards compare with the other public officials
10 that you served?

11 A I think it was very similar. Presidents have a lot going on, and they have to
12 run the country while they also have to do public events. And so it's common for them
13 to use note cards to organize their thoughts at a public event.

14 Q Okay. We're going to turn to the debate itself.

15 A Okay.

16 Q Did you -- how did you -- did you travel with President Biden to Atlanta for
17 the June 2024 debate?

18 A Yes, I did.

19 Q How did you -- did you fly on Air Force One?

20 A I flew on Air Force One with the President.

21 Q Who else accompanied you?

22 A Well, Air Force One is a large plane. There are many people on the plane.
23 But among the people advising the President on the debate, it was Mr. Donilon,
24 Mr. Reed, myself, and I believe that was in among the debate prep people.

25 Q And it's my understanding that when you got to Atlanta there was very little

1 time between you getting off of Air Force One and the debate actually starting. Is that
2 correct?

3 A I don't think that's correct.

4 Q Oh, really?

5 A We went to the hotel where the President spent time with his family and
6 relaxed a bit and showered and dressed, and then left the hotel late for the debate.

7 Q I see. How did President Biden strike you as you were going to the debate?

8 A He struck me as anxious about it, as he often was before big events, but he
9 said he was ready.

10 BY MR. BENZINE:

11 Q I want to back up a little bit.

12 The group of folks that you mentioned as the debate prep team flying on Air Force
13 One, did you fly in the President's cabin during that flight?

14 A No. We flew in the senior staff cabin. And so, no, we did not fly in the
15 President's cabin, no.

16 Q Did you have interaction with the President while on that flight?

17 A Brief interaction. At one point in time the President stuck his head in our
18 cabin and said, "Why don't you guys come in and let's talk about this a bit." We went
19 into his office on Air Force One and talked a little bit about the debate.

20 Q How did -- what was your perception of President Biden's preparedness at
21 that point?

22 A I still had a lot of anxiety about it. And I will say that debating was never his
23 strongest event in the decathlon that is American politics. And so I had anxiety about it.
24 And so we just chatted over some Qs and As, and I still thought he wasn't quite where he
25 needed to be, but then he dismissed us and went back to his work.

1 Q And then rewording Jake's question a little bit, you clarified that you did not
2 get to Atlanta in a short period of time prior to the debate. But you did get to the
3 debate stage in a short period of time prior to the debate. Why? Why was that?

4 A The President didn't -- never liked to get there early. And one advantage to
5 being the incumbent is you know they're not going to start the debate without you. So
6 his view was like, "I'll leave when I want to leave, and I'm spending time with my family."
7 And the President often found that relaxing. And so when he was ready to go we went.

8 Q Had staff done a walk-through of the debate stage by that point?

9 A I believe so, yes.

10 Q Okay. And the President did not want to go?

11 A The President did not. The President generally had eschewed
12 walk-throughs in all the debates going back to the 2020 campaign. And so the fact that
13 he didn't want to walk through did not surprise me, because the President had generally
14 not done walk-throughs.

15 Q All right.

16 BY MR. GREENBERG:

17 Q Where did you watch the debate?

18 A I was backstage in a holding room.

19 Q Who was with you?

20 A I don't recall who was back there with us.

21 Q Was Mr. Ricchetti there?

22 A Probably.

23 Q Mr. Donilon?

24 A I believe so, yes.

25 Q And is that the holding room -- was President Biden at one point in that

1 holding room before the debate actually started?

2 A No. He had a separate holding room.

3 Q He had a separate holding room. Do you know who was with President
4 Biden?

5 A I do not.

6 BY MR. BENZINE:

7 Q Which members of the President's family were at the debate?

8 A The First Lady. I don't really remember specifically which members of the
9 family were there. Maybe some of his grandchildren, but I'm not sure.

10 Q Was Hunter Biden at the debate?

11 A I don't recall either way.

12 BY MR. GREENBERG:

13 Q It's been reported that when President Biden said -- misspoke and said, "We
14 finally beat Medicare," you stood up and announced, "We're fucked." Did you say that?

15 A I believe so. I don't recall the specific expletive, but I certainly knew that
16 we had a big political problem as a result of that answer. But whether I used the "F"
17 bomb, I'm not sure, but I won't -- I'm not going to sit here and dispute it.

18 Q Why did you think you had a political problem?

19 A Because I thought the President's answer on that question had been halting.
20 He had stopped in the middle and paused inexplicably and then had delivered that
21 sentence that made no sense, that I understood what he meant, but no one else in
22 America would've understood what he meant.

23 And I think that given that our number one problem going into the debate was his
24 age, I knew that that answer was going to be kind of the centerpiece of coverage of the
25 debate.

1 And far from -- what I wanted to get out of the debate was coverage that said,
2 "President Biden puts the age question to rest." Instead, we were going to get coverage
3 that said, "The age question is even bigger than ever."

4 Q Do you think President Biden was too old to run for President again?

5 A No, I do not.

6 Q Did anyone respond to your remarks? I don't mean to just keep saying the
7 expletive over and over again --

8 A Yeah.

9 Q -- but did anybody respond to what you said?

10 A Not that I recall, no. Whatever I said, I probably said it loudly and with
11 force, and it wasn't an invitation to debate.

12 Q What was everybody else around you saying?

13 A People knew it was a very bad answer, and they were discussing that it was a
14 bad answer. Perhaps other expletives were used by other people. I'm not sure. But
15 it was a very bad answer. There's no question about it.

16 Q Do you agree with me that President Biden struggled to make coherent
17 points during the debate against President Trump?

18 A I certainly agree that there were times in the debate where his answers were
19 very bad. I thought there were times in the debate where the answers were fine,
20 particularly later in the debate. But overall the debate performance was very weak.

21 Q Do you agree with me that President Biden was mumbling or speaking very
22 softly during the debate?

23 A I don't know about -- I disagree with "mumbling," but he spoke very softly.
24 He knew he had a microphone on, and I think believed the microphone would be
25 adequate to carry his voice. And as I said, he had developed a softer and softer voice

1 over the course of the Presidency, and I think this was a good example where that soft
2 voice did not serve him well.

3 Q Do you agree that President Biden would appear to freeze up or seem to
4 lose his train of thought during that debate?

5 A So on the healthcare answer we've been discussing, he did freeze up or lost
6 his train of thought, whatever -- however you want to describe that. I don't recall other
7 instances of that though.

8 Q Is that kind of freeze-up something that you had seen before from President
9 Biden?

10 A No, it is not.

11 Q You've never -- you never saw President Biden lose his train of thought to
12 that degree before?

13 A No.

14 Q Did you ever -- did you see it since? After the debate, did you see President
15 Biden freeze up like that?

16 A Not that I recall, no.

17 BY MR. BENZINE:

18 Q I believe, it might have been members of the Biden family, but it was at least
19 reported that some people criticized the debate performance based off overpreparation.
20 Do you disagree with that characterization?

21 A I did disagree quite forcefully with that characterization, yes.

22 Q Did they make that characterization to you personally?

23 A No, but I heard it from reporters. And part of the reason I did interviews
24 for these books was to respond to that criticism, because I thought it was unfair. And
25 the President himself told me he thought that criticism was unfair, and so I felt at liberty

1 to respond to that.

2 Q Who levied that criticism?

3 A I don't know. I didn't hear. I heard from reporters that members of the
4 family are saying this.

5 Q Okay.

6 A That's all I heard.

7 BY MR. GREENBERG:

8 Q So just so I'm clear, the Joe Biden -- the version of Joe Biden that you
9 witnessed on the debate stage --

10 A Was uniquely bad.

11 Q Was uniquely bad?

12 A Yes.

13 Q Okay. Thank you.

14 [Klain Majority Exhibit No. 4.

15 was marked for identification.]

16 Mr. Greenberg. I wanted to introduce exhibit 4, a "guest essay" by George
17 Clooney titled, "I Love Joe Biden. But We Need a New Nominee." This is dated
18 July 10th, 2024, in The New York Times.

19 I'm happy to give you time to read this article, sir. If you would like a minute, we
20 can go off the record.

21 Mr. Klain. I would just like a minute. I read it a long time ago. I'd like to
22 refamiliarize myself with it.

23 Mr. Greenberg. Sure. We'll pause the clock and go off the record.

24 [Pause.]

25 Mr. Greenberg. Okay. We'll go back on the record.

1 BY MR. GREENBERG:

2 Q I'm going to read from page 1 of this printout, the last paragraph.

3 "But the one battle he" -- President Biden -- "cannot win is the fight against time.

4 None of us can. It's devastating to say it, but the Joe Biden I was with three weeks ago

5 at the fund-raiser was not the Joe 'big F'ing-deal Biden' of 2010. He wasn't even the Joe

6 Biden of 2020. He was the same man we all witnessed at the debate."

7 Did I read that correctly?

8 A Yes, you did.

9 Q It doesn't sound like George Clooney would agree with you that it was a
10 uniquely bad night for Joe Biden. Is that fair?

11 A I can't characterize Mr. Clooney's view. I've never spoken with
12 Mr. Clooney.

13 Q Me either.

14 But it sounds -- it does -- reading that, it sounds like -- well, it says that the Joe
15 Biden that George Clooney met 3 weeks prior to July 10th was the same Joe Biden we
16 all -- America -- witnessed at the debate. Is that not what that says?

17 A It is what that says. Yes, that appears to be Mr. Clooney's view.

18 Q But you disagree with that, that the night of the debate was uniquely bad?

19 A That was my -- it was my opinion, yes.

20 Q Okay.

21 A I don't -- I can't explain Mr. Clooney's opinion. I never discussed it with
22 Mr. Clooney.

23 BY MR. BENZINE:

24 Q Did you ever --

25 A I was not present at that event either.

1 Q Did you ever have any discussions regarding -- with campaign staff or the
2 President -- regarding Mr. Clooney's op-ed?

3 A I did have discussions after the op-ed appeared as to asking if anyone had
4 known that it was coming and why Mr. Clooney might've done this, and there was a lot of
5 speculation about that, but --

6 Q Did some of the speculation include President Obama's involvement?

7 A Not President Obama's involvement, but involvement of people close to the
8 President, the various people who work on Pod Save America. It was reported that they
9 had helped Mr. Clooney draft this op-ed and encouraged Mr. Clooney to publish it. So
10 that rumor was circulating in politics and I think appeared in some political reporting.

11 Q Did you ever reach out to Mr. Favreau or Mr. Lovett about that?

12 A I have not.

13 Q Did anyone around the campaign reach out to them?

14 A I don't know. I didn't.

15 Q Immediately after the debate, were you a part of any conversations about
16 the President's performance?

17 A Yes.

18 Q What were -- with who?

19 A With the President, with Mr. Donilon, who was helping to prepare the
20 President's remarks for a rally, a series of rallies the President was going to do late, very
21 late that night and then the next day in North Carolina. And I said, "We need to address
22 this."

23 Q How did the President think he did?

24 A The President knew he had done poorly.

25 Q Was that the consensus among --

1 A Yes.

2 Q -- the staff as well?

3 A Yes.

4 Q And then he went to a post-debate event prior to flying to Raleigh. Is that
5 correct?

6 A He went to two post-debate events.

7 Q One of which the -- maybe both of which -- but one of which the First Lady
8 joined him on stage and said, "You did a great job. You answered every question."

9 How was that comment perceived amongst staff?

10 A I think it was just perceived as her trying to cheer up the crowd. The first
11 event they went to after the debate was a rally-style event in a hotel holding room where
12 people had been watching the debate, where supporters had been watching the debate.
13 And they were, of course, a little demoralized, and so I think the First Lady was trying to
14 lift spirits in the room.

15 Q Were you a part of any of the spin teams in the spin room after --

16 A I was not.

17 Q We'll stick to kind of the immediate -- prior to flying to Raleigh.

18 Were there any conversations regarding no longer running for reelection at that
19 point?

20 A No, there were not. Not that I recall, certainly.

21 Q In the -- a broader question and then I'll get more specific.

22 In the days or the immediate weeks afterwards, did you receive any phone calls
23 regarding the President's performance during the debate from donors?

24 A I did, yes.

25 Q Were they concerned?

1 A Yes.

2 Q What were their concerns?

3 A I received a phone call from a prominent donor in New York who told me
4 that there would be no more donations for the President, that he should drop out of the
5 race.

6 Q Was that the only phone call that sounded like that?

7 A That was the only phone call I received from a major donor, yes. I just -- I
8 wasn't that involved with the donors.

9 Q What about any conversations from -- or any more one-on-one
10 conversations with less senior staff regarding the President's performance? Was
11 there -- I'll rephrase. Was there a general concern amongst the staff that the debate
12 cost him the election?

13 A I thought there was not adequate concern in that regard, and I was pressing
14 the White House staff to get the President out there more and to engage more with
15 Members of the House and Senate to rally supporters for his candidacy.

16 Q Immediately -- the same kind of timeframe, days, immediate weeks after the
17 debate, did you receive any calls from Members of the House regarding the debate?

18 A I did not receive calls. I placed calls.

19 So I don't want to be like overly persnickety here, but I'm just trying to be as
20 accurate as possible. I called Members of the House and urged them to issue
21 statements of support for the President.

22 Q Were those calls primarily to the Progressive Caucus or were they broader?

23 A Primarily to the Progressive Caucus, yes.

24 Q Ms. Jayapal at that time?

25 A Certainly Congresswoman Jayapal, for sure.

1 Q What about, did you place any calls to Senators?

2 A I believe I called Senator Markey, who had been a very old friend of mine.

3 Q And your first boss?

4 A My first boss on Capitol Hill in the House when he was a Congressman.

5 And I don't believe I spoke to any other Senators though.

6 Q I'm not going to ask about specific conversations with Congressmen, but was
7 the general consensus the same, that the debate performance was poor?

8 A The consensus was the debate performance was poor, but there seemed to
9 be uncertainty about whether or not the President should continue in the race or step
10 out.

11 Q So, kind of -- "mixed messages" isn't the right term, but you heard both
12 support for the President continuing to run and support for the President dropping out?

13 A I heard support for the -- what I heard was openness to the President
14 continuing and unhappiness about his level of engagement with Members of the House.

15 Q "Openness" and -- I'm going to be a little persnickety since you were, too.

16 A Please.

17 Q "Openness" and "support" are different words.

18 A Yes, because I did not secure any of those Members to issue a statement
19 saying the President should stay in the race, but they didn't rule it out.

20 Q Okay.

21 A So that's why I consider it openness.

22 Q Thank you. And then --

23 Mr. Greenberg. How many Members -- sorry, Mitch.

24 Mr. Benzine. Go ahead.

25 BY MR. GREENBERG:

1 Q How many Members are we talking about? I'm not holding you to a firm
2 number.

3 A I'd say probably about three or four.

4 Q And none would --

5 A Put out a statement, no.

6 BY MR. BENZINE:

7 Q Did the -- I'll ask -- go back to the debate -- but did the Progressive Caucus
8 ever put out a statement signaling support?

9 A Not that I know of.

10 Q You just said this, but you advocated for the President to be more public
11 facing after the debate?

12 A Yes, and even more to meet in person with Members of the House and
13 Senate who might be inclined to support his candidacy.

14 Q I'm going to separate the two and start with that.

15 What was the reaction to more face time with Members of the House and Senate?

16 A The general view I got back from the House staff was that the President had
17 a very busy schedule, he was going to stick to his schedule, and it would all be fine. I
18 was skeptical of that.

19 Q And that immediate schedule after the debate included a rally in Raleigh and
20 then a Vogue photo shoot at Camp David?

21 A Well, what I would say is, this is after the rally in Raleigh. This was after I
22 returned to Washington in the midday to afternoon of that Friday. So the immediate
23 schedule was his weekend at Camp David.

24 Q Okay. And did you advocate to reschedule that photo shoot?

25 A I advocated for the President to not go to Camp David and to stay in

1 Washington and summon Members of the House and Senate to the White House so they
2 could personally assess his acuity and offer statements about the President's acuity based
3 on their interaction with him.

4 Q And who did you make that advocacy to?

5 A To the Chief of Staff.

6 Q Mr. Zients?

7 A Mr. Zients, yes.

8 Q Did you call the President directly to advocate for more interaction with
9 Members of the House and Senate?

10 A I did not.

11 Q Did you receive any pushback for advocating for the President being more
12 public facing?

13 A I was told that there was a plan, and it would take time because the
14 President's schedule was full, and I encouraged them to tear up the President's schedule
15 and accelerate these things, because I thought the President was in more political trouble
16 than apparently his advisors at the White House believed.

17 Q I'm actually from Raleigh, and by all accounts, do you believe the rally in
18 Raleigh was a success?

19 A I do think the rally in Raleigh was a success, but I thought it had limited
20 efficacy in stemming our political problems, because it was just a rally speech.

21 Q And getting to the trip to Camp David in particular, when you were
22 advocating about canceling and staying in Washington, were you aware that it was a
23 photo shoot with Annie Leibovitz?

24 A I was, yes.

25 Q Who told you that?

1 A Mr. Zients told me that.

2 Q And did that play a role in your advocacy of canceling that trip, that it would
3 come across as maybe out of touch with what just happened?

4 A It wasn't so much that I was for canceling. I thought the President had
5 more urgent business. That would be the way I would put it.

6 Q And the "more urgent business" meaning kind of trying to shore up some
7 support on the Hill?

8 A Correct, yes.

9 Q Do you know how many times the First Lady was on the cover of Vogue
10 during the term?

11 A I do not. I'm not a reader of Vogue magazine.

12 Q I'm not either.

13 And what was Mr. Zients' reaction to trying -- for your advocacy to cancel that
14 weekend?

15 A Mr. Zients, I think, had a view that I had been kind of hyperactive as Chief of
16 Staff and had been, like, very crisis oriented, and that I was overreacting, and that I was
17 following my character, and his character was a more kind of corporate management
18 style, like, "We have a plan, we're going to do our plan, and it'll all be fine."

19 And so he said that this was not his approach, and it -- I was reflecting my
20 approach, and it wasn't his approach.

21 Q Did he give any inclination that that weekend was a priority of the First Lady
22 or the First Family?

23 A He did not, but I certainly would have understood that. The time with the
24 family was always a priority for the family, and time at Camp David and the photo shoot
25 would have been a very important family event. I understood that.

1 But I thought the President was -- I thought the clock was ticking on his candidacy
2 and his viability as a candidate, and the President needed to move quickly and decisively
3 in that regard.

4 Q Do you know if those photos were ever released?

5 A I don't believe I've ever seen those photos. I don't know.

6 Q And then, again, at this point, we're now a week-ish out. Were there any
7 conversations about not running for reelection?

8 A I'm sure there were conversations in the sense that people said, "Hey" -- I
9 was always -- I said, "Look, the clock is ticking. We're going to have Members start to
10 come out for him not to run again, and then the delegates are going to start to flake
11 away."

12 And I was told by Mr. Zients and Mr. Reed that the delegates were good, that he
13 was going to get renominated, and that we could work this out over time.

14 And so I was quite concerned, but others were less concerned.

15 Q Did you have any individual basis for your suspicion that the delegates might
16 start to flake away? Were any calling you and suggesting that?

17 A I was not speaking to delegates, but I was watching the TV, I was reading the
18 newspapers, and that was just the way this all felt.

19 It turned out I was right about that. I was wrong about the debate; I was right
20 about what would happen afterwards.

21 Q One of -- oh, sorry, Jake.

22 In Ms. Tanden's interview, one of the things I personally found surprising is that
23 she said that the debate performance did not come up in the -- or came up very briefly in
24 the next week's 8:40 a.m. senior staff meeting. Does that surprise you?

25 A It doesn't surprise me, because those meetings were about what was going

1 to happen that day in their planning meetings, like execution meetings, and not time for
2 rumination about events. And so it doesn't surprise me they were very focused on the
3 day at hand.

4 Q Okay.

5 BY MR. GREENBERG:

6 Q From the time that you allegedly stood up and said, "We're screwed," to the
7 time that President Biden would announce that he was withdrawing from the race, you
8 believed that President Biden could win the election?

9 A I did, yes.

10 Q You believed that it was a uniquely bad night, the debate, but it was
11 recoverable, correct?

12 A Yes. I believe something different in addition to that, which is I believe that
13 President Trump's greatest strength as a political figure was his ability to characterize his
14 opponent and to make his opponent seem exotic and unacceptable to the American
15 people. I watched him do that in the 2016 campaign with Senator Rubio and a number
16 of his Republican opponents -- "Little Marco," "Lyin' Ted Cruz." "Pocahontas," Senator
17 Warren.

18 And I was quite concerned that someone else substituted in at the last minute
19 would be subject to that treatment by the President -- by candidate Trump -- and it would
20 be effective.

21 So I thought -- to me, I thought the centerpiece of the 2024 campaign was about
22 Donald Trump, and I thought that President Biden offered the lowest target zone for
23 President Trump compared to other alternatives.

24 So I thought he was the most effective candidate for the Democratic Party even if
25 his political skills had diminished.

1 Q Focusing on what you characterized, I believe, as the uniquely bad night that
2 was the debate, I actually want to show you a video. It's audio. And it is a portion of
3 President Biden's interview with Special Counsel Hur.

4 I know you were not in the White House in October of 2023, but I'm going to have
5 a few questions after we listen to this clip.

6 [Audio recording played.]

1 [12:16 p.m.]

2 BY MR. GREENBERG:

3 Q Mr. Klain, Special Counsel Hur's question to President Biden was -- what sort
4 of documents would be stored at the Naval Observatory, and where would they be
5 stored? I played you 4 minutes of his answer. It goes on for an additional 8 minutes
6 before Special Counsel Hur interrupts the President to ask his question.

7 Again, during that time, Joe Biden, President Biden speaks about the Violence
8 Against Women Act, Agriculture, and the Delmarva Peninsula, the International Newport
9 Competition, moving to Idaho, working the law firm, the Wilmington Club, the Du Pont
10 family, the Civil Rights Movement, Reforming the Democratic Party in the South, and his
11 first few races for public office.

12 Again, was the debate against Donald Trump a uniquely bad night for President
13 Biden.

14 A Well, again, I think so, yes. I think that Mr. Hur was asking about where
15 documents had been stored 7 years earlier. And you can ask me where I have things in
16 my house today, I'm not really sure what the answer to that is.

17 You know, the President was not really focused on his filing system, I don't think.
18 And he asked a question which was broadly in classified documents, which is documents
19 generally. So President talked about the sorts of documents he might have.
20 Documents about the history of the Violence Against Women Act, documents about his
21 practice as a lawyer, and documents about the agriculture industry. And what you
22 heard him recite from memory was the value of the agriculture industry in the Delmarva
23 Peninsula and his involvement with the Violence Against Women Act and whatnot.

24 And if Mr. Hur thought this was going off track, he had the power to interrupt the
25 President at any time. So I guess Mr. Hur must have found this interesting in some

1 respect, and that's up to Mr. Hur.

2 But what you heard from the President was, you know, a recollection of elements
3 of his career that could generate documents that might have been in the Naval
4 Observatory. And again, it was a question finally about his document storage methods
5 7 years earlier in his residence. So I don't take much from that.

6 Q Thank you for your answer. I think your answer took -- I was counting in
7 my head -- about 45 seconds. President Biden's took 12, 12 minutes.

8 Did you have concerns about Biden's ability to answer questions succinctly and in
9 a coherent fashion at any time?

10 A Of course, the President being non-succinct had been a criticism over his
11 entire career. And, in fact, one of the things I worked with him on was the 2008
12 Presidential debate when he was a candidate for President. And he very famously gave
13 a debate answer where he was asked: Do you think you can brief and to the point?
14 And it was said: Do you have any concerns about being brief and to the point? And he
15 said, no, and that was the entirety of the answer. He became a big media sensation that
16 he had a one-word answer.

17 And so, we were aware that one of his political liabilities was that he was a long
18 talker. And so, you know, that's why when he was President, we focused on prepared
19 speeches to try to contain the length of his speeches. Because he did have a tendency
20 to talk at length and say what was on his mind. That wasn't a question of mental acuity,
21 that was just his style. I think he believed he was a very effective communicator. And
22 the more he talked, the more he would bring people in. And it was part of his political
23 appeal.

24 And, you know, and I think that as time passed, I thought that would be most
25 effective. But I don't think that's a question of mental acuity, it's a question of

1 presentation style.

2 Q Why do you think it became less effective?

3 A Because I think our politics have changed to shorter answers, and, you know,
4 shorter clips and social media clips and whatnot. And I think these long answers needed
5 to give on the stump in Delaware and kind of long interaction with voters in back yards
6 and whatnot to seem charming and witty and folksy is not the style of American politics
7 today.

8 Q But President Biden's ability to actually deliver long, narrative responses has
9 changed, don't you think? That doesn't sound -- what I just played you does not sound
10 like the Joe Biden from 2008. Do you agree with me?

11 A I do not. I think, unfortunately, what you just played is typical of the
12 answers he has given throughout his career. They are often -- certainly he was
13 legislative person -- when he was the chairman of the Judiciary Committee of his
14 questions being longwinded and, you know, and covering a lot of ground. And this was
15 just always his style as a politician. And so, it doesn't surprise me that, you know, he
16 continues it.

17 Q During that same interview, President Biden could not -- had to be reminded
18 when he began and separately ended his time as Vice President. Are you aware of that?

19 A I am not.

20 Q You haven't read reporting about the contents of the Hur report?

21 A I've read some reporting about it, but I did not study it carefully.

22 Q And back in 2008, do you think the Joe Biden back then would have had
23 problems remembering when he, for instance, started in the Senate?

24 A No, I think he would remember that when he was elected to the Senate, and
25 I think he sort of remember when he was elected as Vice President, but whether or

1 not -- I think he would have said I've served as Vice President from 2008 to 2016. Those
2 are the election years, as opposed to, you know, the fact that he started in 2009 and
3 ended in 2017. But, you know, I just think that dates were never his thing.

4 Q Do you think President Biden -- it was unusual that President Biden couldn't
5 remember when his son Beau died?

6 A I think President Biden does know when his son died. The question is
7 whether or not he remembered it. I don't know what questions he was asked
8 specifically. I've read reporting about this, but I never saw the transcript, and so, I don't
9 know precisely what was and precisely what he said. But he certainly knew when his
10 son died. I can tell you I was there when his son died. I was at the funeral.

11 Q But it's your testimony today that President Biden's memory has not
12 changed the entirety of the time you've known him?

13 A Not that his memory hasn't changed, but that his memory is more than
14 adequate to serve as President of the United States. And the fact that he gives
15 longwinded answers doesn't undermine his mental acuity.

16 Q He wasn't able to give longwinded answers, though, during the debate, and
17 he seemed to flounder. Why?

18 A Well, debate's a very different thing, you have to give short-winded answers.
19 As Mark Twain's famous saying or whatever it was: I wrote you a long letter because I
20 didn't have time to write a short one.

21 And, you know, I think the President always struggled with shorter answers. And
22 the debate format really -- I think it was -- I think there were 90-second answers.

23 And so I think that it's always harder for him to give a 90-second answer than to
24 give fully discursive answer.

25 Q But the President -- President Biden had been in debates before. He was

1 able to adapt his behavior to those debates to deliver the requisite short answer. Why
2 wasn't he able to do it this time?

3 A He was out of practice. You know, one thing about being -- becoming a
4 President, you stop debating. On the 2020 campaign, he engaged in, I think, at least a
5 dozen primary debates, perhaps more, in the run-up to his two debates with President
6 Trump. And so he just had a lot more practice debating. Debating is a practiced skill,
7 and I think candidates of all sorts have to practice. He was out of practice.

8 Q And he was out of practice because he didn't engage with you during Camp
9 David, correct?

10 A He was out of practice because he had not been a candidate for 4 years.

11 Q So do you disagree with me that the -- one of the reasons President Biden
12 had a poor debate performance is because he didn't take practice very seriously for the
13 week that he had to prepare for?

14 A I disagree with your characterization that he didn't take it seriously. He did
15 not practice enough. I agree with that. I think if he practiced more, he would have
16 done better.

17 Q How could you say that he takes it seriously when he's going out to sit by the
18 pool and falling asleep?

19 A Well, I assume he was tired. And we all have human needs, and being tired
20 is one of them. The President had traveled more, I think, than any President in history
21 had traveled in a short period of time to keep our allies together in Europe. He'd gone
22 back to Europe twice in this very short period of time, and so, he was so tired.

23 Q So he wasn't up for it?

24 A He was tired. It's different than not up for it.

25 Q Well, he didn't do it, though, Mr. Klain. Why didn't he do it? This was a

1 big moment, and he failed to practice for it.

2 A Because he thought it was more important to be President than to run for
3 President. And that -- you know, I respect that. I disagree with it, but I respect it.
4 And he was very focused on doing his job as President and less focused on preparing for a
5 Presidential debate.

6 Q In your experience working as Chief of Staff to the President, do world
7 events unfold based on the President's need for sleep?

8 A No, they don't. And the President performed ably on world events. He
9 had gone to Europe twice. He had rallied our NATO allies. The NATO allies agreed to
10 move forward with the plans for Ukraine -- to provide more funding for Ukraine in the
11 event that U.S. Government provided less, and to help the Ukrainian people defend
12 themselves against Russian aggression. So the President had executed his job as
13 President, and was under-prepared for a debate as a candidate.

14 BY MR. BENZINE:

15 Q All right. You were asked if you had to wake up the President before, and
16 you said -- I don't want to characterize how often, but sometimes wake up in the middle
17 of the night to deal with global crises. Is that fair?

18 A Yes.

19 Q Was one of those the Russian invasion of Ukraine?

20 A No, the Russian invasion of Ukraine happened in the afternoon U.S. time.

21 Q Was there a Sit Room meeting after that?

22 A Yes, there was.

23 Q Did President Biden attend it?

24 A Yes, he did.

25 Q Did he attend it in person?

1 A Yes, he did.

2 Q All right.

3 Mr. Greenberg. I think we're out of time. We'll go off --

4 Mr. Klain. Just to fill this out, in terms of waking up in the middle of the night, it
5 was often when there were attacks on U.S. military bases in the Middle East when either
6 Iranian-sponsored militia or other foes of the U.S. would fire missiles at U.S. military
7 bases in the Middle East, and the President had to -- and those attacks would often
8 happen where we would finally get word of them at like 2 or 3 o'clock in the morning East
9 Coast time. I would awaken the President, and he would then get Secretary Austin and
10 General Milley on the phone and issue instructions as to what our retaliation should be.

11 BY MR. BENZINE:

12 Q Did the President ever attend Sit Room meetings virtually?

13 A Well, "ever" is a big question.

14 Q While you were Chief of Staff, did he attend the Sit Room meeting that you
15 were also in virtually?

16 A I don't recall specifically, but I think it's quite possible he might have been
17 out of the country and would have participated virtually then.

18 Q Did he ever attend a Sit Room meeting virtually while he was in the
19 residence?

20 A Not that I recall, no.

21 Mr. Greenberg. Thank you. We'll go off the record.

22 [Discussion off the record.]

23 Mr. Greenberg. We'll go back on the record.

24 Mr. Klain. We'll go back on the record, I'm sorry. I didn't mean to do that to
25 you, Jake.

1 It's possible while he had COVID and was isolating in the residence, he would have
2 participated virtually in meetings -- that would have included Sit Room meetings and
3 whatnot -- but that was while he had COVID and was isolating in the residence.

4 Mr. Benzine. Off the record.

5 [Discussion held off the record.]

1 [1:19 p.m.]

2 BY MR. [REDACTED]

3 Q We can go on the record. Mr. Klain, just a few questions for you. In the
4 previous round you were asked at length about the President's 2024 debate and your
5 reaction to his performance. I just want to make sure that the record is clear. As I
6 understand, the President's performance did not change your view that he should remain
7 in the Presidential race. Is that correct?

8 A That's correct. I thought it was a bad performance, but I thought it was a
9 debate. Presidents have bad debates, and they continue -- Ronald Reagan had one of
10 the worst debates in history, and I tell you -- he won 49 States afterwards. So I thought
11 the President should continue in his campaign.

12 Q Okay. And nor, as I understand it, it changed your view that President
13 Biden was fully competent to serve as President?

14 A Correct.

15 Q I understood you to explain earlier that following the debate, you were
16 advocating a strategy that involved President Biden being more public-facing and
17 engaging with Members of Congress. Is that accurate?

18 A Yes.

19 Q I take it it was your view that President Biden was fully capable of executing
20 that strategy?

21 A Absolutely, yes.

22 Q Do you think that a cognitively-impaired candidate would have been capable
23 of doing so?

24 A No.

25 Q And then with respect to what I understand to be your disagreement over

1 the decision for President Biden to spend the weekend at Camp David following the
2 debate, did you ever have any understanding that his decision was, in any way, linked to
3 cognitive impairment on his part?

4 A No, I did not.

5 Q Or the result of a plan to cover up his condition?

6 A Absolutely not.

7 Q Or to conceal him from the public?

8 A No.

9 BY MS. [REDACTED]

10 Q Additional questions, Mr. Klain. When you were discussing President
11 Biden's performance during the debate, would you attribute the pauses during the
12 debate due to his lack of readiness for the debate and not due to cognitive decline,
13 correct?

14 A Correct. I thought that -- I think all politicians need to practice and have
15 their answers kind of for it -- to be a good debater, you have to have your answers kind of
16 down in advance, and they're ready to go. And if you're trying to make them up on the
17 fly, you are always going to be pause or be halting or uneven in your performance.

18 Q Thank you.

19 Mr. [REDACTED] Off the record.

20 [Discussion off the record.]

21 BY MR. GREENBERG:

22 Q Mr. Klain, let's talk for a couple of minutes about Hunter Biden. What is
23 your relationship with Hunter Biden?

24 A I know Hunter. I've known him for a long time. I don't really have any
25 kind of close relationship with Hunter. And he's an acquaintance, I would say.

1 Q When was the last time you spoke with him?

2 A In the -- I believe in August of 2024. Maybe September.

3 Q What did you talk about?

4 A It would have been August, we talked about his father's candidacy and my
5 views on that.

6 Q Did you happen to see his -- Hunter Biden's most -- I believe most recent
7 interview where he described what he believed was the mistake of the Democratic
8 strategy for the 2024 election?

9 A I saw parts of it on social media. I did not watch the whole thing.

10 Q And I don't want to mischaracterize your thoughts, so correct me if I'm
11 wrong, but it seems to me that you would actually have quite a bit of common ground
12 with Mr. Biden in terms of Hunter Biden believing that the Democrats ousted President
13 Biden from the ticket. Is that fair?

14 A I think it's -- again, I didn't hear all what Hunter said. I'm not going to
15 compare my views to Hunter's. But I will say, my view was he was pressured out by a
16 number of Democrats, and I thought it was a mistake.

17 Q You previously -- while you were serving as, I believe -- you previously
18 solicited funds from Hunter Biden's company, Owasco. Is that correct?

19 A I solicited funds from Hunter for the Vice Presidential Residence Foundation.
20 As you may know, we don't fund the Vice President's residence the same way we would
21 fund the White House executive residence. And so, Vice Presidents going all the way
22 back -- Democratic, Republican, Vice Presidents have set up foundations to help support
23 the expenses of the residence. And when I left Vice President Biden's service as Chief of
24 Staff, I went on the board of that foundation and agreed to help him raise money for that
25 foundation. I did reach out to Hunter to ask if he would make a donation and support.

1 Q What was your understanding of what it was Hunter Biden did for a living at
2 that time?

3 A At that time, I believed that Hunter was a lobbyist, but I wasn't sure about
4 that. But I was just calling people who were friends and family of the President to try to
5 see if they'd make donations to this foundation. It's a hard foundation to raise money
6 for because people don't really want to donate to couches at the Vice President's
7 residence.

8 Q The larger thesis of -- at least Mr. Tapper and Mr. Thompson's book,
9 "Original Sin," is that President Biden's decision to run again was a mistake -- I believe
10 that is what they called the original sin -- in part due to increasingly apparent cognitive
11 decline of President Biden. You disagree that President Biden was in cognitive decline,
12 correct?

13 A I do. I'm also surprised this committee's making so much reliance on Mr.
14 Tapper's book. Because I hear the President of the United States every day say, CNN is
15 the most fake news in the world. And that CNN is the worst of the fake news, and this is
16 CNN reporting.

17 So I don't understand why this committee gives so much weight to CNN reporting.

18 Q Well, Mr. Thompson is also on that book, and we put a lot of stock into what
19 Mr. Thompson has to say. My question is that one of the reasons that Mr. Tapper and
20 Mr. Thompson point to for the acceleration of President Biden's decline is the increasingly
21 fraught -- legal peril that Hunter Biden was finding himself in. Did you ever have
22 discussions with President Biden about Hunter Biden?

23 A Well, again, "ever" is a broad word. But certainly, over the course of my
24 knowing the President, I have certainly discussed with him Hunter Biden at some point in
25 time.

1 Q Did you have discussions with President Biden about congressional
2 investigations or potential congressional investigations into Hunter Biden?

3 A Not that I recall, no.

4 Q You don't recall any conversations regarding Hunter Biden's business
5 practices with President Biden from 2021 to 2023?

6 A Not that I recall, no.

7 Q Did the President seem distressed by discussions whenever Hunter Biden
8 came up in discussions?

9 A No, I don't think he was distressed whenever Hunter Biden came up in
10 discussions. He was obviously worried about his son, worried about his health, and
11 worried about his grandchildren.

12 Q Do you recall other people having conversations in the White House about
13 Hunter Biden and potential congressional investigations into Hunter Biden's business
14 practices?

15 A Yes, I do.

16 Q What was the nature of those conversations?

17 A We had a discussion -- I had a discussion with Ms. Dunn about whether or
18 not the White House would try to persuade Democratic members to advocate for Hunter
19 in these potential hearings, and what role the White House would play, if any, in
20 defending Hunter or, you know, offering a point of view on these investigations.

21 Q And Ms. Dunn is married to Mr. Bauer. Is that correct?

22 A Yes, she is.

23 Q Did there come a time when there was disagreement in the Biden
24 camp -- well between Mr. Bauer and President Biden regarding Hunter Biden and a
25 strategy regarding Hunter Biden?

1 A Not that I personally observed.

2 Q But are you aware of one?

3 A I've read reports of that.

4 Q What have you read about?

5 A That Mr. Bauer took the view that the White House shouldn't put itself in the
6 middle of this dispute about Hunter's business practices. That Hunter was an adult and
7 had done what he had done.

8 Q And is it your understanding that President Biden disagreed with them?

9 A I don't know what the President's point of view on that was.

10 Q Is it your understanding that the White House -- that people in the White
11 House disagreed with Mr. Bauer?

12 A Not that I'm aware of, no.

13 Q So was there a disagreement at all?

14 A I don't think that was Hunter's point of view.

15 Mr. Benzine. Did Hunter advocate for the White House to come to his defense in
16 front of Congress.

17 Mr. Klain. I don't know that firsthand. I just know that if Bob was offering this
18 view, it must have been in contrast to something else. I am just supposing, I probably
19 shouldn't speculate that that point of view was Hunter's point of view, or his attorney's
20 point of view.

21 BY MR. GREENBERG:

22 Q Did you ever have conversations with Hunter's attorneys?

23 A I had some conversations with Abbe Lowell, yes.

24 Q What was the nature of those conversations?

25 A After I left the White House, Abbe called to say they were trying to raise

1 money for Hunter's legal defense and asked if I would make a donation.

2 Q Did you?

3 A I did.

4 Q How much did you donate?

5 A I donated \$5,000.

6 Mr. Benzine. Abbe Lowell's former firm, I believe, is suing Hunter Biden for
7 unpaid legal fees. Are you aware of that?

8 Mr. Klain. I'm not aware of that. But the sense I got from Abbe was that
9 Hunter was very behind on his legal bills, and that his firm was pressuring Abbe to drop
10 the representation because he wasn't getting paid promptly and adequately. And so, it
11 sounded like a pretty difficult situation.

12 BY MR. GREENBERG:

13 Q Are you aware of anybody else in the White House donating money for
14 Hunter Biden's legal defense?

15 A I am not aware of who the donors were. Again, I would have left the White
16 House when I made this donation.

17 Q Would you have ever advised the President to allow Hunter Biden in
18 substantive meetings with, for instance, cabinet officials in the White House?

19 A The question never came up, and so, I never offered the President advice on
20 it.

21 Q If President Biden walked up, approached you and said Hunter Biden is going
22 to show up in this meeting, would you have advised that?

23 A I can't speculate on what I would have said. Again, it never came up, and
24 so I never offered advice on it.

25 BY MR. BENZINE:

1 Q Did you view Hunter as a political liability to the President?

2 A I didn't think Hunter's problems were that relevant to the President
3 politically. I know they mattered to the President personally, but never hardly that
4 relevant to the President politically. I thought voters were going to decide whether or
5 not Joe Biden would be the right President for the next 4 years based on what he would
6 do for them, not what members of his family had done.

7 Q Were you involved in any conversations surrounding Hunter's trial?

8 A Not that I recall, no.

9 Q You don't recall whether or not President Biden wanted to testify at Hunter's
10 trial?

11 A I don't recall that, no.

12 Q Do you recall if the First Lady wanted to testify at Hunter's trial?

13 A I don't know.

14 Q Do you feel like the President enabled Hunter?

15 A I'm not sure what the word "enabled" means. I think that the President,
16 you know, loved his son. But this son was an adult male and, you know, adult -- a fully
17 grown adult and did what he wanted to do. I don't think, you know, the President was
18 concerned about his health and concerned about his grandchildren, but I don't think the
19 President was involved in Hunter's businesses or anything like that. And so his -- you
20 know, children don't always listen to their parents.

21 Q Did you ever feel like Hunter Biden was using -- he was manipulating the
22 President in any way?

23 A Not that I'm aware of, no.

24 BY MR. GREENBERG:

25 Q What is your relationship with James Biden like, the President's brother?

1 A Yes, I met the President's brother on a number of occasions, but I really
2 don't have any active relationships with Jimmy at all.

3 Q Any other members of the Biden family have you interacted with?

4 A Yes, Valerie Biden Owens, the President's sister ran his prior campaigns.
5 And so I spent a good deal of time with her in the 2020 campaign when she was the chair
6 of the campaign, or whatever her title was exactly. And, you know, I interacted with her
7 previously when I worked for him in the Senate staff.

8 Q Did Ms. Owens, the President's sister, ever raise to you concerns about the
9 President's age or his health and how that might be perceived in the campaign?

10 A No, she did not.

11 Q I want to talk about -- I just want to straighten out, I think, a term that -- or a
12 term that we've been kind of banding about today, and I want to drill on the term, "age."
13 And you have pointed to age as a serious concern in the Biden campaign how age was
14 perceived. And that was something that you were pushing back against. And that
15 was, I believe, maybe the motivating factor for doing the debate. Is that correct?

16 A Yes, I agree with that.

17 Q Isn't age just -- isn't that a euphemism for some of the things that come
18 along with age, like a physical decline, a mental decline, cognitive decline? Can you help
19 me understand what you mean by the concerns surrounding the President's age?

20 A Well, you'd have to ask the voters who had those concerns, specifically what
21 they had in mind that was showing up in polls. I think that there's definitely a number
22 of people in America today who think that political leaders in general are too old and
23 have directed that Members of the House and Senate as well. And, you know, I just
24 think there's a general view that there are voters who want younger, elected officials.
25 And President Biden was one of the targets of that, as was Speaker Pelosi, Senator

1 Schumer, and others -- Senator McConnell and others.

2 [Klain Exhibit No. 5.

3 was marked for identification.]

4 BY MR. GREENBERG:

5 Q I want to introduce as exhibit 5, an article from USA Today dated June 30th,
6 2024, entitled: "More than 70 percent of voters say Biden doesn't have mental,
7 cognitive health to serve," new poll says.

8 A Yes.

9 Q If you'd like to take a minute to read this article, I'm happy to go off the
10 record.

11 A Just a second. Okay.

12 Q So, you said I would you have to ask the voters about the concerns about
13 age. But it seems that that work was actually done for me. And that when the voters
14 would talk about age, they were talked specifically about mental and cognitive health.
15 So is it fair to say that that's what you were pushing back on?

16 A Again, this poll is from late June that you cited, and so it's -- you know, the
17 age thing that started well before that. And, you know, it's one particular poll, one
18 particular group of voters. But I think it was just a general view that we needed younger
19 leadership in the country. And again, that was directed at Speaker Pelosi as well and
20 Senator Schumer, too.

21 Q I mean, Donald Trump is not significantly younger than President Biden, but
22 only one of them was facing a large pushback from their own party about being too old or
23 too cognitively declined to compete in the race. Why is that?

24 A Well, the report said almost half the voters thought that President Trump
25 did not have the mental or cognitive ability to take on the role of Commander in Chief.

1 So when half the country feels that way, that is a large pushback.

2 Q Sure, but half the country can hardly agree when the sky is blue. But you
3 being a professional in this field knows that 70 percent is a significant difference from
4 50 percent. Is it not, Mr. Klain?

5 A It is. And obviously, President Biden had worse political problems when he
6 was appointed than President Trump had. But I heard Governor Christie -- I was at an
7 event with Governor Christie who said that the first party to nominate someone other
8 than Donald Trump or Joe Biden to be President will win the 2024 elections. And, of
9 course, that was wrong. The party that nominated Donald Trump won the 2024
10 elections. So this age criticism that both of them are too old. What is out there is
11 being discussed by elected officials and department officials. And in the end, I thought
12 that Biden would win.

13 Q But why do you think that one of these candidates was facing a significantly
14 higher critique of their cognitive health?

15 A I think his presentations skills were not as good as President Trump's. And I
16 think people read too much in that and assumed that meant some kind of cognitive
17 problem.

18 Q But his presentation skills were on display in the 2020 election, were they
19 not?

20 A Yes, they were.

21 Q Why had they declined since then?

22 A Well, I'm not sure why they had declined. I certainly have said earlier I
23 thought his --

24 Q But do you -- I'm sorry to interrupt you.

25 Mr. Smith. Let him finish his answer.

1 Mr. Klain. I said earlier in this interview that I thought his political and
2 presentations skills had declined since the 2020 election, but I found his cognitive skills
3 still quite acute.

4 BY MR. GREENBERG:

5 Q President Trump sat for a cognitive test. President Biden never did. Did
6 you ever -- why do you think that is?

7 A Why don't you ask President Trump why he sat for a cognitive test. I think
8 the President's doctor never thought he needed a cognitive test, and it was his doctor's
9 decision to make.

10 Q Did you ever --

11 A I also believe that I don't think President Trump got much critical benefit
12 from cognitive testing. It became kind of a running joke. Man, woman, person, TV.
13 And I'm not sure that he gained much benefit in that. And you still see that 49 percent
14 of voters thought that he lacked the mental and cognitive ability to take on the role of
15 Commander and Chief. So I don't think the cognitive test put an answer to it.

16 Q Do you think it would have not served President Biden well to sit for a
17 cognitive test?

18 A I don't know -- I don't want to base this on an opinion. I'm not a doctor, I'm
19 not a neurologist, I'm not a cognitive specialist. Like I said, in my experience,
20 President Biden was always mentally sharp. I thought his political skills and his
21 communication skills had atrophied.

22 BY MS. HARKER:

23 Q Mr. Klain, do you have any knowledge of President Biden's political advisors
24 weighing in on whether Dr. O'Connor should have performed a cognitive exam?

25 A I'm not aware of that, no.

1 Q Do you have any knowledge of President Biden's political advisors weighing
2 in on any of the healthcare that President Biden should have or did, in fact, receive?

3 A Not that I'm aware of, no.

4 Q Did you ever weigh in on President Biden's medical care?

5 A Only to tell Dr. O'Connor he should do whatever he thought was medically
6 necessary and right.

7 Q How often did you interact with President Biden's physician, Dr. O'Connor?

8 A Rarely, when the President was interacting around the time the President
9 was sick with COVID, and they were on each of the annual physical exams.

10 Q So you were present for some of the physical exams at the --

11 A No, no, no. Interact with him -- I interacted with Kevin on the phone, but I
12 was not present for any of these examinations.

13 Q What did you discuss with Dr. O'Connor on the phone at those times?

14 A You know, how much more time he needed for the exams and when they
15 would be completed.

16 Q Did you discuss the President's health or treatment on those phone calls?

17 A I told Kevin always how to treat the President was his call, and, you know, I
18 just needed to know if the President was going to be away from the White House and for
19 how long, and if they were going to use -- and if they were going to use anesthesia on the
20 President.

21 Q Do you have any knowledge about amphetamines such as Adderall or
22 Vyvanse that President Biden was given during his term in office?

23 A I am not aware of that.

24 Q Do you have any knowledge about the medical care that President Biden
25 received in the weeks and days before the 2024 State of the Union?

1 A I was not at the White House at the time, so I have no knowledge of that.

2 Q Do you know if in the weeks or days before the 2024 State of the Union,
3 White House staff, or campaign staff, discussed the need to medically treat the President
4 so that he would be able to deliver his address to the Nation?

5 A I'm not aware of that, if true.

6 Q Do you know if in the weeks or days before the 2024 State of the Union,
7 President Biden took amphetamines or any stimulants?

8 A No, I'm not aware if that is true.

9 Q Steroids?

10 A Not that I am aware of.

11 Q Thank you.

12 BY MR. BENZINE:

13 Q Switching gears to President Biden's decision to no longer seek reelection,
14 were you with him in Rehoboth that weekend?

15 A I was not, no.

16 Q When did you learn his decision to not seek reelection?

17 A I learned of his decision when Jeff Zients called me at home briefly before
18 the official announcement was made and told me the President had decided to withdraw.

19 Q Did he tell you why?

20 A He did not tell me why.

21 Q Leading up to that decision, there were a lot of efforts to, I guess, inform
22 that decision -- meetings with Governors, like you said. There was a meeting with the
23 Progressive Caucus at some point. It might have even been that weekend, and various
24 other things. Were you involved in setting any of those up?

25 A I was not.

1 Q And then you said when I asked about certain surrogates that -- Governors
2 Newsom, Shapiro, and Whitmer were large surrogates on the campaign. Is that fair?

3 A Yes, it is fair. That's my recollection, yes.

4 Q Did any of them call you regarding President Biden's decision to drop out?

5 A No.

6 Q Did any of them call you regarding President Biden's debate?

7 A I spoke to Governor Shapiro before the debate, but not after.

8 Q And then did any of them call you in between the President dropping out,
9 and 25 minutes later, endorsing Ms. Harris?

10 A No.

11 Q Did you have any discussions with those three about possibly running for
12 President?

13 A Governor Newsom had come and seen me at the White House while I was
14 still Chief of Staff in 2022 to inform me that he was not going to run for President, and
15 that he wanted to be a supporter of President Biden's reelection, and we discussed that
16 in 2022. But that was the only discussion I had with any of them about their potential
17 Presidential candidacies.

18 Q And then Mr. Zients called you. Did he say whether or not he agreed with
19 the President's decision to drop out?

20 A He did not say. I offered my view, but Jeff did not offer a view.

21 Q What was your view?

22 A I told Jeff I thought this was a mistake.

23 Q Why?

24 A Because I still believed that Joe Biden was our best chance to win in the fall,
25 and that's why I thought it was a mistake.

1 Q It's been widely reported that at some point that weekend, Mr. Ricchetti and
2 Mr. Donilon were summoned to help write the dropout letters. Is that your
3 understanding it?

4 A I have read those reports. I have no firsthand knowledge, though.

5 Q Do you have any firsthand knowledge on who else was at the Rehoboth
6 house that weekend?

7 A I have now read a report in one of the newspapers that Senator Schumer
8 was there, but I had no firsthand knowledge of that, and didn't know that until I recently
9 read an account of that and was one of the excerpts in one of these books.

10 Q And in one of the books as well, there was -- I don't remember the exact
11 date that weekend -- but Mr. Biden did a Zoom call with the Progressive Caucus --

12 A Yes.

13 Q -- where it was reported at least that the President got a little --

14 A -- feisty.

15 Q Feisty was the word I was thinking of, too, on that call. Did you give any
16 readout from any of the individuals on that call regarding it?

17 A I did.

18 Q From whom?

19 A From Congresswoman Jayapal.

20 Q What did she tell you?

21 A She mentioned the call had gone poorly.

22 Q And at that point, they still had not issued any letters in support for the
23 President's reelection?

24 A Yes.

25 Q Did she explain why the call went poorly?

1 A She said that the President said that he was the only true Progressive on the
2 call, and that the Progressive Caucus was just a Gaza caucus and was just focused on
3 opposition to the President's policies in the Middle East, and didn't really care much
4 about climate change. And that Members had found that if not offensive, you know,
5 not an effective way persuade them to support the President.

6 Q It's been reported for a long time -- and please correct my
7 characterization -- that President Biden can have a temper sometimes. Is that fair?

8 A That is fair. The President can have a temper sometimes. So, yes, that is
9 a fair characterization.

10 Q Did the readout the he got from Congresswoman Jayapal match your
11 experience with President Biden in the past?

12 A Yes and no. Yes, it matched the fact that he had a temper, but I was
13 surprised he had been adversarial with the Progressive Caucus which had supported
14 almost all of his measures as President, and had supported his candidacy to that point.
15 And so, I was surprised that he took that approach.

16 Q Did you have any conversations with Mr. Zients regarding that phone call?

17 A I did.

18 Q What were the contents of those conversations?

19 A I told Jeff I thought that it was a mistake to not have someone brief the
20 President for that call, and someone who had good relations with the Progressive Caucus
21 with the President. And Jeff told me he had sent Ricchetti to Rehoboth to brief him for
22 that call. And I said, look, I think this is a mistake. I think Steve is not the strong suit,
23 not his relationships, and there's so much at stake in this. I think either you or I ought to
24 go up there.

25 Q So you were aware of the Progressive Caucus prior to it occurring --

1 A Yes, I was.

2 Q And advocated for yourself to go to help the President?

3 A Or someone, yes.

4 Q Did you talk to Mr. Ricchetti after the phone call?

5 A Not immediately after, but in the days afterwards, yes.

6 Q What were the contents of those conversations?

7 A I said Steve, was this as bad as it's been reported? He said it was pretty
8 bad. I said, well, did you brief him? He said, yes, I briefed him. I said, well, did you
9 tell him that his goal was to win over the Progressive Caucus? He said, well, yes, I did.
10 He was just fired up about this Gaza thing. I said, okay.

11 Q Did you get the sense that Mr. Ricchetti was surprised at the outcome of that
12 call?

13 A Well, at this point in time, the President had withdrawn, and so we were all
14 kind of dealing with the aftermath of that and less focused on the specific call and more
15 on, like, President was no longer running for reelection.

16 Q In the call that you got from the Congresswoman, the readout from the
17 caucus' call to the President, at that point, did she give any inclination of whether or not
18 they were supporting the President's bid for reelection?

19 A She said they were not inclined to put out a statement supporting his bid.
20 And I said, well, we need to have more interaction here. I think that one bad call
21 shouldn't change a long relationship. And I urged her to keep an open mind. She said
22 she'd keep an open mind but made no commitment.

23 Q But at that point did not say that she was not supporting the President?

24 A She didn't say she was not supporting. She didn't say she was supporting.
25 She just said that she was going to consider other inputs.

1 Q Were you -- I can presume the answer -- were you involved at all in the letter
2 the President sent announcing his withdrawal?

3 A I was not. I first saw the letter after it was publicly released.

4 Q And then in this time period -- I know I asked about the time period kind of
5 like immediately after the debate -- in this time period in mid-July, were you starting to
6 hear any concerns from anyone else out of the Progressive Caucus regarding the
7 President's reelection chances?

8 A Well, I think the news was filled with those concerns of anonymous
9 Members of Congress saying he should go, and reports that the Speaker, the
10 Speaker -- Emeritus favored him leaving the race. So yeah, I was quite aware of those
11 concerns.

12 Q Did the former Speaker call you?

13 A No, she did not.

14 Q At that point -- I think at that point, Majority Leader Schumer call you?

15 A He did not.

16 Q Did you receive any other calls from any Members of Congress?

17 A I did not.

18 Q What about in the Senate?

19 A Not that I recall, no.

20 Q Any cabinet members at that point in time?

21 A No.

22 Q After the President announced that he was withdrawing from the race, did
23 you have any conversations regarding whether or not he was going to endorse the
24 Vice President?

25 A No, I did not. After he withdrew, I had personally tweeted that I thought

1 that Vice President Harris ought to be our nominee. And shortly thereafter, the
2 President announced his endorsement of the Vice President. So it was all fait accompli.

3 Q Are you taking credit for that?

4 A I'm not sure if I deserve any credit for that or not, but it did not surprise me
5 that the President did that. He was very loyal to the Vice President.

6 Q Were there any concerns about Vice President Harris running for President?

7 A I'm not sure what you mean by that question.

8 Q There were a lot of reports throughout the term of the Vice President feeling
9 not included in the West Wing, not necessarily given good issues. I think she was given
10 immigration and a couple other things. I think eventually you actually set up a task force
11 on abortion rights for her. But then, also reports that the President himself did not
12 think the Vice President could win against President Trump. Did you hear anything like
13 that?

14 A I did not hear anything from the President on that. It was the case that
15 Vice President Harris had run for President, and had not obviously won, had not made it
16 to the first primary. And so I think you have to have some concerns about a candidate
17 who hasn't done it, doing it, and that's one reason why I supported President Biden
18 staying in the race. He was the only person who had ever beaten President Trump in an
19 election. And so, I kind of think, you know, past performance is a good indication.

20 Q And then there was a lot of talk from former President Obama from, you
21 know, various people that you had mentioned today, the Pod Save America guys, all sorts
22 of people about a more open process or rushed primary process. My not being an
23 expert in DNC internal workings, my understanding is that would have been rather
24 difficult. Is that yours as well?

25 A Well, of course, primaries are set by State law, and you would have needed

1 States to set up such primaries. And, you know, many of the State legislatures were
2 controlled by Republicans. And it wasn't clear to me that Republican legislatures were
3 going to create and fund additional primaries. We had run a primary process.
4 President Biden had won the primaries on the Democratic side. And now they're going
5 to States and ask them to spend public funds to set up an additional primary in August,
6 who would show up is not clear. It struck me as more kind of political theater than
7 actual reality of how this worked.

8 Q Did anyone with the Vice President approach you about working on her
9 campaign?

10 A No.

11 [Klain Exhibit No. 6.

12 was marked for identification.]

13 BY MR. GREENBERG:

14 Q I am going to introduce this as exhibit 6. A Wall Street Journal article by
15 Annie Linskey, among others, entitled: "How the White House Functioned With the
16 Diminished Biden in Charge." It's a rather lengthy article. We can go off the record for
17 you to read it, or I can just direct you to some specific areas, and I'll ask some questions.

18 A Why don't you ask me what you will ask me about this, and we'll pause, and I
19 can read the sections you want to ask me about.

20 Q Sure. On page 3, I'm going to read the second paragraph from the bottom.
21 It's under the subheading called "Good Days and Bad Days." I'll read from the article.
22 "Biden, now 82, has long operated with a tight-knit inner circle of advisors. The
23 protective culture inside the White House was intensified because Biden started his
24 Presidency at the height of the COVID pandemic. His staff took great care to prevent
25 him from catching the virus by limiting in-person interactions with him. But the shell

1 constructed for the pandemic was never fully taken down, and his advanced age
2 hardened it." Did I read that correctly?

3 A Yes, you did.

4 Q Do you agree with that reporting?

5 A I do not.

6 Q You have worked in three White Houses?

7 A Yes, I have.

8 Q Do you agree that President Biden was staffed more closely, and by a smaller
9 group of people, trusted people, than either President Clinton or President Obama?

10 A No, I do not agree with that. That was not my observation or my
11 experience.

12 Q Have you ever heard the term, "Politburo" to refer to a small group of
13 advisors?

14 A I did not hear it while I worked at the White House, but I certainly read it in
15 accounts of some of these books that have come out now.

16 Q And you probably read that Politburo was seen to have consisted of Bruce
17 Reed, Steve Ricchetti, and Mike Donilon. Is that correct?

18 A I have read press accounts to that effect, yes.

19 Q Have you heard other shorthand to refer to -- recognizing that you have not
20 heard Politburo -- have you heard other shorthands to refer to that group of people --

21 A No.

22 Q -- or maybe one or two others?

23 A No.

24 Q You never heard the term "gray hairs" referred to a certain group of people?

25 A Not that I recall, no.

1 Q You never heard the term "Poo-bahs" to refer to a certain group of people?

2 A Poo-bahs, no.

3 Q And I'll continue reading from the article. "The structure was designed to
4 prevent Biden, an undisciplined public speaker throughout his half-century political
5 career, from making gaffes or missteps that could damage his image, create political
6 headaches, or upset the world order." Did I read that correctly?

7 A Yes, you did.

8 Mr. Smith. You missed one word, but it's nonconsequential.

9 Mr. Greenberg. I'm sorry. That's embarrassing.

10 BY MR. GREENBERG:

11 Q You disagree with that reporting?

12 A I, again, I disagree that there was a structure that restricted people's access
13 to the President, at least during the 2 years I was there as Chief of Staff.

14 Q Do you concede that Annie Tomasini, Anthony Bernal, Ashley Williams
15 created a sort of cocoon around the President?

16 A I do disagree with that, yes.

17 Q I'll keep reading on the next page. "The system that put Biden at an
18 unusual remove from cabinet secretaries, the chairs of congressional committees, and
19 other high-ranking officials. It also insulated him from the scrutiny of the American
20 public."

21 A I find that internally inconsistent with the earlier paragraph in the article
22 right under "Good Days and Bad Days." It says, "The President's slide has been hard to
23 overlook." So if it's been hard to overlook, she must -- whatever she thinks about all this
24 must have been transparent to the public.

25 Q Do you concede that -- do you agree that there are -- that the President had

1 good days and bad days?

2 A I'm not sure what that means, but I think the President -- as I said, the
3 President, as far as I knew was mentally acute to govern at all times. And I also disagree
4 the President had unusual mood for cabinet secretaries. I don't think there's a President
5 in history who has met with his defense secretaries as much as President Biden met with
6 Secretary Austin.

7 Q But there are other members of the cabinet, correct?

8 A There are other members of the cabinet.

9 Q Do you know if other members of the cabinet ever expressed frustration at
10 not being able to see the President or not?

11 A I'm sure they did. I don't recall specifically, but cabinet members always
12 complain they don't have access to the President. Every White House I've ever worked
13 in, there's been a complaint the Secretary of the Interior, the Secretary of whatever that
14 don't get to see the President enough.

15 Q Did you know if other cabinet members had spoken to the media about their
16 lack of ability to contact the President, specifically, Mr. Tapper and Mr. Thompson, or any
17 of the other authors of the books that we've been talking about?

18 A I'm not aware of any such communications, but I haven't read the books.
19 But again, every White House I've been in, the cabinet secretaries feel like they don't
20 have any access to the President.

21 Q I'll go to page 5 of this article, the next page. "If the President was having
22 an off day, meetings could be scrapped altogether. On one occasion in the spring of
23 2021, a national security official explained to another aide why a meeting needed to be
24 rescheduled." Quote, "He has good days and bad days, and today was a bad day, so
25 we're going to address this tomorrow," end quote, the former aide recalled the official

1 saying. Spring of 2021 you were --

2 A Yes, I was.

3 Q -- do you remember this incident?

4 A I do not.

5 Q Is it your testimony here today that meetings were not scrapped because the
6 President was having a bad day?

7 A The President -- a meeting might have been scrapped because the President
8 had a highly negative reaction to the proposed recommendation coming in on the
9 meeting. So I can imagine, you know, a meeting where the proposal from the relevant
10 cabinet agencies says let's do X. And the President read the memo in advance and said
11 this is ridiculous, and this is wrong. And I said, well, we don't want the cabinet official to
12 get yelled at. So let's do this meeting another day when he's not in a yelling mood.

13 Q Did --

14 A But I think temperament's different than acuity, of course.

15 Q Did you notice a change in the President's temperament over the time that
16 you've known him?

17 A He became more subdued as he got older and less inclined to snap at
18 people.

1 [2:03 p.m.]

2 BY MR. GREENBERG:

3 Q What would, in your experience, set the President off to snap at people?

4 A Well, like all people, he had a certain number of pet peeves. One of them
5 was an excessive use of jargon in draft remarks for him to deliver publicly or an excessive
6 use of acronyms. He wanted his remarks to be very publicly accessible. And so, if he
7 got a draft that had a lot of acronyms in it or a lot of jargon in it, he would say, "Like I've
8 told people a thousand times, I don't want to give speeches like this."

9 He also had, you know, strong views about certain policy matters, and if he
10 thought people were trying to undo his direction or undo his approach, he would react
11 negatively to that.

12 Q Stepping back, I asked you a few hours ago if, when you arrived at
13 Camp David, you thought that President Biden was out of it because he was being
14 insulated by his staff, and you said no.

15 I'm just struck, because everybody -- or it seems to me that the reporting is pretty
16 ubiquitous, unanimous, that President Biden did have this cocoon of people who helped
17 him through the day. You reject that reporting?

18 A I don't know what you mean by "cocoon." The President was staffed as all
19 Presidents have been, and the purpose of the White House staff is to help the President
20 go through his day.

21 He was less insulated from a wide variety of point of views than President Obama
22 was, who had six specific senior advisors who met with him every single day for long
23 stretches of time and every decision went through that group. President Biden met
24 directly with the Secretary of Defense, the Secretary of State, the National Security
25 Advisor, and the Director of the CIA almost on a daily basis and had weekly meetings with

1 the Secretary of Treasury and his senior economic advisors.

2 So I found him open to -- he was open to a wide array of advice and met a lot
3 directly with Members of the Senate in particular. And, you know, in particular, he
4 negotiated one-on-one with Senator Manchin twice on legislative -- on big legislative
5 packages, and did so so effectively that after the second negotiation Senator Manchin
6 said he would not negotiate with the President again because the President had taken
7 advantage of him in negotiations and had been able to get Senator Manchin to agree to
8 things he didn't want to agree to.

9 So that sounds like someone who's very sharp and on the top of their game, when
10 you can get your negotiating partner to agree to things and the negotiating partner says,
11 "No more, I can't do this anymore."

12 Q So you believe that Democrats in the Senate were intimidated by
13 President Biden's mental acuity?

14 A I believe that Senator Manchin -- I don't "believe" this. Senator Manchin
15 told me directly he would not negotiate with the President anymore because the
16 President had gotten him to agree to things he didn't mean to agree to.

17 Most of the Democratic Senators supported the President's policy and didn't need
18 to be persuaded or negotiated with, but Senator Manchin disagreed with our approach
19 on some issues, and the President negotiated with him one-on-one twice at great length.

20 Q And I think you testified earlier that you did not believe that Mr. Ricchetti or
21 Mr. Donilon or other people close to the President kept information from the President.
22 Is that correct?

23 A That is -- again, that is my understanding based on what I knew. I was not
24 working at the White House in 2023 and 2024, so I had limited access to information
25 about that, but that was my understanding or belief.

1 Q Do you believe that would've been negligent, for Mr. Ricchetti or
2 Mr. Donilon to withhold substantive information from President Biden?

3 A Well, I think it's the job of the White House staff to decide what information
4 gets to the President. And they can't send him everything, because otherwise the
5 President would just spend all day reading. And, you know, that was part of their job.
6 It was part of the job of any White House staff, part of the job of congressional staff, to
7 decide what gets sent to the boss or not.

8 Q But -- well, are you aware that, after the debate, there was a closed-door
9 meeting where there was a conversation among Senate Democrats about support for
10 President Biden dropping out of the race?

11 A I've read accounts of that. I wasn't aware of that until I saw a published
12 account about that.

13 Q According to one of those accounts, Democratic leadership in the Senate
14 said that, at best, 5 out of 51 Democratic Senators supported President Biden staying in
15 the race, but that was withheld from the President by either Mr. Ricchetti or Mr. Donilon
16 or both.

17 A I'm not aware that that was ever communicated to Mr. Donilon or
18 Mr. Ricchetti. I'm not aware that they did or didn't share it with the President.

19 Q But if they did know that, would that have been a breach of their duties to
20 the President, do you think?

21 A I'm not going to speculate on that. I don't know.

22 Also, I do want to add one thing here. I read in one of the excerpts of one of
23 these books that Senator Schumer had the view that President Biden should drop out, but
24 he explicitly said, not because of his mental acuity. He just thought that he was too far
25 behind in the polls to catch up.

1 And so a view that the President should drop out might not be a view about his
2 mental acuity. It might just be a view about his political viability.

3 Q Well, why was his political viability tanking, in your opinion?

4 A In my opinion, part of the reason was, the number of Democrats calling for
5 him to drop out wasn't reassuring to Democratic voters, of course. And, you know,
6 inflation remained a challenge. And I've always thought President Trump's a very
7 effective candidate.

8 BY MS. HARKER:

9 Q You mentioned earlier that President Biden met frequently with Secretary
10 Austin. Is that --

11 A Yes.

12 Q -- correct?

13 A Correct.

14 Q Are you aware of the reports that, in December of 2023, Secretary Austin
15 had underwent prostate cancer surgery and later was in the ICU following the surgery and
16 didn't let the White House know about that for many weeks and that this occurred while
17 military attacks in Iraq and Syria that injured U.S. servicemembers happened?

18 A I have read that account. I have no firsthand knowledge of it. I was not at
19 the White House in 2023.

20 Q Does that seem unusual given what you said earlier about how frequently
21 President Biden met with the Secretary?

22 A It is unusual based on that, yes.

23 Like I said, when I was chief of staff, Secretary Austin saw the President at least
24 twice, if not three or four times, a week, as did General Milley; as did the Director of
25 Central Intelligence, Mr. Burns; and the Director of National Intelligence, Ms. Haines, saw

1 him almost every single day.

2 BY MR. BENZINE:

3 Q Both CIA Director and DNI were elevated to Cabinet positions at the
4 beginning of Biden's term.

5 A I believe that --

6 Q Is that correct?

7 A -- DNI was elevated to Cabinet status at the beginning of the term. I don't
8 believe Mr. Burns joined the Cabinet until 2023.

9 Q Okay.

10 DNI Haines, you said, met with President Biden almost every day?

11 A Almost every day. She almost always attended the Presidential Daily Brief,
12 which the President took every morning, every weekday.

13 Q That was going to be my question, if she was the daily briefer.

14 A She was not the briefer. A briefer would accompany her. But she would
15 attend the briefing.

16 Q At that time, did ODNI have office space in the Executive Office Building, or
17 was she commuting in from McLean every day?

18 A I don't know how she got there or where she had been before she got there,
19 but, you know, she was in the Oval Office.

20 Mr. Benzine. What's our time?

21 Mr. Greenberg. We'll stop there for now.

22 We can go off the record.

23 [Recess.]

24 Mr. [REDACTED] On the record.

25 I'm going to ask the court reporter to mark as exhibit A an article from The Hill,

1 dated June 1st, 2023, titled "'Soft food' to 'good faith': How Biden and McCarthy came
2 together on debt deal."

3 [Klain Minority Exhibit A.
4 was marked for identification.]

5 BY MR. [REDACTED]

6 Q Mr. Klain, this is an article that describes a meeting between President Biden
7 and then-Speaker McCarthy concerning a deal to raise the debt ceiling.

8 And I'm looking in particular at a quote from Speaker McCarthy following that
9 meeting that appears at the bottom of page 1. Do you see that?

10 A I do, yes.

11 Q Would you mind reading that quote into the record?

12 A "'I think he negotiated with me in good faith. He kept his word. He said
13 what he would do. He did what he said he'd do,' Biden said of McCarthy."

14 Oh, I'm sorry. Maybe that's the wrong quote.

15 Q Nope, you got it.

16 A Oh, good. That's a quote of President Biden about Congressman McCarthy.

17 Q The quote continues on the next page.

18 A "'Very professional, very smart. Very tough at the same time,' McCarthy
19 told reporters at the Capitol of his talks with Biden."

20 Q Were Speaker McCarthy's words describing President Biden as very
21 professional, very smart, and very tough consistent with your view of the President's
22 abilities?

23 A Yes.

24 And I want to be clear, I was not present for these particular conversations, but I
25 was present for a negotiation between then-Minority Leader McCarthy and the President

1 after the midterms in 2022. And what I will say is that, after the Republicans had won
2 control of the House, the Senate Republicans refused to move forward on a
3 government-funding bill unless the House Republicans, even though they did not have
4 control of the chamber, informally signed off. So we invited Leader McCarthy and
5 Senator Schumer to the White House to try to work this out with the President.

6 The President sat for an hour and a half, as I recall, in the Roosevelt Room, and he
7 went back and forth with Leader McCarthy. And they had a spirited exchange on a
8 number of issues, including the question of what would happen to people who had left
9 the military because they refused to take the COVID vaccine and the impact the
10 January 6th events had had on U.S. standing around the world.

11 And it was a poignant conversation on those two points, but
12 Speaker McCarthy -- or, not yet Speaker -- Speaker-to-be McCarthy did not walk out and
13 say, "Oh, I found the President to be mentally deficient."

14 So, if there was some kind of cover-up, apparently Kevin McCarthy was in on the
15 cover-up. I'm not sure what the political motivation for Kevin McCarthy to be in on the
16 cover-up would've been.

17 Q And did you view that meeting as a further testament to President Biden's
18 mental acuity?

19 A Well, I didn't think of it that way at the time, but I do think of it as a proof
20 point of his mental acuity now. At the time, I took it as a sign that we would have
21 ultimately productive negotiations with Mr. McCarthy but they would be, at times,
22 pointed and difficult.

23 And, you know, Mr. McCarthy was on top of his game and had his point of view,
24 and the President had his point of view, and they found some areas to agree, they found
25 some areas to disagree.

1 Q I appreciate that.

2 And I will ask the court reporter to mark as exhibit B an article from the Associated
3 Press, dated October 26th, 2023, titled, "Biden meets with Mike Johnson to discuss aid
4 for Israel, Ukraine."

5 [Klain Minority Exhibit B.
6 was marked for identification.]

7 BY MR. [REDACTED]

8 Q And, again, Mr. Klain, I understand that this meeting took place after you left
9 the White House.

10 But I did want to focus on a quote from Speaker Johnson which appears in the
11 middle of page 2. And I can read it for the record this time.

12 Quote, "'It was a productive meeting,' Johnson told reporters back at the Capitol."
13 Do you see that?

14 A I do, yes.

15 Q And then, quote, "I enjoyed my visit with the president," unquote.
16 Were you aware of that meeting when it took place?

17 A I was not aware of that meeting except by press accounts afterwards. But,
18 again, it appears that Speaker Johnson was in on the cover-up as well.

19 Q And, once again, immediately following this meeting, did Speaker Johnson,
20 to your knowledge, either publicly or privately ever raise any concerns about President
21 Biden's mental acuity?

22 A Not that I became aware of, no.

23 Q Did he ever call you?

24 A He certainly didn't call me. I have never met or spoken with the Speaker.

25 Q Or anyone else in the White House, for that matter?

1 A Not that I'm aware of, no.

2 Mr. [REDACTED] Off the record.

3 [Recess.]

4 Mr. Greenberg. On the record.

5 BY MR. GREENBERG:

6 Q Mr. Klain, just to return to minority exhibit A, page 1, paragraph 3, I'll read.

7 "Two days later, McCarthy quipped that he would bring a 'soft food' lunch to the
8 White House if that's what it required for the two leaders to meet in person, an apparent
9 swipe at Biden's age."

10 Did I read that correctly?

11 A Yes, you did.

12 Q I'm not going to ask you if President Biden ever actually required soft food,
13 but I think it is a good segue into a few questions I have on any physical
14 accommodations -- or any accommodations that were made for President Biden's
15 physical aging that you're aware of.

16 Are you aware of any measures that were taken to account for President Biden's
17 physical aging?

18 A Not that I can recall, no.

19 Q You're not aware of, for instance, orthopedic shoes being ordered for the
20 President?

21 A Not that I recall, no.

22 Q You're not aware of any kind of changes to the way in which the President
23 entered Air Force One to accommodate his gait?

24 A I obviously observed that, in 2022, at some point in time, they tended to use
25 the inside stairs more often than the outside stairs, but I'm not sure why. I wasn't

1 involved in any discussions of that.

2 Q Did you notice that President Biden required additional rest or longer rest
3 throughout his time in the Presidency?

4 A Not that I observed, no.

5 Q Did you ever notice that President Biden needed shorter days for his
6 schedule?

7 A No. The President worked a very robust work schedule, as far as I know,
8 and did a lot of work in the residence at night, would take home -- would take his decision
9 book up with him -- it was often hundreds of pages -- and would read it until late in the
10 evening, and, you know, worked a very robust, very long day.

11 Q Have you ever seen President Biden in a wheelchair?

12 A I have not, no.

13 BY MR. BENZINE:

14 Q We're going to take a minute on a broader look at your role as chief of staff.
15 When did President Biden name you chief of staff?

16 A It was in mid-November of 2020, after the election results had been publicly
17 validated and discussed, and I was his first appointment as a White House staff member.

18 Q Were you anticipating that appointment?

19 A I had had a discussion with him in the days after the election, and he offered
20 me the position.

21 Q And then you've touched on it, how you and Mr. Zients might've had
22 different philosophies on chief of staff. What was your philosophy on the role of
23 White House chief of staff?

24 A My philosophy was, it was the job of the chief of staff to make sure the
25 President heard from a wide variety of voices. And it was my job to oversee the staff in

1 the West Wing in executing the President's agenda and to kind of develop the political
2 and legislative strategies to achieve enactment of the President's agenda on Capitol Hill.

3 Q And we've gone through this with other witnesses, but, somewhat maybe
4 funnily, the chief of staff's office is not the closest one to the Oval Office. Is that true?

5 A That is true.

6 Q There's three or four in between and maybe, like, the President's study and
7 dining room as well?

8 A I don't know about three or four, but a couple offices in between, yes.

9 Q Okay. Who had the offices in between you and the Oval?

10 A Well, the closest office to the President was Mike Donilon. And then
11 adjacent to Mike Donilon would've been Steve Ricchetti, but Steve had no way to get to
12 the Oval Office except to walk through the outer office he and I shared and walk down
13 the same hallway I'd walk down. So, although he was physically closer to the President,
14 unless he dug a tunnel, he couldn't get there any differently than the path of the Chief of
15 Staff Office.

16 Q And the Chief of Staff Office is historically the Chief of Staff Office, the corner
17 in the West Wing?

18 A As far as I know, it's been the Chief of Staff Office for a long time.

19 Q What -- just understanding, I mean, our day-to-days here are wildly different
20 every day, but what's kind of the normal business day of the White House chief of staff?

21 A Well, as you suggest, the days can change a lot, but, in general, I would be at
22 the White House around 7:30 in the morning to read the Presidential Daily Briefing, so I
23 could read it before sitting in the briefing with the President so I wasn't encountering it
24 the first time so I could listen to questions being asked and really focus on that.

25 And then I would hold a very senior staff meeting at 8:00 a.m. and a broader

1 meeting at either 8:20 or 8:30 or 8:40, depending on how long the first meeting went.

2 And then I would be in the Oval Office at 9:00 to meet the President and to discuss
3 with him pending issues of the day. And then I would usually stay for the Presidential
4 Daily Brief with the national security advisors at around 9:30 a.m.

5 And then I'd go back to my office after that, most days, and work on whatever
6 pending matters we had. We'd meet with other staff members, help develop
7 recommendations for the President on policy or legislative matters.

8 And then would often go down to the Oval Office around while the President was
9 having lunch to have an informal chat with him about matters. And then would return
10 to my office and meet with other administration staffers in the afternoon.

11 And then would usually go down to the Oval Office again around 5:30 or 6 o'clock
12 to see what the President's observations about the day had been.

13 Q And would you then leave the White House for the day?

14 A No. Then I'd usually go back to my office and hold other meetings to
15 prepare for the next day and follow up. And most nights I left around 8:30 or 9 o'clock.

16 Q And when did the President head to the residence most nights?

17 A I would say it varied, because often there would be social events at the
18 White House the President had to attend or social events outside the White House the
19 President had to attend. But, usually, if there weren't, he would go up to the residence
20 around 6:30 or so.

21 Mr. Greenberg. Who was at the senior --

22 Mr. Benzine. Yeah.

23 Mr. Greenberg. -- the 8 o'clock meeting?

24 Mr. Benzine. The "very senior staff" meeting.

25 Mr. Klain. That was usually myself; the two deputy chiefs of staff, Bruce Reed

1 and Jen Dillon; Mike Donilon and Steve Ricchetti; Anita Dunn; Kate Bedingfield, the
2 communications director; Jen Psaki, the press secretary; and then later we added Julie
3 Chavez Rodriguez, the head of intergovernmental affairs.

4 BY MR. BENZINE:

5 Q And then it got broader for 8:40. Who got brought into the broader
6 meeting?

7 A All of the department heads in the White House and all of the assistants to
8 the President.

9 Q And it would just be assistants to the President, not the DAPs or the SAPs,
10 correct?

11 A If a DAP ran an office at the White House, the DAP would be included, but
12 generally it was just the APs.

13 Q All right.

14 And then we touched on it, but the President's Daily Brief was almost always
15 attended by the DNI?

16 A Yes. Avril attended almost all of them. She was not the briefer, but she
17 would often attend.

18 And, as I said, several days a week the Secretary of Defense attended. One day a
19 week the Secretary of State attended. Several days a week the Director of Central
20 Intelligence would attend. And several days a week the Chairman of the Joint Chiefs
21 would attend.

22 Q And then you testified earlier that the -- at least the 8:40 meeting -- I'm
23 assuming the 8:00 a.m. is similar -- was the "make sure the trains run on time that day"
24 kind of meeting.

25 A Yes. You know, what was coming up that day, what events; had the

1 President approved his remarks for the event; did the President like the remarks, not like
2 the remarks; you know, what other issues might come up during the day; what was going
3 on on Capitol Hill.

4 Q And, then, as chief of staff, were you privy to the President's private
5 schedule?

6 A If I had wanted to see it, I could've. Sometimes I looked at it; sometimes I
7 just didn't.

8 Q Why would you not want to know what the President's doing that day?

9 A Well, like, the President's private schedule would be, like, who he was having
10 dinner with that night, and I really didn't --

11 Q Or just the difference between the schedule that the White House posts and
12 the actual schedule.

13 A If there were any private meetings during the day, I would know about
14 those, and -- yes.

15 Q It was reported that the President's schedule would often include "desk
16 time" or "POTUS time." Are you aware of those?

17 A Yes.

18 Q And, generally, what did they mean?

19 A What was meant by "desk time" or "POTUS time" was, the President would
20 be in the Oval Office, and he had no meetings scheduled during that time, so if he wanted
21 to read papers, he could; if he wanted to invite in members of the staff to discuss issues
22 on his mind, he could.

23 It was unscheduled time so the President could do the work of the Presidency
24 without just attending meeting after meeting after meeting after meeting after meeting.

25 Q And, then, as chief of staff, did you have any involvement in the production

1 or editing of White House transcripts?

2 A No, not White House transcripts, no.

3 Q Did you have approval of White House transcripts?

4 A No, not that I recall.

5 Mr. Smith. Can you clarify which transcripts you're talking about?

6 Mr. Benzine. Like, the President gives a press conference and the White House
7 produces --

8 Mr. Smith. Yeah.

9 Mr. Benzine. -- a transcript of it.

10 Mr. Smith. Thank you.

11 BY MR. BENZINE:

12 Q No?

13 A Not that I recall, no.

14 Q Were you involved in setting up Cabinet meetings?

15 A Setting them up, no. The Office of Cabinet Affairs would set up those
16 meetings, but I would participate in the preparation for those meetings and in the
17 President's review of the topics of the Cabinet meetings and the conduct of the meetings.

18 Q As has been mentioned, you served in three different White Houses. How
19 did the pace of Cabinet meetings in the Biden White House compare to the others?

20 A I think the President found the Cabinet meetings less useful and -- because
21 the thing about a Cabinet meeting is, you have 25, 26 people there, whatever the number
22 is, and most of them are irrelevant to the topic you're discussing.

23 So the question is, why should you drag the Secretary of the Interior out of her
24 office to sit there and listen to a discussion about the war in Ukraine? Or why should
25 you drag the Secretary of Defense out of his office to sit there and listen to a discussion

1 about the National Park Service?

2 And so the problem is that the Cabinet covers everything, and most Cabinet
3 meetings cover specific sub-topics. And so I think the President found them, you know,
4 a waste of time for many Cabinet members. And, you know, he preferred to meet with
5 Cabinet members individually as opposed to having all of them sit in the room and have
6 to listen to other people talk.

7 Q He preferred one-on-one or one-on-two kind of meetings?

8 A Yeah. Far (ph) meetings, yes.

9 Q Okay.

10 On the staff level, who would usually attend Cabinet meetings?

11 A Well, the head of Cabinet affairs and her deputy. And then the head of
12 legislative affairs, the head of most of the major White House offices would attend.

13 Q And then you said that you were involved in not necessarily the setting up
14 but the, like, topics of discussion --

15 A Yeah.

16 Q -- at the Cabinet meeting. What did that look like?

17 A Usually, the secretary for the Cabinet would -- the head of Cabinet affairs at
18 the White House would propose topics to the President. The President would listen and
19 say, you know, "That is a good topic," or, "That topic is going to bore most of the people
20 there; let's talk about this instead."

21 And then, ultimately, the President would agree -- the President would set the
22 topics for the meeting, and then we would go over with him what questions he wanted to
23 ask the Cabinet members about those topics and, you know, whatever briefing materials
24 he wanted in advance of the Cabinet meeting.

25 Q Were the questions decided upon beforehand? Were there ever any

1 unscripted questions?

2 A There were sometimes unscripted questions, but the President generally
3 liked to -- generally wanted the Cabinet members to know what questions he was going
4 to ask them so they could be prepared to answer. He didn't view it as, like, a stump
5 session. He viewed it as a chance for them to report on important things they were
6 working on.

7 And so he wanted them to know, I'm going to ask you about -- I'm going to ask the
8 Secretary of Transportation about our progress on airline passengers' rights so that the
9 Secretary of Transportation came prepared to answer about that.

10 Q Was the White House involved in coordinating the Secretary's answer?

11 A No. The Secretary would provide, you know, whatever answer he or she
12 deemed to be the best answer to the question.

13 Q Were there ever teleprompters in Cabinet meetings?

14 A Not that I know of, no.

15 Q Did President Biden use note cards during these meetings to stay on track?

16 A He used either note cards or a briefing book, yes.

17 Q Would it be more akin to a script, or would it be more akin to "Remember to
18 call on the Attorney General"?

19 A It would be more akin to a series of notes, like, "The next topic will be
20 combating crime in America. Call on the Attorney General, and this is the question you
21 prepared for the Attorney General."

22 Q And then there would often be closed-to-the-public parts of Cabinet
23 meetings. Is that true?

24 A Most of what we're describing was closed to the public.

25 Q Okay. The public-facing that we see now to the pool spray in the Cabinet

1 Room would be less involved than the private? Is that fair?

2 A Yes. Usually there was a chance for the President to deliver remarks on
3 whatever the issue of the day was, so if the issue in the news that morning was
4 something that happened, the President would give brief remarks on that, and the
5 Cabinet meeting would proceed to be whatever the Cabinet meeting was about.

6 Q Did you ever get any concerns from Cabinet Secretaries regarding the
7 scripted nature of the meetings?

8 A Not that I recall, no.

9 Q Okay.

10 A Most appreciated knowing in advance what the President was going to ask
11 them so they could be well-prepared.

12 Q Moving on, you mentioned the briefing books. Our understanding is that
13 there's a briefing book and a decision book. Is that fair?

14 A Sometimes they were separate. Most -- sometimes they were the same.

15 Q Okay. Would -- describe the briefing book first.

16 A Well, if they were separated, the briefing book would be a series of memos
17 that briefed the President about events and would not ask for a Presidential decision.

18 And the decision book, when it was separated, were memos that had at the end
19 options for the President to make a decision.

20 Q And it would be "yes," "no," or "needs more consideration" kinds of --

21 A Usually those were the options.

22 Q Okay.

23 A Sometimes there'd be multiple options, like, "yes," or, "yes, plus add \$100
24 billion to this proposal," or, you know, "cut it in half," or whatever, but, you know, the
25 options that were submitted to the President.

1 Q Were -- those options were submitted to the President; it wasn't his
2 doodling in. Is that correct?

3 A He could doodle in. Sometimes he did. He would say, "I don't want to do
4 this; I want to do that instead," or whatever. But, you know, there were memos that
5 were carefully prepared, usually after a meeting with the President and after a discussion
6 with the President and after, then, a discussion with the staff to lay out the options for
7 the President.

8 Q If there were options presented that weren't "yes," "no," or "needs more
9 discussion" -- like you just said, "yes, plus-up \$100 million," or, "no, but do this" --

10 A Yeah.

11 Q -- who decided on the qualifier?

12 A Those would come out of, usually, an interagency process at the
13 White House or had been presented to the President previously.

14 So we might've had a meeting with the President on his childcare plan and a
15 discussion, where he might've said, hey, I think this is just too expensive, or, it's not big
16 enough, or whatever. They'd come back and come back with an option that's more
17 robust or an option that sends more money to the States or an option to -- whatever.
18 And so someone would then prepare that option that he requested.

19 Q And if the briefing book and decision book were separate, the President
20 would receive the briefing book the night before the meetings it was being briefed upon?
21 Is that --

22 A Yes.

23 Q And then was there a formal timeline of decision books, or was it on an
24 as-needed basis, or -- I know this is a terrible compound question, and I apologize -- or
25 would it be, you know, we need this decision today, this decision tomorrow, this decision

1 a week from now, and kind of separated?

2 A Well, it varied. Obviously, some decisions were on a timeline; some
3 decisions were just as needed. And so I don't think there was any set practice on that.
4 When memos were ready to go to the President, they went to the President, and the
5 President decided.

6 The President would take it upstairs every night and read the memos and make
7 his decision or say, I need more information, or I want to have another meeting on this, or
8 I want to see these people who I haven't seen yet, or whatever his reaction was.

9 Q And, briefly, the process for the President making a decision: The expertise
10 level in the White House would write the memo with the potential decisions in it. Staff
11 secretary would compile them, go through Oval Office Operations, give it to the
12 President. The President initials the memo and the card, gets back to the staff
13 secretary, gets back to the policy experts.

14 Is that an okay summary?

15 A I think that's a very good summary. I read all the memos that went to the
16 President, so I'd add that to the process. But, basically, that is a good description of the
17 process.

18 Q When would you read them? At what stage in the process?

19 A I would read them when the staff secretary had finished and when they were
20 ready to go to the President.

21 Q At that point, did you have the ability to take decisions out of the decision
22 book?

23 A No. I would read them and then say, I thought -- I might say, like, Oh, this
24 particular person's point of view wasn't adequately described; or that the President asked
25 for an additional option, and why isn't the additional option in the memo; or, you know,

1 the President's going to want to know, does this particular option have support on Capitol
2 Hill, and how big is the support, and is it bipartisan.

3 So I would often direct questions back through the staff sec to the people who'd
4 prepared the memos or sometimes directly to the people who prepared the memos of
5 things I thought the President would want to know in the memo, want to see in the print
6 memo.

7 Q To your recollection, were there any situations where you didn't use this
8 formal process?

9 A Yes. There were times when the President made decisions orally, where
10 he'd have members of the Cabinet or his senior advisors in the room, and they would
11 brief different options, and the President would say, I want to do X, and that would be the
12 decision.

13 Q Would you then document that decision?

14 A I think there were times when we documented the decisions; there were
15 times when those decisions were just the decision. I remember a couple in particular.

16 Q Which ones?

17 A The one I remember specifically was the decision to have a vaccine mandate
18 for the Armed Forces, where Secretary Austin came into the Oval Office and explained
19 why he wanted to be able to issue such a direction, and the President asked him a few
20 questions, and then the President acceded to the Secretary's recommendation.

21 Q I used to do the COVID investigation on the Hill, so I'll refrain from asking
22 any -- diving too deep into things that we don't need to.

23 Was there, like -- for lack of a better phrase, was there a way to ensure, like, the
24 chain of evidence on the decision book?

25 A For lack of a better phrase, we used the same process that I thought prior

1 Presidents had used. The President would take the decision book with him, and he
2 would bring the decision book back -- he, himself -- and would hand it to either -- it
3 depended how he entered work that day.

4 If you think about the west colonnade of the White House, there are a number of
5 doors that can get him into the Oval Office. One door takes him into the outer
6 Oval Office, where his assistants work. And if he walked in that door, he would hand the
7 book to one of them to take the memos out and distribute them to the staff secretary.

8 Sometimes he would walk further down the colonnade and just walk straight into
9 the Oval Office, where I would be, and then he would hand me the book, and I would
10 meet with the President and then take the book and hand it to the assistants. The
11 assistants got it to the staff sec; the staff sec got it to the relevant offices in the
12 White House.

13 And that had been the practice, as far as I knew, under President Obama and
14 President Clinton as well.

15 Q So primarily ensuring the chain of evidence was that you knew who handed
16 the book to the President, and then the President handed the book back to someone.

17 A Exactly.

18 Q All right.

19 A Yes. The President had the book.

20 Q You were asked earlier about Ashley Williams and her role in the
21 White House. She testified that, most of the time, the book would go through
22 Oval Office Operations to the President. Either her, Ms. Tomasini at the time, or
23 someone else in that office would hand the book to the President.

24 A Yes.

25 Q Would there be any time where you would hand the book to the President?

1 A I don't recall any such time.

2 Q So primarily through Oval Office Ops --

3 A Yes.

4 Q -- would be fair.

5 And then she also said that that there was not -- I'm quoting -- "I would state that
6 there was not a formal process" -- and that was in answer to, "Was there a formal process
7 for handing the book physically to the President?" -- and that sometimes they would have
8 to hand it to residence staff in order to give to the President.

9 Do you recall the book ever going through residence staff?

10 A Not that I recall, no. But that would not surprise me, if the
11 book -- sometimes, as with all operations, the book was late, and the President had left.
12 Let's say the President had a social event that evening or the President had a social event
13 that afternoon. He might leave the Oval Office earlier than usual to go attend that event
14 and not come back to the Oval Office. And so then the Oval Office Operations staff
15 would get the book to the President in the residence via the residence staff.

16 Q Was there a list of residence staff that were approved to handle the decision
17 book?

18 A No. The residence staff had broad access to the President and the First
19 Family and were obviously professional, trusted staffers who had been there for prior
20 Presidencies as well.

21 Q Do -- I'll ask the first question before this one.

22 Were there ever classified decisions within the decision book?

23 A There were in some cases a classified decision book. It would be a separate
24 book, and that would go in a locked -- I don't know what you call it -- like, a bag, a locked
25 bag --

1 Q Uh-huh.

2 A -- that would be delivered from the Sit Room directly to the President's
3 military aide or the President himself.

4 Q Okay. So, in theory, at least, most -- I'll give you most of the time, or
5 almost all the time, a classified decision book would not be handed to the residence
6 staff to then be --

7 A Correct.

8 Q -- given to the President.

9 This is kind of a broader question. How was the White House staffed outside of
10 normal hours? Like, if there was a decision that the President needed to make at
11 2:00 a.m., who's at the White House to get the memo to him or wake him up to bring him
12 to the Oval Office to meet staff? What's that process?

13 A Well, what we would do is, if it was in the middle of the night, I would wake
14 the President and ask the White House operator to build a conference call, a secure
15 conference call, with the relevant people we needed to speak to, and he would speak to
16 those people. Again, it was almost always the Secretary of Defense and the Chairman of
17 the Joint Chiefs.

18 Q How would you wake up the President?

19 A I would call the White House operator and ask her to make the phone on his
20 bedside ring, and he would answer the phone.

21 Q I don't know if this was specifically -- were there ever any instances where
22 you had to physically wake up the President?

23 A Personally, no. Like I say, these calls would go from my home to the
24 President's bedroom.

25 Q I just -- you mentioned the one decision -- and I promised I wouldn't ask

1 about it, but I'm going to ask about it -- that the vaccine mandate decision for members
2 of the military was one that did not have documented authorization. Is that correct?

3 A As far as I know, yes. I was there when the President told Secretary Austin
4 he accepted his recommendation.

5 Q Do you recall when the Secretary made that recommendation?

6 A It was shortly before final FDA approval of the vaccine.

7 And the recommendation was, once the EUA comes off and there's final approval,
8 I want to make this a mandate. And he talked about George Washington and smallpox
9 and how many vaccines our troops were mandated to have already and how he thought
10 this was important for military readiness.

11 And the President listened and acceded to the recommendation of the Secretary.

12 Q Did the Secretary have knowledge of when it was going to get full approval?

13 A He did not, as far as I know. But it was being reported it was coming soon.

14 Q Did you know when it was going to get full approval?

15 A I did not. Again, I read media reports that it was coming soon.

16 Q The timeline on that had always kind of been a subject of interest, because
17 the full approval came August 23rd, 2021, something like that --

18 A Yeah. Sounds right, uh-huh.

19 Q -- and then the DOD mandate was August 24th. And the running joke
20 around here was, you've never seen the Pentagon move that fast in your life.

21 A That's because the Secretary had the decision from the President in advance
22 of the approval.

23 Q Okay.

24 There would be a pathway for the Pentagon to mandate the vaccine without a full
25 biologics approval. Was that ever discussed?

1 A Again, the proposal the Secretary put before the President was, once the
2 FDA approval is given, I want to mandate this. And we never discussed whether or not it
3 would be possible to mandate it earlier than that. That was just his proposal.

4 Q Were you a part of any discussions with the FDA regarding the biologics
5 approval?

6 A I was not.

7 Q Okay.

8 Mr. Greenberg. What other decisions can you recall that were made without a
9 written record by President Biden?

10 Mr. Klain. As I sit here today, I don't recall any other specific ones, but I'm sure
11 there were others.

12 Mr. Greenberg. I want to introduce exhibit 7.

13 BY MR. BENZINE:

14 Q As that's being passed around, was Mr. Zients with you when the Secretary
15 made that --

16 A Yes, he was.

17 Q -- recommendation?

18 Was Secretary Becerra?

19 A No, he was not.

20 Q Was -- I'm not sure who would've been FDA Director at that
21 time -- Ms. Woodcock or -- or Dr. Woodcock or Dr. Califf?

22 A No. It was just myself, Secretary Austin, and Mr. Zients.

23 Q Okay. And the President.

24 A And the President, of course, yes. You were asking about staff, but, yes,
25 the President, of course.

1 [Klain Majority Exhibit No. 7.
2 was marked for identification.]

3 BY MR. GREENBERG:

4 Q Exhibit 7 is a New York Times article entitled, "Donald J. Trump and his allies
5 have begun investigations to support their claims that Joseph R. Biden Jr. was
6 incapacitated and his staff conspired to take presidential actions in his name."

7 Have you read this article before?

8 A I have -- yes, I have.

9 Q I'll direct you to page 6. I'll read --

10 Mr. Smith. Jake?

11 Mr. Greenberg. Yes, sir.

12 Mr. Smith. The title on page 1 doesn't seem to match the title at the top of the
13 header page. Am I missing something?

14 Mr. Greenberg. Oh. I think there is a subtitle that got cut off.

15 Mr. Smith. Okay.

16 Mr. Greenberg. It's the same article, though.

17 Mr. Smith. Okay. So I think the actual title of the article is, "Biden Says He
18 Made the Clemency Decisions Recorded With Autopen." Is that right?

19 Mr. Greenberg. I think you are correct.

20 Mr. Smith. Thank you, sir.

21 Mr. Greenberg. I appreciate that. I apologize.

22 BY MR. GREENBERG:

23 Q On page 6 of this document, I will read. "They" -- "they" being --

24 A Sorry. Can you tell me where you are on page 6?

25 Q Oh, sorry. Third paragraph from the bottom.

1 A Third paragraph from the bottom.

2 Q And it's talking about emails that were reviewed by the authors of this
3 article.

4 I will read. "They also show that use of the autopen was managed by Mr. Biden's
5 White House staff secretary, Ms. Feldman. She wanted to receive written accounts" --

6 Mr. Smith. Maybe it's just me, but I don't see where you are. I'm sorry.

7 Mr. Klain. I don't either.

8 Mr. Smith. Page 6?

9 Mr. Greenberg. Yes, 6, third paragraph from the bottom.

10 Mr. Smith. What's the beginning of the paragraph?

11 Mr. Greenberg. "They also show that use."

12 Mr. Smith. No.

13 Mr. Klain. No. Mine starts with, "Even after Mr. Biden made that decision."

14 Mr. Greenberg. Okay. We'll go off the record for 1 second. Thank you.

15 [Discussion off the record.]

16 Mr. Greenberg. We'll go back on the record.

17 BY MR. GREENBERG:

18 Q My apologies. I was looking at a different copy of the same article.

19 On page 5, the last paragraph at the bottom, I will read.

20 "They also show that use of the autopen was managed by Mr. Biden's

21 White House staff secretary, Ms. Feldman. She wanted to receive written accounts
22 confirming Mr. Biden's oral instructions in the meetings before having it used to produce
23 the warrants recording the clemency actions, the emails show.

24 "The aides referred to those written accounts of meetings at which Mr. Biden
25 delivered oral decision as 'blurbs.' The accounts were drafted by aides to the senior

1 advisors who had participated in the key meetings -- like Mr. Biden's chief of staff, Jeffrey
2 D. Zients, and Mr. Siskel."

3 I'll stop there for now.

4 Does this process sound familiar to you, Mr. Klain?

5 A Well, as I said, I was not at the White House during this time --

6 Q Sure.

7 A -- and so I'm not familiar with this process, no.

8 Q During your time, who were the staff secretaries that you would work with?

9 A First it was Jessica Hertz, and then Neera Tanden after that.

10 Q What was the process during your stints for receiving the President's
11 approval for pardons or clemency actions?

12 A Well, they were very rare. There were no pardons or clemencies in 2021 at
13 all. 2022, there were two sets, as I recall -- one in the summer, which was derived from
14 a memo the President had issued trying to reschedule marijuana off of Schedule III to
15 Schedule I, directing the Secretary of Health and Human Services and the head of the DEA
16 to reexamine the scheduling of marijuana, and making clear that anyone who was in
17 prison for the mere possession of -- in Federal prison for the mere possession of
18 marijuana was eligible to apply for a pardon under the memorandum. And I believe a
19 few pardons were ultimately issued.

20 But I was not involved -- I was involved in the preparation of that memo but not in
21 the subsequent followup in terms of applications to the Justice Department and how
22 those applications came from the Department to the President and whatnot.

23 And then I think there were some pardons at the end of the year, traditional
24 Christmas pardons. But I was not directly involved in the process on those.

25 Q And I might've asked you this earlier, so I apologize if I'm repeating myself.

1 You never discussed a potential pardon of Hunter Biden or any member of President
2 Biden's family with the President, did you?

3 A Well, I don't think you asked the question quite that way. I did discuss
4 with the -- after the election in 2024, I had lunch with the President shortly after the
5 election, and as we sat down to lunch, the President said, "I'm going to pardon Hunter."

6 Q What was your reaction to that?

7 A I offered my views on the politics of that, on the timing and the breadth of
8 the pardon and whatever, but the President reiterated, "I'm going to pardon Hunter."
9 And what was clear to me was, there was a decision by the President, it was his decision,
10 he was quite firm on it, and he had made the decision.

11 Q Can I take from that that you were against the decision to pardon
12 Hunter Biden?

13 A Well, what you can take -- I don't know how my views on the pardon are
14 relevant to your inquiry, because this isn't about my judgment; it's about the President's
15 judgment and the President's acuity.

16 Q Well, the President respected your views quite a bit.

17 A Well, sometimes yes, sometimes no.

18 And what I'll say is, I raised concerns in that meeting, not about the pardon of
19 Hunter per se, necessarily, but about the fact that, you know, if he was going to issue
20 pardons post-election, why was he starting with his own son and -- but, as to the
21 question -- the question was, was this a decision by the President. There was no doubt
22 in my mind this was a decision by the President.

23 Q Thank you. That was --

24 A And --

25 Q Go ahead.

1 A And then you asked about other family members. In the final week of his
2 Presidency, I talked to the President about his pardons, and he told me, he says, "I'm
3 going to pardon Val and Jimmy and their families."

4 Q When did he tell you that?

5 A I think about a week before he left office.

6 Q Okay. Thank you.

7 BY MR. BENZINE:

8 Q Did he tell you about the other last-minute pardons -- Dr. Fauci, General
9 Milley, members of the January 6th Committee?

10 A We had discussed that earlier in that period. We were having a discussion
11 about pardons generally. And, in my view, it was widely expressed in the news media
12 that the President should act preemptively to prevent political-retribution prosecutions.
13 And I raised this with the President. And he said, "Well, I'm going to pardon Fauci and
14 Milley and the Jan. 6th Committee and their staff."

15 So we discussed that. And I was surprised that that pardon didn't issue until so
16 late in his Presidency, because we had this discussion, to the best of my recollection,
17 sometime in mid-December.

18 Q Did you ever have any discussions with Mr. Bauer regarding the
19 Hunter Biden pardon?

20 A Not that I recall, no.

21 Q Did you read reporting that there was a falling-out between President Biden
22 and Mr. Bauer over that pardon?

23 A I don't know if it was a -- I don't know what the falling-out was about, but I
24 do know that the President terminated Bob's representation of him.

25 BY MR. GREENBERG:

1 Q Thank you.

2 Getting back to the article -- give me a minute. I'm still on page 6. I am the
3 fourth paragraph from the bottom, beginning with, "Mr. Biden did not."

4 A Okay.

5 Q I will read.

6 "Mr. Biden did not individually approve each name for the categorical pardons
7 that applied to large numbers of people, he and aides confirmed. Rather, after
8 extensive discussion of different possible criteria, he signed off on the standards he
9 wanted to be used to determine which convicts would qualify for a reduction in sentence.

10 "Even after Mr. Biden made that decision, one former aide said, the Bureau of
11 Prisons kept providing additional information about specific inmates, resulting in small
12 changes to the list. Rather than ask Mr. Biden to keep signing revised versions, his staff
13 waited and then ran the final version through the autopen, which they saw as a routine
14 procedure, the aide said."

15 A Again, I did not discuss with the President --

16 Mr. Smith. Was there a question?

17 Mr. Klain. Oh. Yes.

18 BY MR. GREENBERG:

19 Q Did that sort of system happen under your tenure?

20 A No, it did not. And -- to the best of my knowledge.

21 And I did not discuss with the President or any member of the staff these pardons
22 of these people convicted of drug offenses. And I was unaware he was going to pardon
23 people convicted of drug offenses until the pardon issued.

24 Q I understand. But if you had found out during your time as chief of staff
25 that the final decision for clemency or pardons had not been approved by the President,

1 would you have considered that a problem?

2 A If the President had, as this seems to suggest, established a set of
3 criteria -- like, "I want to pardon anyone who's in prison for mere possession" -- and
4 someone met that criteria, that's a Presidential decision, as far as I'm concerned. He
5 doesn't need to know that person's name, the name was Joe Jones or Fred Smith or
6 whatever. What difference does it make? If he said, "I want to pardon any person in
7 Federal prison who was convicted of mere possession of a substance," that's a
8 Presidential decision.

9 Q So, just to be clear, if the President said -- if the President only gave criteria
10 and did not approve the actual names of people who would receive pardons, you
11 consider that appropriate?

12 A Yes, I do.

13 BY MR. BENZINE:

14 Q Did you have concerns with some of these pardons?

15 A Well, again, my personal views about pardons doesn't go to the question of
16 the President's competency and whatnot.

17 But I will say that, in 2022, when the President pardoned people for possession of
18 marijuana -- or authorized a pardon for people -- authorized people to apply for a pardon
19 for that, we looked at a number of these records. We found that there were actually
20 very few people in Federal prison for mere possession, and most of the people in prison
21 had also used a gun in conjunction with the crime. Many of them were violent
22 offenders. And, so, you know, we knew that that pardon wasn't going to cover that
23 many people.

24 And so I was surprised that the President pardoned many of these people who
25 were violent offenders.

1 Q That was going to be my next question. Some of these people in the
2 categorical pardons, like, killed FBI agents or did various violent crimes. And that
3 surprised you, that they were included?

4 A It did surprise me, yes.

5 BY MS. HARKER:

6 Q President Biden won his party's nomination for the 2020 election by
7 highlighting his career as a centrist Democrat capable of beating President Trump. But,
8 as President, he aggressively moved to the left.

9 Do you agree with that characterization?

10 A I do not.

11 I think the President won by uniting our party, all elements of our party, and by
12 also getting backed by a wide array of people, including an enthusiastic endorsement
13 from Senator Sanders.

14 And I think he intended to run a -- I think -- and his policy proposals in the
15 campaign were quite progressive. He proposed a massive investment in climate change
16 as part of his campaign in 2020, and he proposed significant investments in social
17 programs.

18 So what I will say is, I think virtually everything we pursued at the White House
19 while I was there was something he had called for on the campaign trail in 2020 and had
20 been part of his campaign.

21 Q A January 2022 NBC article entitled, "Klain under scrutiny as Biden struggles
22 reported":

23 "The main criticisms of Klain, whether from current or former Biden staff
24 members or those who consider themselves allies of the president, flow from a single
25 idea: that Biden has strayed from his core brand as a pragmatic, empathetic politician

1 who won the Democratic nomination as a moderate willing to compromise. They see
2 Klain as the person responsible for that."

3 Is NBC wrong there?

4 A I believe they are. I mean, they may well have had people who said that to
5 them. I think that observation is incorrect.

6 Q Were you not a critical conduit for the Biden White House with
7 progressives?

8 A I did communicate with progressives. The Progressive Caucus at that time
9 was the largest caucus in the Congress. It was the largest caucus in the Congress. And
10 so I thought if you wanted to pass the President's agenda, you needed the support of the
11 largest congressional caucus. That was, I thought, a very pragmatic approach.

12 Mr. Greenberg. Were you behind the push to hire Ms. Tanden to the
13 White House?

14 Mr. Klain. I did recommend Ms. Tanden to the President. Ultimately, the
15 President decided to nominate Ms. Tanden to be Director of the Office of Management
16 and Budget. That nomination was not successful, and the President made her staff
17 secretary then when Jess Hertz left.

18 BY MS. HARKER:

19 Q How much of your work in the Biden White House involved engaging with
20 progressives?

21 A It was a part of my work, but it was also part of my work to engage with
22 Senator McConnell and Republicans in the Senate and moderate Democrats.

23 Q How much of your work in the Biden White House involved engaging with
24 the progressives specifically?

25 A Well, I don't know how you would quantify it. I worked very hard, a lot of

1 hours, and talking to progressives was part of that. Talking to other Members of the
2 House and Senate were part of that too.

3 Q Would you say it was a big part of your work?

4 A I would say it was an important part of my work, yes.

5 Q The New Republic explained your role in the White House, noting that,
6 unlike other recent Democratic chiefs of staff, you played a role with progressive activists,
7 who saw you as their real pipeline to policymaking within the Biden inner circle. You
8 were described as something between a trusted liaison and an inside-man ally in the
9 White House.

10 Do you agree with that?

11 A My responsibility was to achieve the President's agenda, and I thought
12 working with progressive members of the House and Senate and their allies was an
13 important part of achieving the President's agenda. At all times, I was trying to achieve
14 the President's agenda.

15 Q Throughout his tenure in the White House, President Biden enacted many
16 policies that the American people would consider far to the left. Those policies and
17 executive actions touched on the border, the COVID vaccine mandate, gender identity
18 ideology, climate change, and social justice.

19 Did President Biden knowingly implement these policies that were departures
20 from the longstanding Democratic Party's policies?

21 A I'm not aware of longstanding Democratic Party policies on COVID vaccines
22 or some of the other things you mentioned. But the President did make all those
23 decisions, he did implement all those policies, yes.

24 Q Did you speak with President Biden about these policy changes? I assume
25 so.

1 A Some of them, yes. Some of them, no.

2 Q Do you really believe he understood that, after many years of telling the
3 American people that he was a centrist, that President Biden understood he was making
4 decisions that would move his Presidency the furthest to the left of any in U.S. history?

5 A I think the President understood and he campaigned in 2020 on the idea that
6 the country needed bold solutions. He used that phrase himself repeatedly.

7 He had an agenda that he called "Build Back Better." That was something he
8 designed; I was not involved in that. And the idea was obviously not just to simply
9 restore our policy to where we were before the pandemic but to take it in new directions.
10 And that was what he ran on, and when he won, we tried to get that passed by the
11 Congress.

12 Q I ask these questions because many Americans, given their own observations
13 of President Biden's cognitive decline, wonder who really made these decisions.

14 Thank you.

15 A The President made the decisions.

16 Mr. Benzine. Can we go off the record for 1 second?

17 [Discussion off the record.]

18 Mr. Benzine. All right. We can go back on the record.

19 BY MR. BENZINE:

20 Q Mr. Klain, I'm going to ask a broad question that's "yes" or "no" right now,
21 and then we can dive into details if there are any "yes"es.

22 And it's: Between 2019 and present, have you had any
23 communications -- meaning in-person, calls, texts, anything -- with the following list of
24 people regarding President Biden's ability to be President of the United States?

25 I'm cutting out "health" and "age" because I'm sure, like -- we've run into, "Yeah,

1 well, we've talked about a cough drop" or something, so -- ability to be President of the
2 United States.

3 First Lady Biden?

4 A No.

5 Q Hunter Biden?

6 A No.

7 Q Ashley Biden?

8 A No.

9 Q Naomi Biden?

10 A Not that I recall, no.

11 Q Valerie Biden Owens?

12 A Not that I recall, no.

13 Q Vice President Harris?

14 A No.

15 Q Second Gentleman Emhoff?

16 A Not that I recall, no.

17 Q President Obama?

18 A No.

19 Q President Clinton?

20 A No.

21 Q Secretary Clinton?

22 A Yes.

23 Q Mr. Zients?

24 A No.

25 Q Mr. Rahm Emanuel?

- 1 A Yes.
- 2 Q Mr. Bill Daley?
- 3 A No.
- 4 Q Mr. Jake Sullivan?
- 5 A Yes.
- 6 Q Ms. Anita Dunn?
- 7 A No.
- 8 Q Mr. Mike Donilon?
- 9 A Not that I recall, no.
- 10 Q Mr. Bruce Reed?
- 11 A Not that I recall, no.
- 12 Q Mr. Steve Ricchetti?
- 13 A I would've discussed with Steve the political fallout of the debate, but Steve
- 14 did not express to me the view that he thought the President was incapable of being
- 15 President.

1 [3:16 p.m.]

2 BY MR. BENZINE:

3 Q Ms. O'Malley Dillon?

4 A Same answer for Ms. O'Malley Dillon.

5 Q Mr. Bernal?

6 A No, not that I recall.

7 Q Ms. Tomasini?

8 A No, not that I recall.

9 Q Ms. Tanden?

10 A Same answer I gave for Mr. Ricchetti and Ms. O'Malley Dillon.

11 Q Ms. Ashley Williams?

12 A No.

13 Q Dr. O'Connor?

14 A No.

15 Q Ms. Bedingfield?

16 A Not that I recall, no.

17 Q Ms. Psaki?

18 A Same answer I would give for -- that I gave previously, that I've discussed
19 with Jen the political ramifications of the debate, but not her -- not a view by herself or
20 myself that the President was incapable of governing.

21 Q Mr. David Axelrod?

22 A Similar answer. I had a spicy conversation with Mr. Axelrod after he
23 ran -- was quoted in the New York Times saying the President should step aside.

24 Q Ms. Jean-Pierre?

25 A Not that I recall, no.

1 Q Speaker Emerita Pelosi?

2 A No.

3 Q Senator Schumer?

4 A No.

5 Q Leader Jeffries?

6 A No.

7 Q I think I've asked this a thousand different ways, but any other sitting
8 Senator?

9 A No.

10 Q Any other sitting Member of Congress, other than the ones that we've
11 already discussed?

12 A None beyond the ones we've already discussed.

13 Q And then, what about any member of the cabinet?

14 A No.

15 Q You said yes to Secretary Clinton. What were the nature of those
16 conversations?

17 A Secretary Clinton was present at this event I did in Aspen where I was -- a
18 number of people were saying that President Biden should step aside. And afterwards,
19 she took me aside for a conversation and said, "Look, he's got a big political problem.
20 You need to find a better way to address this than you did." I said, "I understand." She
21 did not say to me she thought the President was incapable of governing. It was all about
22 politics. But she said that, you know, the sentiment in the room was the common
23 sentiment among donors at least, and among politically influential people, and Biden
24 campaign was doing an inadequate job of addressing it.

25 Q And, again, if I had mischaracterized your testimony today, that sounds

1 similar to how you felt at the time, that it was a political problem, not a governing
2 problem?

3 A Yes.

4 Q You said yes to Mr. Emanuel. What were the nature of those
5 conversations?

6 A Well, one of the people who was most outspoken in that Aspen meeting
7 about the President's age was his brother, Ari, who had been President Trump's agent.
8 And Ari had been -- had heckled me essentially from the stage, and so I called Rahm and
9 said, "What the fuck is going on with your brother?" And he said, "Well, you know, Ari
10 just thinks Biden should step aside."

11 Q Do you think Mr. Emanuel is running for President in 2028?

12 A I don't think so. In the end, I think he will -- I think he will head fake a lot,
13 but I do not think in the end Rahm will run.

14 Q Okay. You said yes to Jake Sullivan. What were the nature of those
15 conversations?

16 A In the summer of 2024, after the debate, the NATO summit was here in
17 Washington, and there was public reporting that the President's performance at the
18 NATO summit had been uneven. So I called Jake to ask him if that was true or not, and
19 Jake said the meeting had been a difficult one, that the allies weren't all aligned, and that
20 the President had sometimes been effective, sometimes ineffective in getting them in
21 line. But in the end, the President had gotten the job done. The allies had agreed on a
22 plan for going forward on Ukraine. The allies had agreed to make more of a
23 contribution if the U.S. pulled back, and it ended well.

24 Q And the meeting was a tough one because people disagreed not necessarily,
25 or was there further discussion regarding President Biden's ability to conduct that

1 meeting?

2 A We discussed Jake's view the President had not been as effective in getting
3 the allies to agree as he had been in the past, and part of that I think was just the allies
4 were tired of the war and tired of the expense, and concerned that President Trump was
5 going to get reelected and would have a more contentious relationship with NATO, and
6 they were pressing the President quite hard on that.

7 Q Did Mr. Sullivan express to you that the lack of effectiveness from the
8 President in that meeting had anything to do with the President's ability to conduct his
9 job?

10 A No, he did not raise any concern about the President's ability to govern. He
11 did raise the concern that he thought that it would be hard for the President to get
12 reelected.

13 Q Can you explain that a little bit more?

14 A That if the President wasn't more able to fluidly handle these allies, did he
15 have the political skills to succeed in a campaign that was already in trouble at that point
16 in time.

17 Q When -- in 2022, when the invasion first happened, was the President able
18 to handle the allies?

19 A He did very successfully.

20 Q Did he --

21 A Got them aligned on a sanctions package very quickly, which people thought
22 would take months to do and only took days, and, you know, got them aligned on a plan
23 to deliver aid to the Ukrainians in Poland.

24 Q And then in the summer of '24, Mr. Sullivan's view that he didn't think that
25 the President could --

1 A No, was.

2 Q -- win reelection or --

3 A He didn't think the President had been as effective as he'd been in the past
4 and said, you know, like, it will be hard for him to win reelection this way.

5 Q Because he was now less effective than he was in 2022?

6 A Apparently, yes.

7 Q Okay. I think I know what you're referring to, but you said that you had a
8 spicy conversation with David Axelrod after he tweeted something. I forget what he
9 called the President, but he called him a bit of a name or something, I think.

10 A Well, so, in the 2019 campaign, David Axelrod said Biden was like Mr. Magoo
11 on the debate stage.

12 Q That was it.

13 A And so that started an ongoing dialogue between David and I about whether
14 or not the President was a good candidate for President. And, of course, ultimately, the
15 President prevailed in the primaries, prevailed in the general election in 2020, and so I
16 told David he was wrong. And then in -- sometime in 2022, Axe basically said, Biden is
17 too old and someone else should run. And I called up David Axelrod and I said, I think
18 you're wrong again, and we had a debate about it, a little debate about it.

19 Mr. Greenberg. Can I ask a --

20 Mr. Benzine. Yeah.

21 Mr. Greenberg. -- version of that question?

22 Has anyone ever communicated to you that they believe President Biden was unfit
23 to serve as President?

24 Mr. Klain. Has anyone ever communicated that to me? Not directly. I've
25 certainly read, you know, some of these things we've been talking about today, but no

1 one has called me and said that to me personally.

2 Mr. Greenberg. Has anybody ever communicated to you that they believe
3 President Biden was in mental decline or cognitively impaired?

4 Mr. Klain. No, not that I recall.

5 BY MR. BENZINE:

6 Q You would draw a distinction between what Mr. Sullivan said, that if he
7 continues -- if he's not very effective, it would be hard for him to win reelection to
8 Mr. Sullivan was not saying that he was cognitively declined?

9 A Correct.

10 Q It was just a decrease in effectiveness in the interview communicators?

11 A In communications, yeah.

12 Q My last question is, have you -- outside of your family and your counsel, have
13 you discussed this interview with anyone else?

14 A I've discussed this interview with my employer to tell them why I would not
15 be at work today --

16 Q Fair.

17 A -- and why there are press accounts that I was coming to see this committee
18 staff. But I have not discussed the answers I was going to give with anyone other than
19 my counsel.

20 Mr. Benzine. All right. Thank you.

21 Mr. Greenberg. We'll go off the record.

22 [Discussion off the record.]

23 Mr. [REDACTED] We can go on the record.

24 [Klain Minority Exhibit C.

25 was marked for identification.]

1 BY MR. [REDACTED]

2 Q I am going to ask the court reporter to mark as exhibit C the presidential
3 action titled, "Granting Pardons and Commutation of Sentences for Certain Offenses
4 Relating to the Events At or Near the United States Capitol on January 6, 2021," issued by
5 the White House on January 20, 2025.

6 Just noting for the record that section B of this document issues, quote, "a full,
7 complete, and unconditional pardon to all other individuals convicted of offenses related
8 to events that occurred at or near the United States Capitol on January 6, 2021."

9 I'll also note for the record that the number of people reportedly covered by this
10 grant of clemency exceeds 1,500, and that none of those individuals are named
11 specifically in this presidential action memo.

12 [Klain Minority Exhibit D.
13 was marked for identification.]

14 BY MR. [REDACTED]

15 Q I'm also going to ask the court reporter to mark as Exhibit D an NPR article
16 dated January 30, 2025. It is titled, "Criminal Records of January 6th Rioters Pardoned
17 by Trump Include Rape, Domestic Violence."

18 And I'm also going to note on the third -- or rather, fourth page of this exhibit a
19 quote attributed to Mr. Trump. Quote, "It would be very, very cumbersome to go and
20 look. You know how many people we're talking about? 1,500 people," unquote,
21 Trump told FOX News earlier this month.

22 Mr. Klain, you were asked a number of questions in the previous round about the
23 decision-making process or processes within the White House during your tenure there.
24 I'd just like to ask you very simply, did anyone, to your knowledge, ever step in to carry
25 out the duties of the presidency in Joe Biden's place because he was unable to do so?

1 A Well, if you ask ever --

2 Q Apart from the one episode under which Mr. Biden underwent anesthesia.

3 A Apart from that, no.

4 Q Thank you.

5 Did Hunter Biden, to your knowledge, ever carry out presidential duties on his
6 father's behalf?

7 A No.

8 Q Or make official decisions for his father?

9 A As far as I know, no.

10 Q Did Jill Biden ever carry out presidential duties on her husband's behalf?

11 A As far as I know, no.

12 Q Did Anthony Bernal ever carry out presidential duties on Joe Biden's behalf?

13 A As far as I know, no.

14 Q And what about Annie Tomasini?

15 A As far as I know, no.

16 Q Vice President Harris?

17 A No, unless you mean certain ceremonial duties, attend a commencement at
18 a Military Academy or preside at a memorial service or something like that, but not in
19 terms of making decisions about presidential actions or legislation or anything like that.

20 Q To your knowledge, did anyone in the White House at any point during Joe
21 Biden's presidency ever make decisions to issue any form of clemency, whether pardons
22 or otherwise, in Joe Biden's name without his knowledge or authorization?

23 A As far as I know, no.

24 Q And, again, at any point during the Biden presidency, did anyone in the
25 White House, to your knowledge, ever issue any other type of executive order without

1 Joe Biden's knowledge or authorization at any point during his presidency?

2 A As far as I know, no.

3 Q So to your knowledge, all decisions to issue executive orders, or take
4 executive action during the Biden administration, were made by Joe Biden alone?

5 A As far as I know, correct. Again, I'll emphasize, I was there for 2 years. I
6 was not a member of the White House staff the final 2 years of the presidency.

7 Q Appreciate that.

8 [Klain Minority Exhibit E.

9 was marked for identification.]

10 BY MR. [REDACTED]

11 Q I will ask the court reporter to mark as exhibit E a June 4, 2025, letter to you,
12 Mr. Klain, from Chairman Comer asking for your attendance at today's transcribed
13 interview. And if I could, I would direct you to the sentence at the end of the second
14 paragraph which articulates the rationale for this investigation. And I'll just read it into
15 record. "If White House staff carried out a strategy lasting months, or even years, to
16 hide the chief executive's condition -- or to perform his duties -- Congress may need to
17 consider a legislative response."

18 Do you see that?

19 A I do, yes.

20 Q Okay. In your view, Mr. Klain, would an investigation that is truly serious
21 about examining the need for legislation in this context need to look beyond a single
22 presidential administration of the opposition party?

23 A It's -- I don't believe it's my place to offer advice to this committee how to
24 conduct its investigations. I'm here to cooperate with its investigation. But I leave it to
25 the committee to decide how to use its investigative powers.

1 Q I appreciate that, but I will ask you, nonetheless, should it take into account,
2 for example, the administration of the current occupant of the Oval Office, who is the
3 oldest President to be inaugurated into office in the history of the United States?

4 A Again, I just feel like it's not my place to tell this committee how and what to
5 investigate, and how and what kind of legislation to draft. You know, as I've said, I
6 believe President Biden was fit to exercise the powers of office for the entirety of his
7 presidency, and that he was the decision-maker during his presidency, and certainly I can
8 attest that personally during the 2 years I worked at the White House.

9 Q Okay. I appreciate that.

10 [Klain Minority Exhibit No. F.
11 was marked for identification.]

12 BY MR. [REDACTED]

13 Q I'll ask the court reporter to mark as exhibit F a July 16, 2025, article from
14 MSNBC titled, "Trump says he was surprised that Jerome Powell, the Fed Chair he
15 appointed, was appointed." And reporting that President Trump's comment that he was
16 surprised, quote/unquote, that Powell had been nominated to be chair of the Federal
17 Reserve. Quote, "I was surprised he was appointed, Trump said. I was surprised,
18 frankly, that Biden put him in and extended him," despite the fact that Chairman Powell
19 was President Trump's own appointee.

20 [Klain Minority Exhibit G.
21 was marked for identification.]

22 BY MR. [REDACTED]

23 Q I will also ask the court reporter to mark as exhibit G, an article from The
24 Independent dated February 24, 2024, titled, "Trump agrees with Putin that Biden should
25 be President," containing a quote from President Trump, then-Mr. Trump: "He did

1 announce the other day that he'd much rather see Biden as President, and I agree with
2 him," unquote, said Trump.

3 [Klain Minority Exhibit H.
4 was marked for identification.]

5 BY MR. [REDACTED]

6 Q I will ask the court reporter to mark as exhibit H an article from Forbes dated
7 February 25, 2024, titled, "Trump's Weekend Gaffes: 'Mercedes' for Melania,
8 Accidentally Endorses Biden, and More." The top line reads, "Former President Trump
9 appeared to refer to his wife Melania Trump as 'Mercedes' to some watching his speech
10 at the Conservative Political Action Conference on Saturday."

11 It also notes on the second page, "It would not be the first time Trump has
12 confused two people, including his wife. During a deposition for the sexual abuse
13 lawsuit brought by E. Jean Carroll, Trump misidentified the columnist as his ex-wife, Marla
14 Maples."

15 [Klain Minority Exhibit I.
16 was marked for identification.]

17 BY MR. [REDACTED]

18 Q And I will also ask the court reporter to mark as exhibit I a January 20, 2024,
19 article from The New York Times titled, "Trump Confuses Haley and Pelosi, Accusing Rival
20 of January 6th Lapse." And reporting in the first paragraph, "Former President Donald J.
21 Trump on Friday appeared to confuse Nikki Haley for Nancy Pelosi during a speech in New
22 Hampshire, accusing Ms. Haley of failing to provide adequate security during the
23 January 6th, 2021, attack at the Capitol and connecting her to the House committee that
24 investigated it?"

25 Mr. Klain, in your view, should these episodes be within the scope of this

1 committee's investigation?

2 A Well, again, as I've said, I don't think it's my place to tell the committee what
3 it should or shouldn't investigate. I think they simply illustrate that all political figures
4 occasionally misspeak. And I have no doubt about President Trump's mental acuity. I
5 just think, you know, like, you're out there, you're talking a lot, you make mistakes. It
6 happens. It's human nature. I think every parent has had the experience of
7 sometimes calling one of their children by their other child's name, and I assure you, I
8 know my children. I know their names. But I sometimes have called my son Mike
9 "Danny" and vice versa.

10 Q Understood.

11 [Klain Minority Exhibit J.
12 was marked for identification.]

13 BY MR. [REDACTED]

14 Q And I will ask the court reporter to mark as exhibit J, as well
15 as -- contemporaneously exhibit J and exhibit I. Exhibit J is a press release from the
16 Oversight Committee titled, "Chairman Comer Expands Investigation Into Biden Mental
17 Decline Cover-up." As well as Exhibit I --

18 Mr. Smith. I think you mean K.

19 Mr. [REDACTED] J, K -- K. Thank you, Brian.

20 [Klain Minority Exhibit K.
21 was marked for identification.]

22 BY MR. [REDACTED]

23 Q Exhibit K is a Truth Social post in the account of @RealDonaldTrump, and I
24 will read it into the record. "Fake Tapper of --" I'm sorry. It is dated July 21, 2022, and
25 it reads, quote, "Fake Tapper of CNN is so biased and pathetic. No wonder CNN's ratings

1 are at an all-time low. P.S. Almost all Trump-endorsed candidates have won or are
2 winning."

3 In Exhibit J, I will note in the third paragraph the first sentence reads, "According
4 to a new book 'Original Sin,' one person familiar with the internal dynamic at the
5 White House stated, 'Five people were running the country, and Joe Biden was, at best, a
6 senior member of the board.'"

7 Mr. Klain, do you have a view on the reliance by the majority in this investigation
8 on a book coauthored by a journalist who President Trump has described as, quote,
9 "biased and pathetic"?

10 Mr. Klain. Well, I earlier raised with Jake my sense of surprise that this
11 committee would make such a heavy reliance on reporting by CNN, given the President of
12 the United States has repeatedly said that they are fake news. And I heard him say just
13 2 days ago that they were the worst of all the fake news. So I raised that point earlier,
14 and I do think it's surprising that this committee is leaning so heavily on that reporting.

15 Mr. [REDACTED] Thank you. Off the record.

16 [Whereupon, at 3:49 p.m., the interview was concluded.]

17

18 Certificate of Deponent/Interviewee

19

20

21 I have read the foregoing ____ pages, which contain the correct transcript of the
22 answers made by me to the questions therein recorded.

23

24

25

1

2

Witness Name

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Date

7