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

INTERVIEW OF: JEFFREY ZIENTS

Thursday, September 18, 2025

Washington, D.C.

The interview in the above matter was held in room 2335, Rayburn House Office Building,
commencing at 10:01 a.m.

1 Appearances:

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3
4
5 For the COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

6
7 MITCH BENZINE, GENERAL COUNSEL

8 HANNAH CATHEY, PROFESSIONAL STAFF MEMBER

9 BILLY GRANT, COUNSEL, OVERSIGHT

10 JAKE GREENBERG, CHIEF COUNSEL FOR INVESTIGATIONS

11 MARGARET HARKER, SENIOR ADVISOR

12 PETER SPECTRE, PROFESSIONAL STAFF MEMBER

13 ELLISON TOLAN, COUNSEL

14 SHARON UTZ, SENIOR PROFESSIONAL STAFF MEMBER

15 [REDACTED], MINORITY LEGAL INTERN

16 [REDACTED], MINORITY SENIOR COUNSEL

17 [REDACTED], MINORITY COUNSEL

18 [REDACTED], MINORITY FELLOW

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For JEFFREY ZIENTS:

ROBERT K. KELNER, ESQ.

MEREDITH ROLFS SEVERTSON, ESQ.

Covington & Burling

One CityCenter

850 Tenth Street, NW

Washington, DC 20001-4956

1 Mr. Greenberg. All right. We'll go on the record.

2 This is a transcribed interview of Jeff Zients conducted by the House Committee on Oversight
3 and Government Reform under the authority granted to it pursuant to House Rule X.

4 Accordingly, House Rule X grants the committee broad jurisdiction for the committee to
5 conduct investigations of any matter at any time.

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

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

10 Mr. Zients. Jeffrey Zients, Z-i-e-n-t-s.

11 Mr. Greenberg. Thank you.

12 On behalf of the committee, I want to thank Mr. Zients for appearing here today. The
13 committee appreciates your appearance for the interview.

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

15 Under the Committee on Oversight and Government Reform's rules, you are allowed to have
16 an attorney present to advise you during this interview.

17 Do you have counsel representing you in a personal capacity present with you today?

18 Mr. Zients. Yes, I do.

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

20 Mr. Kelner. Robert Kelner, Covington & Burling.

21 Ms. Severtson. Meredith Severtson, Covington & Burling.

22 Mr. Greenberg. Thank you.

23 For the record, starting with the majority staff, can the additional staff members please
24 introduce themselves with their name, title, and affiliation?

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

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

2 Mr. Benzine. Mitch Benzine, general counsel for the majority.

3 Ms. Cathey. Hannah Cathey, professional staff member with the majority.

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

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

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

7 Mr. [REDACTED] To, fellow for the minority.

8 Ms. [REDACTED], intern for the minority.

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

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

11 Mr. Greenberg. Thank you all.

12 Mr. Zients, before we begin, I would like to go over the ground rules for this interview.

13 The questioning will proceed in rounds. The majority will ask questions for an hour, and
14 then the minority will have an opportunity to ask questions for an hour if they so choose. To the
15 extent Members have questions for the witness, they will be propounded during their side's
16 respective rounds.

17 The clock will stop if the witness needs to confer with counsel, when counsel for the witness
18 is speaking, and when Members are speaking during the opposing side's round of questions. We
19 will alternate back and forth until there are no more questions.

20 Do you understand?

21 Mr. Zients. Yes.

22 Mr. Greenberg. There's a court reporter taking down everything I say and everything you
23 say to make a written record for the interview. For the record to be clear, please wait until the
24 staffer questioning you finishes each question before you begin your answer, and the staffer will wait
25 until you finish your response before proceeding to the next question.

1 Further, to ensure the court reporter can properly record this interview, please speak clearly,
2 concisely, and slowly.

3 Also, the court reporter cannot record nonverbal answers, such as nodding or shaking your
4 head, so it's important that you answer each question with an audible verbal answer.

5 Do you understand?

6 Mr. Zients. Yes.

7 Mr. Greenberg. Exhibits may be entered into the record. Majority exhibits will be
8 identified numerically. Minority exhibits will be identified alphabetically.

9 We want you to answer our questions in the most complete and truthful manner possible, so
10 we will take our time. If you have any questions or do not fully understand the question, please let
11 us know. We will attempt to clarify, add context to, or rephrase our question.

12 If we ask about specific conversations or events in the past and you are unable to recall the
13 exact words or details, you should testify to the substance of those conversations or events to the
14 best of your recollection. If you recall only a part of a conversation or event, you should give us
15 your best recollection of those events or parts of conversations that you do recall.

16 Do you understand?

17 Mr. Zients. Yes, I do.

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

20 Do you understand?

21 Mr. Zients. Yes.

22 Mr. Greenberg. If at any time you knowingly make false statements, you could be subject to
23 criminal prosecution.

24 Do you understand?

25 Mr. Zients. Yes.

Mr. Greenberg. That includes both knowingly providing false testimony but also stating that you do not recall or remember something when, in fact, you do.

Do you understand?

Mr. Zients. Yes.

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

Do you understand?

Mr. Zients. Yes.

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

Mr. Zients. No.

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

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

Do you understand?

Mr. Zients. Yes.

[Zients Majority Exhibit No. 1]

was marked for identification.]

Mr. Greenberg. I would enter as exhibit 1 a letter transmitted to your counsel dated August 21st, 2025, from Mr. Gary Lawkowski, deputy counsel to the President.

This letter informs you that President Trump has determined not to assert executive privilege

1 over your assessment of former President Biden's fitness for the office of the President and your
2 knowledge of who exercised executive powers during his administration.

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

5 Ordinarily, we take a 5-minute break at the end of each hour of questioning, but if you need a
6 longer break or a break before that, please let us know and we will be happy to accommodate.
7 However, to the extent that there is a pending question, we would ask that you finish answering the
8 question before we take the break.

9 Do you understand?

10 Mr. Zients. Yes.

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

12 Mr. Zients. I do not.

13 Mr. Greenberg. All right.

14 My clock reads 10:07. The majority's time will begin now.

15 EXAMINATION

16 BY MR. GREENBERG:

17 Q Thank you again for being here, Mr. Zients.

18 I think we will just start with your background.

19 Can you tell the committee your educational background, beginning with your undergraduate
20 degree?

21 A I have an undergrad degree from Duke University, graduated in 1988.

22 Q What was your degree in?

23 A Political science.

24 Q Any education after that?

25 A No.

1 Q What was your first position in the U.S. Government, Mr. Zients?

2 A In 2009, I was confirmed by the Senate for the deputy of the Office of Management and
3 Budget.

4 Q And you had two stints as the director of OMB? Is that right?

5 A That is correct.

6 Q What did you do in the -- can you tell me what years those two stints were?

7 A So I was at OMB for a period of close to four and a half years, is my recollection. I
8 came in as the deputy.

9 I acted for a period of time when Peter Orszag left before Jack Lew was confirmed by the
10 Senate. It was a relatively short period of time.

11 And then I went back to being the deputy. And then Jack Lew left, and I became the acting
12 for an extended period of time.

13 Q When did you leave OMB?

14 A I left OMB, I believe, in the spring of 2013.

15 Q What did you do after that?

16 A I didn't do much professionally in that I was likely coming back into the Obama
17 administration, which I ended up doing.

18 Q When did you come back to the Obama administration?

19 A I believe it was September. The President asked me to lead the effort to turn around
20 HealthCare.gov.

21 Q And what was the position that you would end up taking to do that?

22 A It was a -- I don't recall exactly technically what the position was. It was a three-month
23 assignment where I worked to help turn around the website. And then I became the director of the
24 National Economic Council.

25 Q And you were director of the National Economic Council for how long?

1 A Roughly three years, until the end of the term.

2 Q What did you do after leaving that position and before joining President Biden's
3 transition in 2020?

4 A I took some time to figure out what I was going to do next. And then I became the CEO
5 of a holding company called Cranemere.

6 Q And am I correct that you did not work for President Biden -- or for Joe Biden at that
7 time -- until you joined the transition in 2020?

8 A Correct.

9 Q How did you go about getting the position on the transition team in 2020?

10 A President -- Vice President Biden at the time --

11 Q There's going to be a lot of that.

12 A Vice President. I had been in touch about some issues on the campaign that I helped
13 out with when there were -- on the financial side primarily and the operational side of the campaign
14 while keeping my job. It was a few hours a week type thing.

15 And then Senator Ted Kaufman was starting to organize the transition, and Senator Kaufman
16 reached out, asked whether I would be available to or interested in, which I was. And then
17 President Biden called one evening and asked me if I would help lead the transition. And that was
18 in the spring of 2020.

19 Q So spring of 2020. Was that --

20 A I'm sorry. Yeah. Spring of 2020.

21 Q 20- -- sorry.

22 So President Biden won the election in November of 2020. Are we talking --

23 A Right. But you begin to organize the transition. I'm sorry. I didn't mean to
24 interrupt.

25 Q No, no. So to that point, President Biden and you spoke about the transition prior to

1 President Biden actually winning the election.

2 A Yes.

3 Q Okay.

4 A That has become standard practice.

5 Q When did you leave the transition?

6 A When did I leave the transition? In December of 2020, early December.

7 Q And what did you do after that?

8 A The President-elect asked me to lead the White House COVID response. So I began to
9 get ready for that.

10 Q And what did you -- were there any other positions that you held between you leading
11 the COVID response and you becoming chief of staff?

12 A No.

13 Q And when did you become chief of staff?

14 A In February of 2023.

15 Q And you served as chief of staff to President Biden until the end of his term in January of
16 this year. Is that correct?

17 A Yes.

18 Q Thank you.

19 And where do you work now?

20 A I am establishing a couple of businesses.

21 Q Thank you.

22 We're going to do some preliminary questions, and then we'll get into a more chronological
23 run-through of some of the positions that you've held.

24 Just to start off, have you discussed this interview or the investigation at large with anyone
25 besides your counsel and family?

1 A None of the substance of it. The logistics and the fact that it's happening there have
2 been conversations about.

3 Q There have been a number of books released during the past few months regarding the
4 2024 election. One of them is by Jake Tapper and Alex Thompson entitled "Original Sin."

5 Did you speak with either Mr. Tapper or Mr. Thompson for their book?

6 A Yes. Mr. Tapper.

7 Q When did you speak with Mr. Tapper?

8 A Late in his process. I don't remember the timeline; certainly post the administration.
9 Feels like a few months after the administration completed.

10 Q It's my understanding that Mr. Thompson and Mr. Tapper approached the White House
11 during the Biden administration and had several interviews with people in the White House. Were
12 you aware of people doing interviews at that time for that book?

13 A Yes. In fact, the reason I did it was that the head of communications thought it was
14 appropriate for a handful -- I don't know how big a handful -- of senior staff to talk to Mr. Tapper, in
15 my instance. And so I agreed to do so.

16 Q And who was the head of communications?

17 A Ben LaBolt.

18 As you prompt me on that, I do wonder whether I met with Tapper earlier than I suggested,
19 meaning during the administration, because I distinctly recall LaBolt, while we were in office,
20 coordinating some people speaking to Tapper. So my time frame might have been a little earlier
21 than what I suggested.

22 Q Got it.

23 Do you know anybody else -- I know several people spoke with Mr. Tapper and Mr.
24 Thompson, but do you know who else spoke to them?

25 A I think -- I believe Mr. Ricchetti spoke to him. I don't have memory of specifically

1 anyone else. But I'm sure other senior staff did. I assume Mr. LaBolt spoke to him.

2 Q Several members of the Cabinet spoke to either Mr. Tapper or Mr. Thompson for that
3 book. Do you know anyone on the Cabinet who participated in an interview with them?

4 A I do not.

5 Q Did you ever discourage anybody from speaking to Mr. Tapper or Mr. Thompson?

6 A Not that I recall.

7 Q Did you speak with Chris Whipple for his book "Uncharted"?

8 A I did.

9 Q What did you tell Mr. Whipple?

10 A I don't have a specific recollection. I met with Mr. Whipple several times across my
11 time in the White House chief of staff role, given he is sort of the -- seen as the expert on chiefs of
12 staff. He wrote a book about chiefs of staff. So I actually found my interactions with him to be
13 helpful to understand historical practices.

14 Q Do you agree that he's the expert on chiefs of staff?

15 A He's an expert. As a journalist, he's an expert, meaning he spent a lot of time studying
16 it.

17 Q And to go back to Mr. Tapper and Mr. Thompson's book, I'm not holding you to
18 specifics, but do you remember what you were actually talking with them about?

19 A I think my recollection is a lot of it focused on the President's decision to get out of the
20 race. That's the piece that I recall, not to suggest that was exclusively what we talked about.

21 Q Did you end up reading that book?

22 A I did not.

23 Q Can I ask why?

24 A I haven't read any of the books.

25 Q Why?

1 A You know, I'm out of office and I'm focused on other things. I've seen excerpts, but I
2 have not read any of those books.

3 Q You're familiar with maybe one of the theses of that book, which is that President Biden
4 was, toward the end of his administration, not -- he was struggling with his mental acuity?

5 A I don't know specifically because I've not read the books, but I know there's been some
6 coverage to that effect. It's completely inaccurate.

7 Q Did you speak with Josh Dawsey, Tyler Pager, or Isaac Arnsdorf for their book? I
8 believe it's entitled "2024."

9 A I don't have a specific recall of talking to them about the book. It's possible.
10 During my time in office, I actually spent, by chief of staff standards, very little time with
11 reporters. But certainly I've talked to Tyler Pager across time and, I believe, Josh.

12 Who was the other person?

13 Q Isaac Arnsdorf.

14 A That name doesn't ring a bell, but -- I don't recall him. I can't remember whether
15 specifically on the book or on other topics. But, yes, I did have contact with them.

16 Q Did you speak with Karine Jean-Pierre about the book she is publishing?

17 A I have not.

18 Q When was the last time you spoke with Ms. Jean-Pierre?

19 A I made a conscious effort to touch base with my team within the first couple of months
20 of leaving office. And I recall speaking to her once for a few minutes just to see how she was doing.

21 Q Is that the nature of most of those "touch base" calls, just see how you're doing?

22 A For the most part, yeah. There's obviously people that I might be closer to I talked to
23 more than that.

24 Q Did you speak with former Vice President Harris about anything that she is planning on
25 publishing?

1 A No.

2 Q And for any of these books or planned books, have you ever discouraged anybody from
3 speaking with any of these authors?

4 A Not that I can recall.

5 Q Okay.

6 I'm going to read a long list of names. And it's kind of an awkward question. I'm going to
7 ask you a question, and the name that I -- I am going to read the names. And the question applies
8 to each one of these. And it's a yes-or-no.

9 And then if you say yes to any of these people, we'll go back and examine that after we get
10 through the long list of names.

11 Does that make sense?

12 A It does.

13 Q Okay.

14 From 2020 to present, so including post-administration, have you had a conversation about
15 President Biden's health, age, or ability to be President of the United States with First Lady Jill Biden?

16 A Not that I can remember.

17 Q Hunter Biden?

18 A No.

19 Q Ashley Biden?

20 A No.

21 Q Naomi Biden?

22 A No.

23 Q Valerie Biden Owens?

24 A No.

25 Q Vice President Harris?

1 A Yes.

2 Q Doug Emhoff?

3 A I don't recall.

4 Q President Barack Obama?

5 A Yes.

6 Q President Bill Clinton?

7 A No.

8 Q Secretary Hillary Clinton?

9 A Not that I recall.

10 Q Annie Tomasini?

11 A Yes.

12 Q Karine Jean-Pierre?

13 A Yes.

14 Q Rahm Emmanuel?

15 A I spoke to Rahm. I don't recall specific conversations about that, but they were
16 wide-ranging conversations. I don't want to preclude that possibility.

17 Q Sure.

18 Bill Daley?

19 A Yes.

20 Q Jake Sullivan?

21 A Yes.

22 Q Anita Dunn?

23 A Yes.

24 Q Mike Donilon?

25 A Yes.

1 Q Steve Ricchetti?

2 A Yes.

3 Q Jen O'Malley Dillon?

4 A Yes.

5 Q Ashley Williams?

6 A I don't recall specific conversations. I don't remember any.

7 Q Anthony Bernal?

8 A Yes.

9 Q Neera Tanden?

10 A Yes.

11 Q Kevin O'Connor?

12 A Yes.

13 Q Kate Bedingfield?

14 A I had very little contact with Kate when I was in the chief of staff role. I don't
15 remember anything specific.

16 Q Jen Psaki?

17 A Yes.

18 Q David Axelrod?

19 A Not that I recall.

20 Q Andrew Bates?

21 A Yes.

22 Q Nancy Pelosi?

23 A Not -- I had so much contact with her, I'm sure the question of age came up, so I'd say
24 yes.

25 Q Chuck Schumer?

1 A Yes.

2 Q Hakeem Jeffries?

3 A Again, like Pelosi, I would answer yes just given the number of contacts we had, but I
4 have no specific recollections.

5 Q Any other Senator?

6 Mr. Kelner. That's a very broad question. Do you have a list you want to go through, Jake?

7 Mr. Greenberg. You would be testing my knowledge to do it off the top of my head. But
8 we can -- I'll ask a couple more general ones, and then we'll go back.

9 Mr. Zients. Can you go back to the top of the list?

10 BY MR. GREENBERG:

11 Q I can. Would you like me to repeat --

12 A No, just the beginning.

13 Q Hunter Biden?

14 A No.

15 Q Ashley Biden?

16 A I think it was the tiptop. I think it was the -- as I think about this, you get me more into
17 this, I'm sure there were instances when I interacted with the First Lady -- I think was first.

18 Q You're correct.

19 A And the question was about the number of events he was doing or saying, things of that
20 nature.

21 Q Okay.

22 A About his appearance in terms of age, because age was such an issue. So I wanted to
23 go back to that one, otherwise I feel good with everything [inaudible].

24 Q Maybe let's -- before we return to that, maybe it would be helpful to, just as a -- to table
25 set a little bit.

1 Is the question of President Biden's health, age, or ability to be President a question that you
2 were confronting during the course -- the entire course of your time as chief of staff?

3 A Well, you have to parse that. Do each piece of that, and I'll comment accordingly.

4 Q Okay.

5 Was President Biden's health a question that you were confronting during your time as chief
6 of staff?

7 A Issues like when he had COVID and how we would deal with that, or if he was under the
8 weather.

9 Q And President Biden's age, was that a matter that you were dealing with during the
10 entirety of your time as chief of staff?

11 A Yes. Public perception was that he was old and that that factored into his reelection
12 prospects.

13 Q And you're asking me to parse, and that's fine. The last one is President Biden's ability
14 to be President of the United States.

15 I will say -- I will just say, is that linked to the age question that we just talked about? Is that
16 what you were confronting?

17 A No. I think it was different in that the age issue was one of projecting forward into a
18 second term and the public's perception of the President and how that impacted his reelection
19 prospects. There was never discussion about the President's ability to do his job, to perform his
20 duties.

21 Q But if it was a question for his -- regarding his reelection prospects, doesn't that lend
22 itself to being a question about President Biden's ability to serve as President for those hypothetical
23 four years?

24 A No. I think it was -- you asked about his ability to do the job, and he could do the job.

25 As to projecting forward, there was a perception issue about his age and was he too old to be

1 a second-term President.

2 Q We're going to -- we'll return to the long list of names. But to your -- it's your belief
3 that President Biden was able to do the job. Is that a fair characterization of what you just said?

4 A Very certainly so, 100 percent.

5 Q Do you believe that Joe Biden -- how long have you known Joe Biden?

6 A Going back to 2009, when I was being interviewed for what became my first job in
7 government, the deputy of the Office of Management and Budget, I met then-Vice President Biden
8 during that period of time. That was the first time I met him.

9 Q Is it fair to say that you've grown closer over the 16 years since?

10 A For sure.

11 Q And when did you -- maybe you can just briefly describe when you went from just
12 having met President Biden to really getting close to President Biden.

13 A When you say "close," what do you mean by that? Working closely with him?

14 Q Yeah. That's what I mean.

15 A Okay.

16 My first job -- and it was in part why I met the Vice President during the process -- I don't
17 know if it's the whole reason, whether he would have been -- is that he was asked by President
18 Obama to lead the implementation of the Recovery Act. He had his own team on that, but OMB
19 played a major role in the implementation.

20 So I was -- there was a member of my team who was the point on that effort, but I would be
21 in some meetings with the Vice President when he was reviewing the implementation of the act.

22 And then when I became NEC, I moved over to the West Wing, I would see him more often
23 and be in more meetings on economic policy.

24 Q And I assume that you would meet with President -- or then-Vice President Biden -- on a
25 pretty regular basis?

1 A Yeah. Every couple of weeks, on average, I'd be in a meeting with him. Not
2 necessarily that I was leading the meeting, but -- maybe even more often than that, given Roosevelt
3 Room meetings and things of that nature.

4 Q And when did that clip -- when did that pace increase? When you would see either
5 Vice President Biden or candidate Biden or President Biden, when did that increase when you were
6 seeing him more frequently?

7 A Well, I think it increased, as I said, when I went from being in the Old Executive Office
8 Building at OMB to being in the West Wing.

9 And then towards the end of the administration I spent more time with him. And then not
10 really much time at all until that campaign piece that we talked about that led into the transition.

11 And during the transition, there wasn't a lot of contact.

12 Q Okay.

13 A You asked about transitions starting ahead of elections. They do. But at the same
14 time, the discipline is not to distract the candidate.

15 Q And is it fair to say that your level of interaction increased tremendously when you
16 became chief of staff?

17 A For sure.

18 Q Okay. That wasn't a trick question.

19 A Though there was a fair amount of contact when I was COVID coordinator too.

20 Q How often as COVID coordinator would you see President Biden?

21 A With a fair amount of frequency, particularly at the beginning, several times a week.

22 Q Okay.

23 So you mentioned that you believed that President Biden was -- that you believed that
24 President Biden was able to do the job of President.

25 My question is, looking back over the 16 years that you've known President Biden, do you

1 believe that Joe Biden is able to deliver nonscripted speeches as well as when you first met him?

2 A You know, I think that he's always been a scripted person, so it's hard to sort of
3 differentiate. He's always wanted every word on the page and teleprompters and things of that
4 nature.

5 So I don't -- I can't weigh in on the delta on that front.

6 Q What about scripted speeches? Do you think that that's changed since your time
7 knowing him, his ability to deliver a speech?

8 A Look, I think across time he's had a history of some stumbles. I think those stumbles
9 increased across time, would be my observation, as he's aged.

10 Q Do you think Joe Biden, looking back on the 16 years that you've known him, is still able
11 to answer difficult questions from the press in the same way as when you first met him?

12 A I don't think I can sort of benchmark back to then. But at times he, as any leader does,
13 struggles with press questions. They can be very difficult questions.

14 So, yes, he had some struggles on that front. I don't have a pattern for you on that specific
15 issue.

16 Q Looking back over the 16 years that you've known President Biden, do you think his
17 ability to manage his stutter has diminished?

18 A I think the actual stutter, I have no view on. But I come back to what I said earlier, that
19 I do think, whether it's related to the stutter or not, that he has more stumbling over words and
20 gaffes than he did at the beginning of the term, where I do have a benchmark.

21 Q Have you ever -- when did you learn, roughly -- I'm not going to hold you to a
22 date -- when did you learn that President Biden had had a stutter?

23 A I don't know if I knew that prior to meeting him. Certainly, I knew that during the
24 Obama administration. I think he met with young people who had stutters and helped them, and
25 that's a memory of mine. I don't know when that comes from.

1 Q Did you ever actually hear President Biden stutter?

2 A Yes.

3 Q Do you -- looking back over the 16 years that you've known him -- do you think that
4 President Biden's ability to remember dates has changed at all?

5 A I think it's always been a challenge, as it can be for a lot of busy people. He might have
6 that challenge more than others. And I would say like the stumbling over words, I'd say there's
7 been some trend of that being more common across time.

8 Q Same with names?

9 A For sure. Again, I think on names also it's never been an area of strength for him, but I
10 think it's probably gotten more difficult across time.

11 Q Same question. Looking back, do you think his ability to maintain composure when
12 placed in an uncomfortable situation has remained the same?

13 A I believe so. I mean, I can recall times when he got angry during the Vice Presidency,
14 and that certainly happened during his administration. I was the subject of it more often because I
15 was in many more meetings with him. I can't judge the overall frequency, but that definitely
16 occurred when he was disappointed.

17 Q Looking back on the 16 years that you've known President Biden, do you think President
18 Biden's ability to reliably be awake and alert has changed at all?

19 A You know, I think -- again, it's hard for me to benchmark, so I'd rather talk about what I
20 was part of.

21 I certainly on that didn't see a trend in my time with him. You know, occasionally he might
22 nod off a little bit. The job is exhausting. But it was never an issue in terms of his ability to lead
23 and make decisions.

24 Q Did you ever -- did you notice any change in the President's schedule throughout the
25 Biden administration?

1 A You know, the first day that -- maybe not the first day -- leading up for chief of
2 staff -- unsurprising to me was, "We've got to work on the President's schedule."

3 I had heard that during the Obama administration. The President's time is the most
4 important asset for a White House. And there's demand for many multiples of his available time.

5 And how do you triage those requests? How do you build in some downtime? How do
6 you make sure that a President has enough time with family?

7 So that pressure was part of my job throughout, and it became more intense with the reelect.

8 Q But did, in fact, the President -- did, in fact, President Biden's schedule change at all in
9 terms of going back to the residence earlier during your time as chief of staff?

10 A There were times when that's one of the policies we tried to implement. There were
11 times when -- in order to create the space for him to have some alone time and some thinking time.
12 So I would say it's more -- one of the tactics that was deployed throughout the time.

13 Mr. Spectre. I know we said we'd circle back to the names, but just on one of them, I think
14 you mentioned that you had conversations with the First Lady about his schedule.

15 Did the First Lady want his schedule to be lighter?

16 Mr. Zients. From the day I came in as chief of staff, or leading up to that, one of my
17 meetings was with the First Lady. And she said -- I know my predecessor Ron's been working on
18 this, but she wants to continue to make sure the President has enough time to himself, that he's not
19 overscheduled. So that was true before I even started the job.

20 Mr. Spectre. Did she have concerns about his sleep or health with regard to his schedule?

21 Mr. Zients. No. I think it was more just making sure he had time to deal with what is an
22 incredibly stressful job and enough time to think through issues. She felt like he was overscheduled
23 in terms of the number of events, less so the number of internal meetings and things of that nature.

24 BY MR. GREENBERG:

25 Q When you referred to people in the White House telling you to build in more downtime,

1 who approached you with that?

2 A Well, I mentioned that I recall the meeting with the First Lady. Annie Tomasini, the
3 deputy of chief of staff, who was really the point person for the President's schedule, knew that that
4 was important.

5 And I was aware that the President himself wanted to have more ability to read and think.
6 And maybe "downtime" is the wrong way to capture it. More time that's not in a meeting or on a
7 stage.

8 Q Did Mike Donilon also raise similar concerns with you?

9 A I don't have specific recollections, but I would think so.

10 Q Okay. We will -- let's return to the long list. And we talked -- I think we just talked
11 about First Lady Jill Biden. But to flesh it out just a little bit more, were there multiple conversations
12 about health, age, or ability to be President? And I can break that down.

13 A It's very difficult when you do it that way.

14 Q Okay. That's fair. Let me -- I'll --

15 A The piece of that where there were conversations was of age.

16 Q There were multiple conversations about the President's age?

17 A The perception of his age. Because I don't have perfect recollection here, but I think
18 when you did polls about the President's performance or likability, favorability, or when they started
19 to poll for reelect, if it wasn't the number one issue, it was one of the very top issues, was is he too
20 old to be a second-term President.

21 Q And --

22 A So it was a perception issue. So there'd be conversations about that. We ensured
23 that he is perceived in the best possible way.

24 Q Understood. And when you're having conversations -- when you were having
25 conversations about the perception issue of President Biden's age, did you discuss why he was being

1 perceived this way?

2 A I think because he was a man in his late seventies and in his early eighties. He looked
3 his age. And being President doesn't help in terms of feeling and looking young.

4 Q And I understand physically looking older. But did you ever have conversations about
5 any of President Biden's behavior lending to the perception that he was perhaps too old for the job?

6 A You know, there were always conversations about how long he spoke for. Those date
7 back to prior to being President. So there were topics like that. Can we be shorter and more
8 crisp? There were discussions of should we get him into settings where he's not how we're dressed
9 today. There were conversations about makeup and things of that nature.

10 Q And I just want the record to be clear. When you're saying that there were
11 conversations, are you speaking about conversations specifically with First Lady Biden or with
12 everybody on this list that we're talking about?

13 A Well, thank you for clarifying.

14 When I think about the limited number of interactions on this topic with the First Lady, my
15 recollection would be that it was on this type of terrain we just talked about.

16 But there were active conversations across the senior team on this set of issues throughout
17 my time as chief of staff.

18 BY MS. HARKER:

19 Q Do you think, setting aside age for a moment, that voters were concerned that President
20 Biden was not mentally or cognitively fit to serve as President?

21 A You know, I don't think I have the polling expertise to parse that, if you will. I certainly,
22 as chief of staff, being with him all the time -- not all the time but most days, including in the
23 Situation Room or in the Oval Office -- I had no reservations about his ability to do the job.

24 Q A June 2024 poll that was conducted by CBS/YouGov found that, quote, "Seventy-two
25 percent of voters do not believe Biden has the mental or cognitive health to serve as President, as

1 well as nearly half of his own party."

2 What do you make of that?

3 A I, as I said, I'm not a poll expert. I don't know if that was a sense of him going forward
4 in the job or in the job.

5 What I do know is I had firsthand knowledge of interacting with him all the time, and he was
6 completely suited to be President, capable of making the very hardest decisions.

7 Q Do you think the voters who had these concerns were reasonable in having them?

8 A I don't have a perspective on that. I mean, they would not have those concerns if they
9 had the privilege I had, which was being at his side most days.

10 BY MR. GREENBERG:

11 Q I think one of the things that you said that was discussed to push back on this
12 perception of President Biden's age was having him not speak in a suit and tie.

13 Were you successful in those efforts?

14 A I think there was some progress on that front.

15 Q Was he -- did he, in fact -- was it effective in pushing back against the narrative?

16 A I don't have an ability to gauge that.

17 Q I think one of the things you said was applying makeup to the President was discussed.
18 Did you --

19 A I don't -- sorry.

20 Q Did you -- who did you have that discussion with?

21 A As I said, I know that was a topic of discussion. There was never any deep discussions
22 around that. But I was aware of the desire for him to, in public settings, make sure that makeup
23 was applied, which going back to my Obama days, that happened also, clearly. But there was let's
24 make sure that we have the discipline of that for public appearances.

25 Q Returning to the long list.

1 What was the nature of your conversations with Vice President Harris regarding these issues?

2 A I had regular meetings, standing meeting once a week, that probably happened two or
3 three times a month on average, with the Vice President.

4 I don't recall anything specific, but clearly this issue of age is one if not the biggest challenge
5 here. She too pushed on making sure that he was in the right settings and presented at his
6 strongest from public appearances.

7 Q Did Vice President Harris ever just ask you something along the lines of, "Mr. Zients, is
8 he okay?"

9 A No, not that I recall.

10 Q When was the last time you spoke with Vice President Harris?

11 A The Vice President called me once in that first month or two. She and the Second
12 Gentleman were on the phone, and it was probably three minutes, just saying hi. Otherwise, I've
13 not spoken to her.

14 Q And the first month or two, you mean post-administration?

15 A Yes. Thanks for clarifying. Yes. After January 20th.

16 Q And your conversations -- conversation or conversations with President Obama
17 regarding age, what was the nature of those conversations?

18 A Look, I think it's been widely reported that President Obama, post the debate, thought
19 that the Vice President -- sorry, the President, I apologize -- the President should consider getting out
20 of the race.

21 I want to emphasize, we never had any discussion about his ability to do the job.

22 Q But did President Obama raise concern about his ability to win reelection?

23 A Yes.

24 Q When was that conversation?

25 A I had some contact with President Obama around the turn of the year, 2019 going into

1 2020, and he felt that the campaign was not enough of an emphasis in terms of the balance of
2 governing and campaigning, and he was pushing for more time, more resources, more leadership on
3 the campaign. So he was worried about the reelect prospects.

4 And then I had the contact that I just talked about post the debate.

5 Now, I want to be clear that I was in touch with President Obama other times because he, A,
6 was someone that I wanted to get advice from, but specifically on AI and AI policy, which was an
7 emphasis particularly in the last 18 months of my tenure, last 18 months of the administration.

8 And President Obama took a real interest in AI and technology, so there would be periodic
9 meetings with him where I'd gather some of the team and we would get his views. It was really
10 helpful.

11 Q That's interesting.

12 President Biden -- or President Obama -- how often would you have conversations with him
13 about AI, do you think?

14 A I think that we had five or six conversations across those 18 months.

15 Q Did he weigh in on, like, policy?

16 A No. He just provided his perspective on what was happening, very tied into the tech
17 community. So it was good to get his perspective.

18 Q I'll get myself in trouble if I ask many questions about AI because I know nothing about
19 AI.

20 Is President Obama a Grok guy?

21 A I don't know.

22 Q During your conversations with President Obama, did he ever ask you if, in fact,
23 President Biden was okay?

24 A I don't recall any specific things about that. I mean, there was, "Is he able to win?" was
25 certainly a part of it.

1 But I think he, President Obama -- here I'm going to be very unclear on dates, and I helped
2 schedule -- my office helped with the scheduling of this, I remember -- did come to see -- spent time
3 with President Biden. I feel like it was maybe the spring of 2020? 2020. And they spent time
4 together.

5 And I think he walked out -- and I don't want to put words into the President's -- they were
6 talking about the reelect, and he felt -- and he left out of that feeling good; that the focus was there,
7 and it was a winnable race.

8 Mr. Spectre. Sorry. 2020 or 2024?

9 Mr. Zients. Sorry. 2024. My apologies. The struggle is always with when is the
10 election. But yes, 2024. Thank you for clarifying.

11 BY MR. GREENBERG:

12 Q You answered in the affirmative to my question regarding health, age, or ability to be
13 President for Ms. Annie Tomasini.

14 What was the nature of those conversations?

15 A It's the age part of that, and it was around the topics that we've been talking about.
16 How do we get him more time to do his reading? How do we make sure that he has appropriate
17 family time? How do we make sure that when he's in public he's presenting, clothing and other
18 things, at the very, very best? Things of that nature.

19 Q Did you ever speak with Ms. Tomasini about any kind of physical accommodations that
20 could be made to account for President Biden's physical aging?

21 A There was -- and this has been reported on -- I don't recall the specific conversations
22 about ensuring that he was -- the stumble, the fall that he had -- which could happen to any of us,
23 right? -- that it not happen again or minimize the probability of that. And so how do you reduce the
24 number of steps and things of that nature.

25 So that's been reported on publicly, so that jogs my memory. But Annie was point for the

1 President, so she was always thinking about his well-being and making sure he got his exercise
2 sessions in and all the rest.

3 Q I have read the reporting on fewer steps being used in various settings for President
4 Biden.

5 Similarly, was there ever any discussion about distance, having distance being an issue for
6 President Biden to walk, or anything like that?

7 A I think that was part of the same conversations, just minimizing the steps, as we talked
8 about. I don't have specific recall, but that sounds possible.

9 Q Have you ever had conversations with Ms. Tomasini about events being too late in the
10 day for President Biden?

11 A There was always -- overseas travel, which I did none of in the chief of staff job -- did
12 one overseas trip when I was the COVID coordinator -- but it's a brutal schedule, on top of the time
13 changes and travel and all the rest.

14 So there was always, particularly on those trips, consideration of how do we make sure he has
15 some time to rest, sleep.

16 So in those settings, absolutely. And if you're the National Security Advisor, you're pushing
17 for as many meetings, as many dinners, as many meals, just getting that balance right.

18 Q Are you aware of any discussions regarding Jake Sullivan having to and kind of make the
19 same kind of accommodation for his schedule?

20 A In terms of --

21 Q Going to sleep or going to bed earlier?

22 A Well, as I just mentioned, Jake's -- Jake and Jake's team were the point for what should
23 the President, could the President do on an overseas trip. And not surprisingly, if there's 10 hours
24 of time the President can dedicate, there's 100, or some big multiple demand.

25 So Jake was obviously part of that conversation of how do we triage and how do we fit in the

1 most important things. And he was respectful of the fact that 10 couldn't become 12 or 14.

2 Q So just to return to Ms. Tomasini, is it your testimony that your conversations with her
3 regarding age or health were limited to the perception of age and a few physical accommodations
4 that needed to be made to account for his physically getting older?

5 A There was also discussion, particularly if he was under the weather, of balancing his
6 schedule accordingly. Sleep and making sure there was enough time for him to get a decent
7 amount of sleep.

8 So, yes, I mean, I don't want to say it was only the perception.

9 Q Did you ever have any conversations with Ms. Tomasini about any kind of medication or
10 medical treatment that the President should or was, in fact, receiving?

11 A Not that I recall.

12 Q Do you remember having any conversations with anyone in the White House, besides
13 Dr. O'Connor, regarding the President's medications or medical treatment?

14 A Now, as you say that, there was -- and I think this was reported on -- he had sleep
15 apnea. And the reason I know that is there was -- speaking of perception -- there was something on
16 television that showed what -- I assume it's -- I don't have sleep apnea, but the bands or whatever it
17 is that's required. So there was discussion of sleep apnea in the context of the press saying, "What
18 are those marks?" or whatever it was.

19 Obviously there were issues in that he got COVID twice while he was President. And that
20 was a tricky period of time when someone has COVID and they're President of the United States.

21 So there was a lot of discussion about that in terms of him getting the right space to recover
22 and also the protocols of the White House and interacting with him.

23 Q The reason -- part of the reason I ask is because Hunter Biden has recently said in a
24 podcast interview that prior to the debate they -- and I'm putting "they" in air quotes because he
25 wasn't clear who -- provided Ambien to the President before his debate with President Trump.

1 Are you aware of anybody giving the President Ambien?

2 A If anyone would have given him Ambien, it would have been his doctor. Other than
3 that reporting, I have no recollection of Ambien and the President. Dr. O'Connor saw the President
4 on a daily basis and was his doctor.

5 Q And --

6 A So bottom line, I have no idea.

7 Q Understood. And just to -- not to make the list longer than it already is -- but just to be
8 clear, you have never spoken with the First Lady about medication the President was receiving or a
9 medical treatment the President was --

10 A I have no recollection.

11 Q What was the nature of your conversations with Ms. Jean-Pierre about the President's
12 health, age, or ability to be President?

13 A I have no specific on her. She -- Karine was part of a daily meeting I did in the chief of
14 staff's office along with 10 or 12 other senior members of the team every day at 8:15. And so she
15 was there.

16 And as we've talked about, it was not an infrequent conversation around this perception of
17 age and how we use the President's time. And so she would have been exposed to all of those
18 issues.

19 I don't know if -- she would also be getting a barrage of questions all the time, and some of
20 those were probably age related.

21 So it could very well be that at that table or smaller settings, it might have been part of
22 conversations that were, "How does Karine respond to this question or that question?"

23 Q Did Ms. Jean-Pierre ever ask whether the President was, in fact, capable of doing his
24 job?

25 A No.

1 Q What was the nature of your conversations with Bill Daley regarding the President's
2 health, age, or ability to be President?

3 A Daley I knew from the Obama administration. He was chief of staff for a year, so when
4 I was over at OMB. I actually knew Bill a little bit prior to entering government a little bit from the
5 private sector.

6 So I talked to other chiefs of staff occasionally, going back to the Whipple chief of staff best
7 practices.

8 Q One of the experts.

9 A What's that?

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[11:01 a.m.]

Mr. Greenberg. One of the experts.

Mr. Zients. Yes, one of the experts.

In fact, chiefs of staff, both Republican and Democrats, I hosted a dinner for former chiefs of staff at my office, at my house twice.

So Bill called specifically on this issue. Bill called -- and I'm not going to get the timing precise here, I would have said -- I will get the year right -- spring of 2024 -- with feedback that he didn't think the President should debate.

So it would have been the spring because that is when the decision was being made about the debate. But he didn't think that debating the former President would be a good setting for President Biden, or, frankly, I think Bill thought he was very difficult to debate, the former President, period.

Mr. Greenberg. But President Biden had previously debated President Trump, so why did -- what had changed?

Mr. Zients. Bill had -- I think the primary -- this is my recollection -- the primary issue was what I just said. I think Bill, if I am recalling correctly, had also seen President Biden recently and thought that the idea of him spending his time that way, in that kind of setting, would not help with this perception of age.

Ms. Harker. How did your conversation with Mr. Daley relate -- I guess you just answered my question as I was thinking. Could you repeat that for me?

Mr. Zients. I think there were two components.

One, I think -- and I don't want to put words in Mr. Daley's mouth, but this is my recollection, it was all of like a 5-minute call that I remember. I was in my West Wing office and he asked to speak, so I took the call. And I think there were two things.

One, I think, my recollection, is that he thought that debating the former President was not a good thing for anyone to do. He didn't think that the debate would be one that necessarily followed the rules.

And then, secondly, he did not think that the President in that setting, that that would help with this public perception issue of his age.

Ms. Harker. Do you know why?

Mr. Zients. I don't know. But he was strong in his advice that the President should not debate.

Now, that was not the advice we followed. The President debated.

Mr. Greenberg. Was it just the one conversation that you had with Mr. Daley where this question of age had come up?

Mr. Zients. I believe so.

Mr. Greenberg. Okay.

Mr. Zients. But I -- we are going back in time, but I believe so.

Mr. Greenberg. I think we will pause there and we will go off the record.

Mr. Zients. Thank you.

[Recess.]

Ms. [REDACTED] We'll go on the record.

Thank you, Mr. Zients, for being here today. We just had a few questions.

EXAMINATION

BY MS. [REDACTED]

Q Previously, in the previous hour, you mentioned to our minority that the President had stumbles, stumbles that increased over time as he aged.

Did you ever have concerns about his ability to do his job as a result of these stumbles?

A I never did.

1 Q And do you think these stumbles were the result of his mental -- impacted his mental
2 acuity that he needed to do the job?

3 A Can you repeat that?

4 Q Do you believe that the stumbles, his stumbles, do you think his stumbles impacted his
5 mental acuity to be able to do the job of the President?

6 A No, I do not.

7 Q And you also mentioned some physical accommodations that were made for the
8 President. Is it fair to say that these accommodations were not an effort to conceal the mental
9 decline of the President?

10 A That is accurate.

11 Ms. [REDACTED] The alleged mental decline of the President.

12 BY MS. [REDACTED]

13 Q The alleged mental decline of the President.

14 And was it ever your view that President Biden was unable to make decisions about matters
15 within the scope of his Presidential duties?

16 A Never.

17 Q And was it ever your view that President Biden was unable to fully execute the duties of
18 his office?

19 A I never had any reservations.

20 Q And did you ever have any concerns about President Biden's ability to handle significant
21 policy matters?

22 A Not at all.

23 Ms. [REDACTED] We'll go off the record.

24 [Discussion off the record.]

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

1 BY MR. GREENBERG:

2 Q Mr. Zients, I want to just return to the long list that we were talking about in the last
3 hour. I believe we left off with conversations with Mr. Sullivan regarding the President's health,
4 age, or ability to be President.

5 Can you describe the nature of those conversations?

6 A What I recall is conversations that I think I mentioned earlier around, in particular,
7 overseas trips, how to use the President's time.

8 I think there were conversations -- there certainly were also conversations around this issue
9 of the reelect and age, the perception of age, and how does that play into the likelihood of him being
10 reelected.

11 And then there were some conversations around some of what we were talking about earlier,
12 the increased frequency of verbal gaffes, the impact that they had on that perception or whatever.

13 There was conversations -- I don't think I've mentioned this yet -- one thing that I do think
14 happened across the time that I've worked with President Biden is sometimes you need to -- if a
15 meeting topic was on a three, hypothetically, three-meeting scenario to get to a decision, you might
16 need a fourth meeting, whereas maybe at the beginning of the administration it would have been
17 three.

18 So there was some of that in terms of how it fit into, not decisionmaking, I think Mr. Sullivan,
19 him and I had conversations about how good the President's decisionmaking was in the Situation
20 Room. Obviously you are dealing with the highest stakes. But in terms of needing that additional
21 meeting or whatever, how that fit into the overall White House schedule.

22 Q And you've mentioned that a lot of these conversations in this vein with various people
23 had to do with the President's likelihood of reelection.

24 Do you recall any conversation in which somebody said to you that they believed the
25 President could, in fact, not be reelected because of age, health, ability to be President, or

1 perception thereof?

2 A I don't have a specific recollection, but I think, yes, people were really worried about
3 him getting reelected, which I think is the case in any campaign, particularly one that was as tight as
4 this one started out being, and that that was the number one issue, as we talked about.

5 So I know there were conversations with many of these people about, "Can we get this done?
6 Can he be reelected?" And the focus of that was often -- most often around the age issue. That
7 was seen as his biggest issue.

8 Again, I want to emphasize, the perception of his age by the voting public, which is what
9 matters to the voting public.

10 Q Did you notice a change with -- did you notice any change with Mr. Sullivan regarding
11 these conversations after the debate President Biden had with President Trump?

12 A Let me articulate my own position first, which is I believed after the debate that it made
13 sense for the President to exit the race. My recollection, and I don't want to speak for Mr. Sullivan,
14 my recollection is he shared that view.

15 Q Did Ms. Dunn share that view?

16 A Did Ms. --

17 Q Ms. Anita Dunn?

18 A Again, I want to be careful here, I'm just going back on my memory and my perception
19 or recollection of the position. I believe Ms. Dunn supported him staying in the race.

20 Q And what were -- going back to the original question -- what were the nature of your
21 conversations -- what was the nature of your conversations with Ms. Dunn about the President's
22 health, age, ability to be President, or perceptions thereof?

23 A Consistent with what we have talked about. Anita was head of communications for
24 much of that time. And the issue of how do we present the President in the most favorable light
25 given these concerns of the voting public about age. So the things we have talked about already.

1 Q And not to split hairs, but I understand there can be conversations about probabilities of
2 the President winning reelection, but did Ms. Dunn ever express to you that she believed that he
3 could not win reelection?

4 A No, that's not my recollection. She was worried about whether he could win
5 reelection. But I don't recall -- in fact, I'd be very surprised if there was any absolute statement that
6 he can't, because she believed he could.

7 Q And Mr. Donilon, what were the nature -- what was the nature of your conversations
8 with him regarding this matter?

9 A Consistent with what we have been talking about in terms of he was the tip of the spear
10 on what it took to get the President reelected, what it would take. And he was concerned about
11 the perception of his age. So it would be the same set of topics we've been talking about.

12 Q There has been some reporting that Mr. Donilon and others were keeping certain
13 polling data away from President Biden or presenting it to him in a way that was overly favorable.

14 Are you familiar with any of that reporting?

15 A Yes, I am.

16 Q Do you agree with that?

17 A Not -- I think -- I don't agree with what the conclusion of that type of reporting is, or at
18 least some of it, I believe, that, therefore, the President didn't see negative polls or that things were
19 being spun in an unrealistic way.

20 I think inevitably when you're in Donilon's position, it could be that a random poll comes out
21 and you decide that's not bad in this hypothetical, and you don't show it to him. But I think it is
22 inaccurate to say that the President wasn't exposed to the polls and the challenges that he faced.

23 Q Your conversations with Mr. Ricchetti regarding the President's age, health, ability to be
24 President, can you describe those?

25 A Same set of issues in terms of perception, what settings he should be in.

1 Mr. Ricchetti has a lot of political experience, so he would be thinking through let's get him in
2 front of this audience or that audience, that'll be good and energetic and show his vitality. But
3 nothing specific beyond the general things we've talked about with everybody.

4 Q And to return to Mr. Donilon real quick. Did Mr. Donilon after the debate express to
5 you or, to your knowledge, anyone else that President Biden should probably exit the race?

6 A No. I think Mike was very clear that the President should stay in the race.

7 Q What about Mr. Ricchetti?

8 A Same. I think Steve believed that the President should stay in the race.

9 Q Is it fair to say that there were two camps that were both very close to President Biden,
10 one expressing that the President should stay in the race and one that he should exit the race?

11 A I'm not sure I'd characterize it as camps. I don't think for anyone it was like a binary
12 100 percent.

13 So while I would characterize my own position is it made more sense for him to get out, it was
14 not as if I didn't understand other arguments or possibilities.

15 So I wouldn't characterize it as camps, but people had views.

16 Q Who besides Mr. Sullivan also shared that kind of view, to your knowledge, who was
17 working in the White House?

18 A No one comes to mind. It doesn't mean that there weren't other people. But myself
19 and Jake. I think -- but I want to emphasize, it's not as if anyone didn't see the importance of the
20 issue and the complexity of the issue.

21 Q Understood.

22 Ms. O'Malley Dillon, what were the nature of your conversations regarding age, health, or
23 ability to be President with her?

24 A She was not in the White House.

25 Q Correct.

1 A Right.

2 She was worried, as the chair of the campaign, about the challenge of the age issue from a
3 perception perspective. She was right on the front lines on that. She had a lot of input on where
4 should the President travel to, what kind of events should he do, that helped to address this issue
5 of -- and she was hearing it from voters and hearing it from some donors and others.

6 Q Did Ms. O'Malley Dillon ever express that she believed it was time for -- it made most
7 sense for President Biden to exit the race?

8 A I recall conversations with her. I would put her in a category of she was ready for
9 either alternative. I don't recall her expressing a strong view either way.

10 But Jen is so good and so prepared for everything, she saw it as her job to make sure that the
11 President maximized his, during that period, maximized his options, and was very strong on helping
12 to think through the strategy post-debate.

13 Q What were your conversations regarding health, age, ability to be President, what were
14 the conversations like with Mr. Bernal?

15 A I believe -- my recollection is he wrestled with both sides of the issue, but that he
16 believed the President should continue to stay in the race.

17 Q And what was, to the extent you know, what was he wrestling with?

18 A I think he was thinking through what's best for the President and the country, and he
19 thought that the President would be the best candidate to win and to govern.

20 But at the same time he knew that it was very challenging. It was challenging before the
21 debate given the perception around age, and it was even more challenging after.

22 So I don't think he thought, "Oh this is clearcut," but I think at the end of the day my
23 recollection is he believed he should stay in the race.

24 Q How long have you known Mr. Bernal?

25 A I certainly met him or interacted with him some during that transition period. I don't

1 think I met him before that.

2 Q How often would you interact with Mr. Bernal in your job as chief of staff?

3 A Daily. He was part of that meeting that I described.

4 Q In that meeting, did that meeting occur, like, at 8 o'clock or around there every
5 morning?

6 A I think it was 8:15.

7 Q And then there was, it is my understanding, a subsequent meeting after that that would
8 bring in a larger group of people in the White House?

9 A Yeah. So the 8:15 was a dozen or so of the senior-most folks in my office, and then we
10 would go to the Roosevelt Room. And that was a larger group. I would guess that was 40 or so.

11 So you really transitioned -- it's not that every assistant to the President was in the early
12 meeting, but all assistants to the President, or most, plus the deputy assistants to the President
13 attended the Roosevelt Room meeting at 8:40.

14 Q I will ask an open-ended question, and if you want a more specific one I will ask it.

15 Can you describe the nature of the dynamic between you and Mr. Bernal in the White House?

16 A Be a little more specific, please.

17 Q Sure. Did Mr. Bernal ever come to you with either hiring or firing requests?

18 A Possibly, but I don't specifically recall anything.

19 Q When Mr. Bernal would speak with -- speak to you, did he convey that this was -- that
20 he was speaking on behalf of the First Lady or himself?

21 A Generally himself. I mean, occasionally he'd say, "I've had a conversation with the First
22 Lady and here is her input." That was generally on topics where the First Lady had a lead role, like
23 women's health or cancer or veterans.

24 But I think there was -- we all knew that they worked together very -- they were working
25 together very closely and that most of the time when they -- in many moments he was representing

1 what he thought were the First Lady's views, whether he'd spoken to her or not.

2 But I want to emphasize that he was also good on topics that had nothing to do with the First
3 Lady. Very experienced person, particularly on communications, has good instincts and strong
4 views, right, which I find helpful at a table, whether it ultimately is the prevailing view or not. I
5 encourage people to speak their minds.

6 Q Did Mr. Bernal provide his strong views regarding the President's appearance?

7 A I don't have a specific recollection, but I'm certain that he was one of the people in
8 terms of thinking through settings, frequency of interactions, because, again, he was quite good on
9 communications.

10 Q You said you might have spoken with Neera Tanden regarding health, age, ability to be
11 President. Do you remember the nature of those conversations?

12 A Neera was at the table, the 8:15 table, versus many of the people we've talked about,
13 fewer of those interactions.

14 She wasn't part of the communications team or the political team. She was the head of
15 Domestic Policy Council. So she would have been exposed to some of those discussions, but she
16 wasn't deep into those discussions.

17 Q How often would you interact with Dr. Kevin O'Connor?

18 A During COVID, some. The White House protocols on COVID evolved across time. And
19 as COVID coordinator, I wasn't point on that, but I helped inform that process, and he helped inform
20 that process.

21 I'd see him in the hallways. When you're headed from the West Wing to the East Wing you
22 walk right by his office. I probably saw him four or five times for random colds or when my back
23 feels funny, and he'd tell me to try to get some sleep.

24 But I think that was the -- that was the everyday of -- not everyday, but the
25 once-a-month-type interaction with Dr. O'Connor.

1 He was also with the President a fair amount, so I would see him when the President
2 was -- we'd do meetings in the East Wing next to the doctor's office sometimes, particularly when the
3 President was about to travel.

4 And so the President oftentimes would see Dr. O'Connor and talk to him, or whatever, and
5 you'd see the two of them and then walking away.

6 Q And we're talking about the time frame when you were chief of staff and COVID
7 director, correct?

8 A Yes.

9 Q Was Dr. O'Connor ever part of conversations regarding the public's perception of
10 President Biden's age or health?

11 A Yeah, I think -- not directly. Dr O'Connor clearly wasn't at my 8:15 table we've been
12 talking about.

13 I do recall the communications team brought forward, led by Anita, the question of whether
14 the President should have a cognitive test when he did his physical -- which he had not done, and
15 there had been some coverage around that -- and that came to the table.

16 I don't recall Dr. O'Connor being in the room. In fact, I think he was not in the room. But
17 the discussion was I think appropriately raised by the communications team given the big challenge
18 we've been talking about, the perception of age.

19 At the end of the day that was a decision that was deferred to Dr. O'Connor, Dr. O'Connor,
20 who was with the President, as we've talked about, most days, many times more than once.

21 Ms. Harker. Did you express an opinion as to whether President Biden should undergo a
22 cognitive exam?

23 Mr. Zients. I listened to the communications team, and then I had anything to do with the
24 President's health and well-being deferred to Dr. O'Connor. So I was clear this is Dr. O'Connor's
25 terrain.

1 Ms. Harker. What did the other folks at the meeting say?

2 Mr. Zients. There was discussion of would doing the test help on this perception issue,
3 would it actually hurt because people would say, well, that's a very simple test.

4 But that's all, I think, appropriate stuff that the communications team was raising. At the
5 end of the day, all health issues were between the President and Dr. O'Connor.

6 Mr. Greenberg. Were you ever part of the conversation with Dr. O'Connor in which you
7 heard him say that he wasn't going to or he didn't think it was necessary to administer a cognitive
8 exam to President Biden?

9 Mr. Zients. Possibly. I don't specifically recall.

10 I did have, because we're talking about Dr. O'Connor, I don't want to mis- -- I do recall
11 post-debate having a discussion with Dr. O'Connor where I thought that it was important for the
12 President to get a full workup as -- in response to the debate, and Dr. O'Connor took that on board.
13 I do recall that conversation.

14 Mr. Greenberg. I'm sorry. I didn't hear what -- Dr. O'Connor, how did he respond to you?

15 Mr. Zients. He took it on board as he clearly was thinking about it and made his own
16 decision.

17 Mr. Spectre. Did you specifically mention a cognitive test to Dr. O'Connor?

18 Mr. Zients. I don't believe I did, but a full workup is a full workup. I don't know what that
19 includes or doesn't include.

20 BY MR. GREENBERG:

21 Q We are almost at the end of a long list.

22 What were the nature -- what was the nature of your conversations with Jen Psaki regarding
23 the President's health or age?

24 A I said yes to that in that I talked to Jen every few months, and obviously as a former
25 communications person the issue of how is the President presenting to the American public probably

1 was part of what we talked about. But I don't have any specific recollection. But much less so
2 than the other people. She wasn't part of the West Wing.

3 Q Did Ms. Psaki ever make recommendations about how to improve the President's
4 perception?

5 A Not that I recall.

6 Q Mr. Bates, Andrew Bates, what were the nature of your conversations there?

7 A Much, much less extensive. He was clearly not at the 8:15. He was a deputy.
8 Andrew's primary role, the way I saw it, was to take on the hardest communication issues. I
9 don't think -- that doesn't mean that his terrain was age by any stretch. It was more like something
10 happens in the country or -- but I'm sure some of those had to do with a POTUS gaffe or something,
11 so I'm sure I had interactions there. But he was not exposed to these more strategic discussions
12 that we were talking about earlier.

13 Q Understood.

14 Speaker Pelosi, you answered in the affirmative regarding conversations about the President's
15 health or age. What can you tell me about those conversations?

16 A You know, again, I don't have a specific recollection, but given I did talk to her on a
17 relatively frequent basis I'm sure -- and also she is very experienced in campaigns and campaigning.
18 So I think it's very possible that the topic had come up, but I don't have any specific recollections on
19 that front.

20 Q Did Speaker Pelosi ever express to you that she believed it was time or appropriate for
21 the President to drop out of the race?

22 A I do not recall any interactions with Pelosi between the debate and his decision to drop
23 out. She met with President Biden, but I don't think I was even involved in the logistics of that. I
24 could -- my office could have been involved in the logistics of that. But I don't recall any specific
25 conversations with Speaker Pelosi.

1 Q Do you remember if in her meeting with President Biden it was -- if she expressed to
2 him that she believed it was time for him to drop out of the race?

3 A That was not my -- I think my takeaway that I recall was that she was concerned. I do
4 not think -- I have no reason to believe that she explicitly said he should drop out of the race.

5 Q And when you say she was -- that your takeaway was that Speaker Pelosi was
6 concerned, was she concerned about the President's health or age in and of itself?

7 A No. I think, as I said, she was obviously very, very concerned that the Democratic
8 nominee become the President, and she was worried about the perception issues around age. And
9 the debate obviously heightened those concerns. But I never had any conversation with Speaker
10 Pelosi about his ability to govern and do the job.

11 Q What were the nature of your conversations with Senator Schumer regarding the
12 President's age or health?

13 A Schumer pushed, I think it was Schumer himself, to get the campaign team to come to
14 the Hill and meet with the Democratic Caucus. So there were discussions around that, which ended
15 up happening.

16 I believe generally Jen O'Malley Dillon, Steve Ricchetti, and Mike Donilon went to the Hill.
17 So it was very pushed on that in a hard way.

18 I can recall him circling back after that saying that he appreciated the team doing that, but
19 that the caucus was still very, very concerned, and then him wanting time with the President, and
20 helping to facilitate that.

21 Q And he, in fact, received time, correct, with the President?

22 A Yes. I believe it was when the President was in Rehoboth.

23 Q Do you have an idea of what was conveyed by Senator Schumer to President Biden?

24 A At the time I did not know for certain. I had assumed that he was going to deliver a
25 pretty tough message.

1 I think he called me to thank me for arranging it. He did not tell me the specifics. But my
2 perception, just based on the skepticism of the caucus, was that it was going to be a difficult
3 message.

4 Q Did Senator Schumer ever express his own opinion whether the President should drop
5 out?

6 A He was -- I think I interpreted it as his own opinion. I don't know if he said "I," but
7 based on how he was presenting the caucus my takeaway was that the leader was skeptical, at least
8 skeptical about the President staying in the race.

9 Q And Leader Hakeem Jeffries, do you remember any conversations regarding these
10 matters with him? Do you remember any conversations regarding these topics of health or age
11 with Leader Jeffries?

12 A Similar. Not specific like I just conveyed on Schumer, but like Pelosi, as now the
13 Speaker, obviously very concerned about the President's reelection prospects and worried that age
14 was the issue, and the debate made it more intense and more front and center -- even more intense
15 and even more front and center.

16 Q Did Leader Jeffries ever express whether he believed he thought it was time for
17 President Biden to drop out of the race?

18 A Not that I recall.

19 Q Returning to my general questions, do you remember any other Senator expressing a
20 concern -- strike that.

21 Do you remember any other Senator saying they believed that it was time for President Biden
22 to drop out of the race to you personally?

23 A I would think that's very possible just given the number of Senators I interacted with.
24 Nothing -- I don't remember any specific incident.

25 But I would, just given the number of -- what I just said about the caucus and how that went,

1 whether it was before the caucus or after the caucus, that many, many Senators were skeptical and
2 many believed he should get out.

3 I think it's likely, more than possible, that someone expressed -- multiple expressed that to
4 me, but I don't have any vivid recollection.

5 Ms. Harker. What is your understanding as to why the caucus was very concerned about
6 President Biden staying in the race after the debate?

7 Mr. Zients. I think there was a level of concern to begin with in terms of age and could he
8 overcome the perception of his age.

9 And then I think there was a belief post-debate that that was not overcomeable, and,
10 therefore, not uniform, but for those who believed he should get out, that it was more likely that
11 someone else could be the next President from the Democratic Party than President Biden.

12 BY MR. GREENBERG:

13 Q Is your answer regarding Senators expressing their concern, is that applicable to
14 Members of the House as well?

15 A Yes, though I took fewer of the House calls. Steve -- Steve took -- Steve Ricchetti took,
16 as the sort of head of congressional relations, many more calls, in general, but my calls were more a
17 mix of Senators than Members of the House.

18 Q Besides Nancy Pelosi or Hakeem Jeffries, do you remember any specific calls that you
19 had with House Members?

20 A I don't, but it's very possible they occurred.

21 Q Do you remember any conversations with members of the Cabinet wherein they
22 expressed that they believed the President should drop out of the race?

23 A Drop out of the race, yes. I don't think any of them were as definitive as drop out of
24 the race, but concerns about could he win.

25 Q Do you remember who was --

1 A Can I go backwards one --

2 Q Sure.

3 A -- because someone did pop into my head.

4 I spoke to Jayapal a fair amount. And I don't recall talking to her specifically then, but
5 remember that there became a Progress Caucus meeting with the President. Steve certainly would
6 have been handling most of that, but it is possible that I talked to -- more possible than anyone else
7 that I could think of that I spoke to her during that period of time because I probably spoke to her
8 once every few months in my chief of staff role.

9 Q Understood.

10 Who on the Cabinet was expressing concerns about the President's ability to win reelection?

11 A I recall Gina Raimondo. I recall, but this is for sort of a different reason, I'm very close
12 to Denis McDonough. I worked with him in the -- when he was chief of staff and I was at NEC. We
13 stayed in touch. We were friendly in between.

14 And then, when I became chief of staff, obviously an incredible adviser to me on how you can
15 be an effective chief of staff.

16 So I'm certain I talked to Denis. I don't remember Denis having a firm view. We certainly
17 talked through the pros and cons.

18 I'm just thinking through the Cabinet members that I was closest to. No one else comes to
19 mind, but I'm sure there were other conversations.

20 Q Did Secretary Austin ever contact you with concerns about the President -- either the
21 President's reelection ability or his underlying health or age?

22 A No. I mean, I had a fair amount of contact with Secretary Austin, and I know that
23 Secretary Austin was very admiring of the President's leadership, particularly in the Situation Room.

24 Q Did Secretary Blinken ever express concern to you about the President's reelection
25 capabilities?

1 A As you prompt on that, yes. I don't know where Secretary Blinken netted out in his
2 advice to the President, if he gave advice to the President, but he definitely is someone who had
3 worked for years with the President, was concerned.

4 Q Did Attorney General Garland ever contact you with concerns about the President's
5 reelection ability?

6 A No.

7 Q Did Secretary Becerra?

8 A Not that I recall. Not that I recall. I mean, I'm just thinking through. He was a
9 Cabinet member who I had a lot of contact with when I was doing COVID and much less when I was
10 doing chief of staff duty. But I don't recall any conversation there.

11 Q And how about Secretary Mayorkas?

12 A I did have a fair amount of contact with him, so it's possible. I don't have any specific
13 recollection, but it's certainly possible.

14 Q Thank you. We're through my list.

15 But regarding the list, and actually beyond the list, when you were having these
16 conversations, or throughout your time as chief of staff, did anybody ever contact you and say -- and
17 ask you if the President actually was okay, if he was doing okay?

18 A Yes, I can remember, like, a donor -- I can't even remember which donor. I remember
19 getting a call after one of his fundraisers. I can't place who it was, but I took the call, and that
20 person was concerned.

21 BY MS. HARKER:

22 Q What were they concerned about?

23 A I think he had not performed particularly well, and they were struck by his use of the
24 teleprompter in a smaller setting, which I explained was because we needed to make sure these
25 fundraisers didn't go on too long, and it was hard to keep that discipline absent the words being on

1 the screen. But it was at the -- it was all about could he win reelection.

2 Q Did the donor's concerns, did they attribute those concerns to issues related to age or
3 the perception thereof?

4 A I don't have a specific recollection, but, yes, the President's age is the most difficult issue
5 in the context of the reelect, one of the most difficult issues, and his perception at that fundraiser
6 was that he wasn't able to put those perception issues to rest.

7 Q Do you recall when you received this phone call?

8 A I don't.

9 Q Was it in 2024? 2023?

10 A Well, the reelect started in June of 2023. I think those -- I think it was a fundraiser, a
11 small fundraiser. Those would have kicked in, I believe, in the spring of 2024.

12 BY MR. GREENBERG:

13 Q In your time in the White House, how often would you see Hunter Biden? I know
14 that's a broad question. But if you could just estimate how often he was around while you were
15 around, I would appreciate it.

16 A Very rarely, if at all. Well, in the West Wing, very, very rarely. You know, if there was
17 a state dinner, or if I was over in the West Wing -- in the East Wing doing a meeting with the
18 President and he happened to be in town. So not very frequently. But a half dozen times a year in
19 those kinds of settings.

20 Q Did you notice an uptick ever in, particularly towards the end of the administration,
21 when Hunter Biden was around?

22 A Yes. Towards the end. I think he -- I don't have perfect recall on this, but for an
23 extended period of time towards the end I think he was living with the President as the family sort of
24 gathered in those final weeks of the Presidency.

25 Q Did you ever raise -- did you ever have any concerns about Hunter Biden being in a

1 meeting, that it was strange to you he was there?

2 A I want to be clear, there was never anything in terms of him being anywhere close to
3 national security or classified information.

4 Somewhat during the final weeks in some of the pardon discussions. It wasn't
5 inappropriate. The President can have whoever he wants in the room. But it wasn't -- he also
6 wasn't a member of my team, which was everyone else who was in the room.

7 So I don't want to -- it wasn't necessarily specific to him, but the idea that someone who is not
8 part of the White House team the President had opted to be in the room.

9 Q Which pardon discussions?

10 A It was towards the end. What comes to mind is the family discussions. But I don't
11 know -- that doesn't mean that was it. It was the pardons towards the end, very end of the
12 administration. And I think it was a few meetings, not many meetings.

13 Q Do you remember what Hunter Biden would say during those meetings?

14 A I don't remember any of the specifics.

15 Q Was Hunter Biden -- is it fair to say that Hunter Biden was a political issue that you
16 had -- you and the White House had to deal with during your time as chief of staff?

17 A Yes.

18 Q Who was in the White House -- was there anybody with a Hunter Biden portfolio?

19 A You know, I think the White House counsel's office had some interaction
20 with -- appropriate interaction with Hunter's legal team because some of the issues involved White
21 House equities or the President's equities.

22 I think the communications team spent time on this because it was, as you said, a major
23 political issue for the President.

24 Q Have you ever spoken with Abbe Lowell or another member of Hunter's legal team?

25 A I met Abbe Lowell once at a state -- it wasn't -- I don't know if it was a state dinner, but

1 some function at the White House.

2 Q When was that?

3 A It was when I was chief of staff. I don't remember when. But it was just a pure social
4 conversation. He introduced himself. I didn't even know who he was until he said, "I'm Abbe
5 Lowell."

6 Q And just to be clear, you never spoke with any other, to your knowledge, any other
7 member of Hunter Biden's legal team?

8 A Not to my knowledge.

9 Q How often would you see James Biden at the White House?

10 A A couple of times. Three times. I don't know. Not more than that.

11 Q When was the most recent time?

12 A I don't know. You know, I didn't know him at all. And I don't -- I barely -- I think I've
13 had interactions with him at the level of, like, three, five, ten minutes in total.

14 Q Was he ever in any of the meetings regarding conversations about pardons?

15 A No, not that I know of. Nothing that I was in.

16 Q And you never -- have you ever spoken with anybody who was part of James Biden's
17 legal team?

18 A Not that I recall.

19 Q Was any member of the Biden family part of conversations regarding pardons of the
20 Biden family besides Hunter Biden?

21 A Not that I recall. Not in meetings that I was in.

22 Q And just to be clear, I'm including the First Lady in this.

23 A That's what I was thinking through. I have no recollection of her being in those
24 meetings.

25 Q Shifting gears.

1 When did it become your impression that President Biden intended to seek reelection?

2 A When I came in -- when the process started of the President finding a new chief of staff,
3 then asking me if I would meet with him. The job of chief of staff is quite different when there's a
4 reelect than when there isn't.

5 I mean, the demands on the President's time increase significantly. That is one of the main
6 issues that impacts the chief of staff. So I asked the President if he had made up his mind.

7 And so this is -- I started on February 8th, 2023, I think I met with him in January, could have
8 been December, January of 2023 or December of 2022, and asked him the question, and he said,
9 "Yes, I'm running for reelection."

10 Q Did that surprise you?

11 A It didn't surprise me. I mean, I think that in my conversations with Ron and others said
12 that he is likely doing it. I asked the question because I hadn't gotten certainty, and he gave me
13 certainty.

14 Q In my long list of names, I don't think I included Mr. Klain.

15 Did you ever have conversations with Mr. Klain about the President's age or health?

16 A Sure. Yes.

17 Q What was the nature of those conversations?

18 A You know, I think we talked about it earlier, as I was transitioning in, this perennial or
19 perpetual challenge of the schedule and making sure that we got that balance right.

20 At that point, even though there wasn't a reelect, there was still -- officially
21 announced -- there was still all the issues of the perception of age. So we talked through that.

22 I'm guessing -- or I think it's highly possible -- we had other interactions.

23 Ron and I, when I first went into the job, would talk every few weeks. As he got busy with
24 his new job in the private sector, and I sort of got my feet on the ground, I would say it was every
25 month or two.

1 Q Did there ever come a time when he expressed that he believed it was time for the
2 President to bow out of the race?

3 A No. My understanding of Ron's position was that he believed that the President
4 should stay in the race.

5 Q Vice President Harris, my understanding, is writing a memoir, and it's not released yet.
6 But there are portions of it that have come out, some quotes. I'm going to read one to you.

7 Quote: "'It's Joe and Jill's decision.' We all said that, like a mantra, as if we'd all been
8 hypnotized. Was it grace, or was it recklessness? In retrospect, I think it was recklessness. The
9 stakes were simply too high. This wasn't a choice that should have been left to an individual's ego,
10 an individual's ambition. It should have been more than a personal decision."

11 Do you agree with that?

12 A Well, I think what she's referring to there is not the President's ability to govern. I
13 think she was quite clear, in my interactions with her, not post-Presidency, that she believed the
14 President was a strong President.

15 You know, when I came in as the chief of staff -- and I think this was reported in one of the
16 books, which I have not read, but I've seen the excerpts -- that I believed that we should kick the tires
17 more on the decision because it was such a big decision, in light of the issues we've been talking
18 about, the perception of age.

19 So I think -- I don't know how much Vice President Harris was part of the process that led up
20 to the President's decision to run again. I wasn't part of that because I was kind of a combination of
21 COVID and not in government for that period of time.

22 Q We're a couple of years out now from the decision to -- President Biden's decision to
23 run again. Do you think it was reckless for him to run again?

24 A No. I think he made the decision based on his belief that he was doing a good job,
25 which I support, and that he could continue to do so.

1 I think that he made a decision to get out post the debate. I think at that point the ability to
2 overcome the perception of the age issue was too significant.

3 Q And when you just a second ago said that you thought that you should kick the tires a
4 little bit more on the decision, did kicking of the tires actually happen?

5 A You know, I think I should rephrase that in that I would have liked to have been part of
6 the process.

7 I'm not suggesting that the process before the tires weren't kicked. I don't know. I wasn't
8 here for it. So I want to clarify that.

9 That is me having the opportunity to kick the tires, but the decision had been made. I
10 don't -- I can't comment on the process that led up to his decision to do it.

11 Q You don't know who was involved in the President's decision to run again?

12 A I assume it was his close advisers, but I was not here for that period of time.
13 Was there a second part of your question?

14 Q No, I think that's it.

15 I made it a long way without doing exhibits, but I do want to introduce one for the record?

16 A Sure.

17 Q We will mark this as exhibit 2.

18 [Zients Majority Exhibit No. 2

19 was marked for identification.]

20 BY MR. GREENBERG:

21 Q In front of you is a memorandum with the Biden-Harris transition logo as the letterhead.
22 It's dated January 17th, 2021. It is from Jessica Hertz.

23 Who is Jessica Hertz?

24 A She was in the Obama-Biden administration as a lawyer in the Vice President's office.
25 At this point she was the incoming staff secretary.

1 Q And --

2 A She had worked on the transition.

3 Q It's to Philip Droege. Do you know that person?

4 A I don't think so. It could be a career person in Office of Records and Management, but
5 I don't know. No.

6 Q And the subject is, "Approval for Presidential Signatures." And I'll read, and then I'll
7 ask you a couple questions about this.

8 "The following individuals are authorized to approve use of the President's signature pen in
9 areas of responsibility as noted." And then it says, "Chief of Staff for all matters; Staff Secretary for
10 all matters."

11 Before I move on, the signature pen, is that synonymous with the autopen?

12 A I was not chief of staff during this period, but I have no reason to believe it's not, but I
13 don't know.

14 Q Understood. And thank you for saying that.

15 You were part of the transition team at this time. Is that correct?

16 A No, I was not.

17 Q Oh, you were not?

18 A No. I think I mentioned that on December 8th, 2020, I became the COVID coordinator.

19 Q Understood.

20 The second paragraph from the bottom, the last sentence, says, "As a matter of course, verbal
21 authorizations will not be provided -- only written or initialed approvals." And then, "This
22 memorandum supersedes any on the same subject."

23 Did I read that correctly?

24 A Yes.

1 [12:12 p.m.]

2 BY MR. GREENBERG:

3 Q Before I end our hour, I just want to ask, is this -- does this mirror the policy that was
4 used for your time as chief of staff regarding the autopen?

5 A First of all, I don't think of this as a policy. This is something done through the
6 transition, which was guidance. When I came in, Bruce Reed had been working for 2 years with the
7 staff secretary, and the whole senior team had been working on -- Bruce was my deputy. He was a
8 deputy for Ron and a deputy for me. And so the system was in place and was working well.

9 Q But the system that you're referencing is not the same system that is memorialized in
10 this document. Is that correct?

11 A I think it's not this precise system, no. But there were good processes in place
12 and -- for example, for chief of staff, the Chief of Staff's Office, Bruce was the -- was the lead.

13 Q Sorry, I don't know what you mean. Bruce Reed was the lead on -- on what?

14 A On -- oftentimes, the lead on getting approval from the President, policy decisions, and
15 communicating them to the staff secretary, who, in turn, reported to Bruce.

16 Q And, regarding verbal authorizations, this document seems to indicate that, as a matter
17 of course, those would not be -- those should not be provided. Is that the system that you operated
18 under while you were chief of staff?

19 A Generally. Generally, as a matter of course, but there were verbal authorizations of
20 the President's decision that would occur on occasion. I think -- I don't have specific knowledge
21 here because it was handled by Bruce, the staff secretary, the White House Counsel, but I think, you
22 know, it was, in all cases, it was my impression that there would be -- written through email or other
23 communication.

24 Q But you would -- you would memorialize some of the verbal authorizations that the
25 President gave to you, correct?

1 A Correct. But that would, in turn, go, my understanding, most often, if not the vast
2 majority of times, in an email to the staff secretary.

3 Q But you don't know if that was always the case?

4 A I can't say for certain.

5 Mr. Greenberg. Okay, we'll stop right there. Off the record.

6 [Recess.]

1 [1:03 p.m.]

2 Ms. [REDACTED] We'll go on the record.

3 BY MS. [REDACTED]

4 Q Mr. Zients, in the last hour, you spoke with my majority colleagues about effort to
5 manage the President's schedule so he has more time for decisionmaking -- the decisionmaking
6 aspect. Excuse me.

7 And, just to clarify, your efforts to create more time on the President's schedule for the
8 decisionmaking aspect wasn't because the President was incapable of taking more meetings, correct?

9 A Absolutely not.

10 Q And did you ever prevent President Biden from taking a meeting because of a concern
11 of his mental acuity?

12 A Absolutely not.

13 Q And I will also like to -- I would like to turn to what my majority colleagues have alleged,
14 the existence of a cover-up, with respect to President Biden's mental acuity.

15 So, in the interest of making sure we have a clear record, Mr. Zients, you have no knowledge
16 that Joe Biden was at any point in time mentally unable to execute the duties of his office as
17 President, correct?

18 A I do not.

19 Q And, to your knowledge, did anyone in the White House at any point during Joe Biden's
20 Presidency ever make decisions to issue any form of clemency, pardons, or otherwise in Joe Biden's
21 name without his knowledge or authorization?

22 A Absolutely not.

23 Q And did you ever make decisions to issue any form of clemency, pardons, or otherwise
24 in Joe Biden's name without his knowledge or authorization?

25 A Absolutely not. Never.

1 Q And, again, at any point during the Biden Presidency, did anyone in the White House, to
2 your knowledge, ever issue any other type of executive order without Joe Biden's knowledge or
3 authorization at any point during his Presidency?

4 A Not that I know of.

5 Q So, to your knowledge, all decisions to issue executive orders and any form of clemency,
6 pardons, or otherwise during the Biden administration were made by Joe Biden alone?

7 A Yes.

8 Q And, apart from any instances in which President Biden delegated authority to Vice
9 President Harris while he was undergoing a medical procedure, did anyone, to your knowledge, ever
10 step in to carry out the duties of the Presidency in Joe Biden's place because he was unable to do so?

11 A No.

12 BY MS. [REDACTED]

13 Q Mr. Zients, you mentioned last hour that, following the debate, it was your opinion that
14 President Biden should exit the race.

15 Is it fair to say that, following the debate, you were concerned with his ability to win
16 reelection following that debate performance?

17 A That was a hundred percent what was behind my recommendation. To be clear, it had
18 nothing to do with his ability to do the job. It had to do with the likelihood that he could get
19 re-elected given the perception of the age issue.

20 Q So it remained your opinion and experience that he was fully able to execute the duties
21 of the President of the United States?

22 A Absolutely.

23 Q I'd also like to return briefly to exhibit 2, the memo that my majority colleagues
24 introduced last round. As we discussed, this memo is dated January 17th, 2021, correct?

25 A Yes.

1 Q And you were not part of the transition at that time?

2 A I was not.

3 Q So you were not involved in drafting this memo?

4 A I was not.

5 Q And you cannot speak to the process for drafting this memo?

6 A I cannot.

7 Q And you cannot speak to how -- or excuse me -- you cannot speak to why this process
8 may have been put in place or put in -- sorry. Let me start over.

9 So you cannot speak to the process that is described in this memo?

10 A I cannot.

11 Q Or to any deliberations around this process by the people who wrote the memo?

12 A No.

13 Q And you cannot speak to whether or not the process was implemented in the
14 White House in 2021?

15 A No. When I came in to the chief of staff job in February of 2023, we had a
16 well-functioning process.

17 Q And then, just finally, you cannot speak to whether or not this particular process,
18 described in the January 2021 memo, was ever followed by anyone in the White House? It may
19 have been, or it may not have been?

20 A Yeah, I don't know if -- this was not a policy. This was a set of guidance. So I don't
21 know exactly how it was implemented.

22 Ms. [REDACTED] Thank you.

23 Ms. [REDACTED] We can go off the record.

24 [Recess.]

25 Mr. Greenberg. We can go on the record.

1 BY MR. GREENBERG:

2 Q Mr. Zients, I want to pick back up on, we just discussed in the last hour -- and the
3 minority made reference to exhibit 2, which was a memo describing the use of the President's
4 pen -- the signature pen or the autopen.

5 I want to turn to how that policy eventually -- how the use of the autopen developed
6 throughout the -- throughout the administration.

7 But, before I do that, can you explain to me what a decision memo is?

8 A Broadly, there's two types of memos. One is a briefing memo, so either not related to
9 an eventual decision, or predecisional. And those are -- don't -- are not the basis for a decision.
10 They might be the basis to set up an eventual decision.

11 And then there's decision memos, which brief the President on decisions, and they're often
12 used as background for a meeting where the President gathers the relevant people. That may or
13 may not result in a decision in that meeting. There might be subsequent meetings.

14 Mr. Greenberg. I want to pass out what we'll mark as exhibit 3, a draft decision memo.

15 [Zients Majority Exhibit No. 3

16 was marked for identification.]

17 BY MR. GREENBERG:

18 Q The reason I assume it is a draft is because it is dated "February X, 2021," and "February
19 X" is not a real date. And I assume that a decision memo that actually went to the President would
20 not -- would have the actual date on it. Is that fair?

21 A That's my assumption also.

22 Q And, if you look at the top of this draft, there's a rectangular box with, it looks like, four
23 options: approve, reject, approve as amended, and discuss. Is that correct?

24 A Yes.

25 Q And is that standard for what a decision memo would look like to the President?

1 A Yes.

2 Q And this particular draft appears to be from Jess Hertz, the staff secretary, and Michael
3 Hochman, the deputy staff secretary, cc'ing Ron Klain, Jen O'Malley Dillon, Bruce Reed, and Annie
4 Tomasini. Is that all correct?

5 A That's what it says, yes.

6 Q And the subject is "approval of routine documents by use of the autopen." Is that
7 correct?

8 A Yeah.

9 Q And I'll direct you to the second page. Under "Analysis" at the top, there is Roman
10 Numeral I, which is "Documents for your consideration, approval, and original hand signature." And
11 I will read.

12 "Based on precedent from the Obama-Biden administration regarding which documents
13 generally are hand-signed by the President" --

14 A You know what, I spaced out. Start over. Tell me where you are.

15 Q Sure. Second page --

16 A Yeah.

17 Q -- just under "Analysis."

18 A Got it. Right at the top.

19 Q Right at the top.

20 A Got it.

21 Q "Based on precedent from the Obama-Biden administration regarding which documents
22 generally are hand-signed by the President, our recommendation is that as a general rule, you
23 personally approve and hand-sign all decisions that require Presidential action. The proposed
24 categories are as follows."

25 I'm not going to read all of the categories, but you will notice that the third one from the

1 bottom is "pardon letters." Do I have all that right?

2 A Yes.

3 Q Does this mirror what you came to understand as what should be signed by the
4 President while you were chief of staff -- hand-signed by the President?

5 A I don't think I have ever been exposed to, you know, this level of detail. As I said,
6 when I came in 2 years into the administration, these processes were in place, and Bruce Reed, his
7 deputy chief of staff -- Neera at the time is staff secretary, and Ron, his chief of staff, had a process in
8 place that was working.

9 So I've never seen this before my prep session, and so it's not -- and, furthermore, as we said
10 earlier, I don't believe it was a decision memo based on what you said. I thought this was proposed
11 guidance, not a decision.

12 Q Well, help me --

13 A But I don't know that.

14 Q So have you never seen a decision memo laying out the breakdown of when the
15 President should hand-sign a particular set of documents?

16 A Not prior to prep.

17 Q What was your understanding of what documents should be signed by hand or which
18 could be autopenned in certain situations?

19 A The -- everything here is a general thing. Generally, we -- on important, particularly,
20 on the most important pieces, we make efforts to have the President do a wet signature, but
21 autopen was legal -- is legal. I don't think there's any ambiguity around that.

22 So it came down to the logistics. You know, if an important piece of legislation -- keeping
23 the government open -- and the President in this, I believe, hypothetical, is not in town, it's important
24 to get that piece of legislation to him, if at all possible, right?

25 And the reason for that is it's important for the President to be seen signing an important

1 document like that, by the public, going back to the importance of, you know, the communications of
2 being President of the United States.

3 So every effort would be made, and I think on almost all occasions with major pieces of
4 legislation, heroic efforts enabled -- because you wouldn't want, if he was far away in a foreign
5 country, the idea that the government could shut down because something wasn't signed.

6 I don't know if that ever happened, though, but every effort was made. And, in general, the
7 President liked to sign things, right? So he often asked about, "Where am I going to sign this? Is
8 there going to be a signing ceremony? Am I going to do it at an event?"

9 But there were times when logistically the team determined that it made more sense to use
10 the autopen, and it was, you know, an understanding was, that was a legal -- and it is -- a legal
11 option.

12 Q Do you know who the people who were actually -- people or person -- who actually
13 operated the autopen were?

14 A I do not.

15 Ms. Harker. Quick question. You mentioned that this document is guidance, not a decision
16 memo. Could you explain to me why?

17 Mr. Zients. Well, there's not the language of -- two things. One, it doesn't sound like it
18 ever was signed by the President, right? So there's not a decision unless the President signs
19 something.

20 Ms. Harker. It's not a draft decision memo as opposed to -- I'm just not understanding
21 where the term "guidance" is coming from.

22 Mr. Zients. Well, guidance is different than decided policy. This does not -- I could be
23 wrong, just because I wasn't around during this period of time, but from what you just said about
24 draft, it never was signed by the President as a policy.

25 This was proposed process and guidance that may or may not have been an important part of

1 the transition. I don't know. I wasn't around for that.

2 Mr. Greenberg. We'll mark this packet exhibit 4 -- exhibit 4, and I'll direct you to page 4 of
3 the packet.

4 [Zients Majority Exhibit No. 4
5 was marked for identification.]

6 Mr. Zients. Page 4?

7 Mr. Greenberg. Yes, sir.

8 And this is an email -- and, Mr. Kelner, if you want some time to review, I'm happy to go off
9 record to give you some time.

10 Mr. Kelner. Why don't we take a moment for Jeff to review it?

11 Mr. Greenberg. Okay. We'll go off the record.

12 [Recess.]

13 Mr. Greenberg. Back on the record.

14 BY MR. GREENBERG:

15 Q This is an email that appears to be dated January 19th, 10:28 p.m., from Rosa Po to
16 Fiona Byon, Stefanie Feldman, cc'ing Ed Siskel, Michael Posada, Bruce Reed, and yourself, Subject, P
17 decisions on commutations and pardons.

18 Is that correct?

19 A Yes.

20 Q Who is Rosa Po, sir?

21 A Rosa Po was my chief of staff, a deputy assistant to the President.

22 Q And who is Fiona Byon?

23 A I don't know her position. I believe she worked for Stef Feldman, the next person, who
24 was the staff secretary.

25 Q And who is Ed Siskel?

1 A The White House Counsel.

2 Q And who is Michael Posada?

3 A Ed Siskel's chief of staff in the White House Counsel's Office.

4 Q And who is Bruce Reed?

5 A The deputy chief of staff.

6 Q And, at this time, you were chief of staff, correct?

7 A Correct.

8 Q And this is the last night of President Biden's Presidency, correct?

9 A Correct.

10 Q I'll read a little bit, and then I'll ask you a couple questions.

11 A Okay.

12 Q Ms. Po writes, "Hi, Stef and Fiona, on January 19, 2025, POTUS met with Ed, Bruce,
13 Steve, Annie, and Anthony, and the President decided on the following clemency actions. The
14 President decided to grant a pardon to following individual -- Ernest Cromartie II. The President
15 decided to rescind his approval of the pardon for the following individual -- Don Siegelman. The
16 President decided to grant preemptive pardons to the following individuals -- James B. Biden, from
17 January 1st, 2014, through the date of the pardon; Sara Jones Biden, from January 1st, 2014, through
18 the date of the pardon; Valerie Biden Owens, from January 1st, 2014, through the date of the
19 pardon; John T. Owens, from January 1st, 2014, through the date of the pardon; Francis W. Biden,
20 from January 1st, 2014, through the date of the pardon."

21 I'm going to stop right there.

22 Where were you the night of January 19th, 2025?

23 A At that time of night, I believe I was at home.

24 Q And by "that time of the night," do you mean the time that the email was sent?

25 A Yeah. I think I was -- I'm sure I was in the office for most of the day on the 19th, given

1 everything that was happening in the last day of the Presidency, but by 10 -- 10:30 at night, I was
2 likely at home.

3 Q And --

4 A I certainly was not on campus. I know that.

5 Q Yes, sir.

6 And does this email from Ms. Po accurately reflect your understanding of who was in a
7 meeting with the President regarding these clemency actions?

8 A I certainly know that Ed and Bruce were in the meeting, and I assume, given it's in the
9 email, that Steve, Annie, and Anthony were in there.

10 Q Do you have any knowledge of anyone else in that meeting?

11 A Not to my knowledge.

12 Mr. Greenberg. I will introduce as exhibit 5 what I believe is your response.

13 [Zients Majority Exhibit No. 5

14 was marked for identification.]

15 BY MR. GREENBERG:

16 Q And this is from yourself to Rosa Po, copying Fiona Byon, Ed Siskel, Michael Posada,
17 Stefanie Feldman, and Bruce Reed. So same people, right?

18 A Yes.

19 Q And can you read your response?

20 A "I approve the use of the autopen for the execution of all the following pardons.
21 Thanks, JZ."

22 Q Did you, yourself, write this email?

23 A I do not believe I did based on some of the prep that I did.

24 Q Who did?

25 A Rosa.

1 Q And did Rosa have your -- have access to your email?

2 A Yes.

3 Q And who else would have access to your email?

4 A I don't believe anyone else. It's possible, but I don't think that, you know, Rosa's
5 assistant would've had, but I don't -- I think it was only Rosa, to my recollection.

6 Q So, just so -- so, looking at these two exhibits in conjunction, can you just explain to me
7 how the information came from Ed, Bruce, Steve, Annie, or Anthony to you?

8 A Rosa gave me a phone call.

9 Q And how did Rosa know?

10 A I assume that Bruce and Ed walked back from -- I believe the meeting was in the East
11 Wing. Rosa was in -- and you know, we're at a point in time now where there's, what, 16 hours left
12 in the administration, and we are -- White Houses in the last few days are very, very thinly staffed.

13 You need to off-board starting 2 weeks beforehand. So I assume Bruce and Ed went to Rosa
14 to get to me immediately, to let -- to make sure that I was cognizant of the decision and that I
15 approved. I think, at that point, the judgment of the team was, the logistics were such, so little time
16 left in the administration, that, you know, the autopen made sense.

17 And Rosa asked me about, if I approve everything, and I said, yes, and then she did what she
18 did on occasion, which was to send the email because I was at home, and she was there, and time
19 was of the essence.

20 Q How often would Rosa send emails on your behalf?

21 A On various issues, I don't know. It wasn't infrequent, you know. I'd come -- I'd be
22 walking down the hall, perhaps an Oval Office meeting, having to get to another meeting and things
23 needed to be done. And I would say to Rosa "make sure you email staff sec this" or "email Jake
24 Sullivan that."

25 It's, you know, it's the reality of life in the West Wing.

1 I want to be crystal clear on something. Rosa would never, ever send an email under my
2 name from my account without belt-and-suspenders approval.

3 Q I understand.

4 Is there any way that staff in the White House would be able to delineate between a -- an
5 email that you, yourself, composed, and an email that Rosa composed and signed your initials?

6 A Not that I know of.

7 Q Okay. And, just so I'm clear how this information makes it from the President's mouth
8 to being signed by the autopen, I'm going to recite how I understand this, and you tell me if that's
9 correct or incorrect.

10 So Bruce or Ed walked to Rosa, told -- communicated what the President wanted. Then
11 Rosa called you and told you, and then you directed Rosa to use your email to send -- your email
12 account, to send an email to Fiona and Stefanie, and then one of them would direct someone to
13 actually autopen the pardon.

14 A Well, I think important to add that Michael -- Ed Siskel is on this email. He's the White
15 House Counsel and was coordinating the pardons, but, yes.

16 I think it's -- but I -- I think it's important to take a step back here in that like with all
17 decisions -- important decisions -- the President spent a lot of time on this, in fact, pardons, an
18 exceptional amount of time.

19 I didn't -- Ed and Bruce were the points -- Ed is White House Counsel. Bruce is deputy chief
20 of staff. So they were in every meeting. I attended some.

21 But I don't want you to miss the rigor and the amount of iterations, the amount of time the
22 President spent on pardons. He made these decisions, obviously, but he also made these decisions
23 after, in most cases, many, many meetings.

24 Q When Rosa called you, did you call Bruce or Ed to confirm that that was an accurate
25 read-out of the President's wishes?

1 A I did not think of that. That would not be necessary.

2 Q And just -- I really don't know -- what is the -- what was your level -- I think you just said
3 that you were not in every meeting when it came to pardon discussions. Was it, like, not -- was that
4 not part of your usual portfolio as chief of staff?

5 A As chief of staff, everything is, at some level, part of your portfolio.

6 Q Sure.

7 A And your job is to make sure that the President has what he needs to make decisions,
8 he has the materials he needs, that he has the right people in the room. And the right people in the
9 room at all times included his White House Counsel and Bruce, his deputy chief of staff.

10 That's the chief of staff's job. No chief of staff could ever be in every meeting on every issue,
11 or they wouldn't be doing their job. The chief of staff's job is to make sure that the President, in
12 this situation, has the time and background to make a decision and that the right people are in the
13 room to advise him.

14 Q Did you -- and that sounds difficult enough, but did you review pardons along the way
15 that would make it to the President's desk?

16 A Any memo -- briefing memo or decision memo -- came through my office before it went
17 to the President, and I would review those.

18 Q Did you review any memo or briefing memo regarding the pardons of President Biden's
19 family? Was anything prepared?

20 A I don't recall. I don't have any specific recollection of -- there were meetings, and I was
21 in some of those meetings, but I don't have a recollection on whether there was briefing or a decision
22 on those.

23 Q When did those -- stepping back, when did those meetings begin about President Biden
24 pardoning his family?

25 A I think in the final week or two of the administration. It was late, but it was, you know,

1 obviously well in advance of the 19th, because he spent time on it several times.

2 Q Do you know how many meetings there were?

3 A I don't. And pardons in general, as I said earlier, the President was very, very deep in,
4 and there were many iterations on, you know, if not all, certainly the vast majority of these pardons,
5 including the ones that we're referring to here.

6 Mr. Greenberg. I'm going to introduce another exhibit. We'll mark this as exhibit 6.

7 [Zients Majority Exhibit No. 6

8 was marked for identification.]

9 BY MR. GREENBERG:

10 Q This is dated February 23rd, 2024. So you were chief of staff at this point, correct, sir?

11 A Yes, I was.

12 Q And this is a memorandum to DeAnna Evans, an associate counsel, from Isa Qasim,
13 deputy associate counsel, cc'ing Gabriel Barnett, senior legal assistant, and Grace Liljenwall, special
14 assistant to the White House Counsel, Subject, clemency process.

15 Did I read that right?

16 A Yes.

17 Q And I'm happy to give you some time to review this. But, just for the record, I'll
18 describe it as laying out the various steps for clemency decisions, from White House intake to its
19 passage to the White House Counsel's Office, to the President -- or the White House making an
20 announcement of the clemency package.

21 I'm going to direct you to page 4 of this and the first bullet, which is about, I don't know, a
22 third of the way down. "Presidential approval" -- do you see that?

23 A And this is page -- these pages aren't numbered.

24 Q I'm sorry. It's the last page.

25 A The last page. Okay. And where are we on the last page?

1 Q "Presidential approval."

2 A Uh-huh.

3 Q And I will read: "Presidential approval. Once staff sec clears the decision memo and
4 appendix, it is sent to the President for approval. Note, given the President's schedule, it can often
5 take days or weeks for the President to review and approve the clemency package. The Chief of
6 Staff's Office has been helpful in getting the paper in front of him for his review. He has previously
7 asked the White House Counsel to discuss the candidates with him. Although, in the last round, the
8 Vice President's approval was sufficient to obtain his approval."

9 Did the Vice President ever provide approval instead of the President for pardons?

10 A No. I think what this is referring to -- and I do have a recollection of this -- there was a
11 time with something to do with a categorical pardon where the President wanted the
12 Vice President's view before he made his decision, around -- given her experience as an
13 Attorney General and lawyer, because I do remember him getting her input.

14 And her input was important to his decision, but he absolutely made the decision, as he did
15 on everything.

16 Ms. Harker. If that's what was meant, why doesn't it say that?

17 Mr. Zients. Well, one question I have is, I'm a little confused in that, first of all, this is a
18 briefing memo, as we talked about before, but then why are all these comments here? Because
19 nothing would ever go to the President -- or even come to my office if there are all these comments.

20 So do we know whether this was actually a briefing memo for the President?

21 BY MR. GREENBERG:

22 Q I recognize that this is probably a draft document, but none of those comments seem to
23 be aimed at the bullet and sub-bullet that we're talking about right now. So I'm just wondering,
24 that doesn't seem to be a point of contention for the person editing this document.

25 A Well, but what is -- and this is where you need to understand the process -- is, nothing

1 would come to my office, let alone to the President, if there were comments in the margin. So
2 there are many examples of draft briefing memos that never go to the President and never come to
3 my office or anyone else's office.

4 Q No, I recognize that --

5 A So I just don't -- I don't think of this as something -- I've clearly never seen it before. It
6 doesn't mean that it could have gone to the President. I'm not suggesting it definitely did not. But
7 certainly something with comments can be what DeAnna -- Evans, who isn't -- reports, in turn, to Ed
8 Siskel, who, in turn, would have to get sign-off from the senior advisers on a memo before it would
9 come to my office. And then I would have to sign off before it goes to the President's office.

10 So the idea that an associate counsel has drafted something and that has then become known
11 throughout the White House, or agreed to by anyone, makes zero sense.

12 Q Yeah. Point taken, and I'm less interested in the -- whether this document made it to
13 you or made it to the President for that matter, and I'm just more curious about why even an
14 associate counsel -- or people in the White House Counsel's Office, believe that it was
15 appropriate -- it appears to me that they believed it was -- that the Vice President -- the
16 Vice President's approval was sufficient to obtain the President's approval.

17 A Nothing like that ever happened on any decision. So I can't speak for how the deputy
18 associate counsel and an associate counsel drafted a memo. I can tell you that that would -- I would
19 be very, very surprised and disappointed if something like that ever were to go through an editing
20 process, come to my office, and then go to the President of the United States, because it would've
21 been said, that hasn't -- that's not correct.

22 I assume, in any organization, you have more junior people, with less knowledge and different
23 opinions, drafting things. So, to my -- I've never seen this before. I certainly don't recall it, and the
24 fact that it is a draft with, what, a dozen, maybe two dozen comments, that doesn't -- that doesn't
25 signify any policy or guidance for that matter, about anything.

1 Ms. Harker. Did you ever discuss with Mr. Reed whether the Vice President had given the
2 approval for any pardons in President Biden's stead?

3 Mr. Zients. No, because it would never happen. No one would allow for that to happen.
4 Ever.

5 Ms. Harker. But how do you know? Wasn't this Bruce Reed's portfolio, for lack of a better
6 term?

7 Mr. Zients. I worked with Bruce Reed. I know Bruce Reed's rigor and that a decision on
8 anything that was Presidential, not made by the President, Bruce would never, ever allow that to
9 happen.

10 BY MR. GREENBERG:

11 Q Don't you think that would be a lot -- that would be -- there would be a lot less -- there
12 would be fewer questions about this kind of trust that you have in Bruce Reed or Rosa Po if
13 President Biden had just signed every pardon or clemency action?

14 A No.

15 Q I'm going to shift gears. Were you interviewed for -- by Special Counsel Robert Hur?

16 A No.

17 Q Were you part of the White House's -- were you part of meetings to discuss the
18 White House's response to the special counsel's report?

19 A Yes.

20 Q How did you believe the White House should respond to -- let me start over.

21 Was the big -- was one of the primary concerns in the White House about Special Counsel
22 Hur's report ultimately his conclusion that President Biden would, and I quote, likely present himself
23 to a jury, as he did during our interview with him, as a sympathetic, well-meaning, elderly man with a
24 poor memory?

25 A Yes, that was concerning. As a -- not concerning -- I want to be clear here -- as to any

1 belief that that substance was correct -- but concerning that that was going to be released to the
2 public. And it goes back to what we talked about earlier. It would've been -- it reinforced some of
3 the public perception around the President's age.

4 Q And, not to parse, but do you agree with Special Counsel Hur that President Biden was
5 well-meaning?

6 A President Biden is a well-meaning individual?

7 Q Yes.

8 A That's my view of President Biden, yes.

9 Q Do you agree with Special Counsel Hur that President Biden would present himself as
10 sympathetic?

11 A I'm -- it's a little out of context. In general, are people sympathetic towards
12 President Biden?

13 Q Well, I'll just say, is the big -- was the big concern in the White House the "elderly man
14 with a poor memory" portion of that sentence?

15 A Yes.

16 Q And that was a concern because it reinforced a narrative that had already been
17 developed about President Biden being too old for the job?

18 A It fed into that narrative, yes.

19 Q What was -- what did -- what do you remember contributing to the conversations about
20 what the White House's response should be?

21 A There was certainly discussion about how quickly the President should get out there and
22 hold a press conference to address the issues.

23 Q Did you believe that President Biden should immediately go out?

24 A Yes. And there was some debate on whether he should go out -- I believe it was the
25 afternoon that Hur was released, and the President was actually at an event nearby, local event.

1 And the question was, could we organize things, get his sign-off, do whatever necessary, prep, and
2 still have him go out that same day, or should it be the following morning. I remember those
3 discussions.

4 Q And you were in favor of which option?

5 A I was in favor of teeing up for the President as soon as he got back and decided what he
6 wanted to do. I thought either could work. And we're talking about the difference between an
7 evening and the following morning.

8 Q What was the President's reaction?

9 A He wanted to go out that evening.

10 Q And what was -- who actually briefed him on the substance of the report?

11 A I don't have a specific recollection. I would assume it was Ed Siskel and probably
12 Bob Bauer, who was the President's personal attorney.

13 Q What was -- what was the consensus of how President Biden did during his remarks
14 immediately after the release of the Hur report?

15 A There was concern that he'd had, at the end, a gaffe -- and, again, those happen. It
16 was an inopportune time for that to happen.

17 Q Have you -- were you in the room when Special Counsel Hur interviewed
18 President Biden during the 2 days?

19 A No.

20 Q Did you have conversations with anyone about that interview after the interview had
21 concluded?

22 A Yeah, not detailed that I recall, but certainly with Ed Siskel, probably with
23 Bob Bauer -- but with Ed Siskel just, how did it go.

24 Q What did Ed Siskel say?

25 A He said it was long -- and a little context here. The interviews, because there were

1 multiple -- there were two across the 8th and the 9th of October, and each session was several
2 hours. It's hard to do these things when you're a President of the United States. It's really hard on
3 October 7, the tragic events in Israel and Gaza. So it was a very, very stressful time.

4 In fact, I remember bringing to the President, along with the team, you know, should we
5 actually clear your calendar so that he could focus on the tragic events. And he decided he wanted
6 to keep those.

7 We obviously had blocked off some time for him to meet with his attorneys and get ready.
8 We got rid of much of that time, but he did go ahead with it. So it was a particularly stressful time
9 given what was happening in the world.

10 Q And, when you say that it's difficult to do these things when, you know, a tragedy or a
11 catastrophe is occurring on the world stage, what other things -- what do you mean by "these
12 things"?

13 A I'm glad you asked. I meant, to clear 6, 8 hours on the President's calendar is hard to
14 do in any situation, and for him to have the time to get his head around it. It was particularly
15 challenging when, you know, a tragedy of that magnitude has occurred.

16 Q But that's kind of -- I mean, that's part of why we're here, isn't it, sir? It's the -- world
17 events don't really occur just sequentially. Part of the job of the President is to handle difficult
18 things simultaneously, isn't it?

19 A It is. And I think this is a good example of the President doing just that.

20 Q Have you since listened to the released audio recording of that interview?

21 A I have not.

22 Q You had no interest in listening to it?

23 A I saw the written transcript.

24 Q Do you think -- have you heard any clips of the audio recording?

25 A Not to my knowledge. I mean, I don't recall anything. It's possible. I certainly did

1 not review it, and so could something have been on a television show or something, possibly.

2 Q Is it your experience that a transcript captures the same information or the same
3 subtleties as an audio recording of an event?

4 A I think it's situational.

5 Q The word that I think a lot of people from the White House and here on the Hill were
6 using to describe Special Counsel Hur's conclusion was "gratuitous."

7 Do you remember that word floating around when you were describe -- when you were
8 formulating a response to President Biden's -- or the release of the Hur report?

9 A I don't remember -- I remember that word being used. I don't remember the process
10 that I was involved in that led to the -- if, indeed, the White House used that word, I don't -- don't
11 recall the meetings where I was in that chose that word.

12 Q You know, I think that a lot of people heard the interview -- recognizing that you haven't
13 heard the interview -- and I can play the interview, but I would rather just ask some questions -- and
14 people were pretty shocked at the amount of time that it was taking President Biden to respond to
15 some simple questions.

16 I recognize that President Biden, and a lot of politicians for that matter, are long-winded, but
17 in one example that I've played for previous witnesses, it took him, I believe, close to 15 minutes to
18 answer the question, where were documents stored at the Naval Observatory. And he talks -- he
19 goes quite afield.

20 My question to you is, did those kind of responses, rambling responses, were those common
21 during your time dealing with President Biden?

22 A I don't know how you -- or define "rambling." But did the President, at times, was he
23 long-winded and went off on some tangents? Yes. But that's Joe Biden. I experienced that
24 throughout the time I've known him.

25 Did the frequency of that increase some across time, probably. But, at the end of the day,

1 what mattered when you're President of the United States is, are you making the right -- or the best
2 decisions? Are you in control of all the substance? And I can tell you he absolutely was at all
3 times, whether that was in the Oval Office or the Situation Room.

4 BY MR. SPECTRE:

5 Q I think this is related, so there's kind of two parts to this, but you brought up earlier on
6 the long list of names, that Mr. Sullivan had discussed that some of the verbal gaffes that
7 President Biden had made were -- I don't want to put words in your mouth, but were becoming a
8 problem or something like that. Is that right?

9 A Were more frequent and therefore, you know, challenged the -- the efficiency, meaning
10 the number of meetings at times. But I've never had any conversation with Jake Sullivan that in any
11 way suggested the President wasn't fully capable of making decisions and making those decisions.

12 Q I'm going to give a few examples here. I recognize that I think a least a couple of these
13 you were not actively chief of staff at the time, but you can parse those out.

14 So, on March 26, 2022, soon after Russia invaded Ukraine, President Biden spoke at the royal
15 castle in Warsaw, Poland, and he stated, quote, "For God's sake, this man cannot remain in power,
16 about President Putin.

17 You weren't chief of staff at that point. Is that right?

18 A I wasn't.

19 Q Did you ever have a conversation with Jake Sullivan about that interaction?

20 A Not that I recall. I was COVID coordinator then, towards the end of my COVID
21 coordination time. So my interactions with Jake were significantly less.

22 Q Sure.

23 So, understanding that you were not chief of staff at the time, but is that statement -- does
24 that contradict the Biden administration's position on President Putin?

25 A Can you read it again?

1 Q Quote, "For God's sake, this man cannot remain in power," end quote. Was that a
2 shift in President Biden's policy?

3 A It's completely out of context, and I'm not a -- you know, I'm not National Security
4 Advisor. I wasn't there at the time. So I'm not going to speculate about how it fit into policy.

5 Q Okay. On May 23rd, 2022, speaking alongside the Japanese Prime Minister,
6 President Biden was asked, quote, "Are you willing to get involved militarily to defend Taiwan if it
7 comes to that?" Biden responded, "yes." The reporter responded, surprised, "You are?" And
8 President Biden said, "That's the commitment we made."

9 Does saying that the U.S. will respond militarily in Taiwan violate the longstanding, strategic
10 ambiguity policy?

11 A You know, this is -- that's a place where I'm not going to comment because I, A, wasn't
12 chief of staff; B, wasn't there; C, was not involved in foreign policy. So it's impossible for me to
13 render a judgment.

14 Q Okay. I think this third one, you were chief of staff on June 20th, 2023. Is that right?

15 A Yes.

16 Q President Biden attended a fundraiser with Governor Gavin Newsom in California.
17 During the fundraiser, President Biden called Chinese President Xi Jinping a dictator.

18 It's the same question -- was that a shift in policy?

19 A No, it was not a shift in policy. It was the President saying something that I think he
20 later decided to pull back and change in some way. So that was a mistake.

21 Q So do you think he means it when he said it?

22 A I can't get inside his head, but it certainly -- it would be nice -- or it would help me to
23 know what happened post that, with that comment, but I don't think that reflected the policy of the
24 administration, and the President messed up in that setting.

25 Q Do you recall any conversations with President Biden about that comment and whether

1 he regretted it or why he was deciding to walk it back?

2 A I don't have a specific recollection of that, but I'm sure we had conversations about how
3 did that happen; what do we do to make sure that we correct it -- if that was the decision, was to
4 correct it in some way because it was not consistent with policy.

5 Q Do you recall any conversations with Jake Sullivan or the Secretary of State or anyone
6 else about these comments?

7 A I don't have any -- I don't remember anything specific, but I'm sure Jake and I talked
8 about it. My contact with Tony was less frequent. So it's possible but probably less likely.

1 [1:59 p.m.]

2 Mr. Spectre. The reason I bring this up in the context of President Biden being long-winded
3 in an answer is because it's not just about being long-winded.

4 There appears to also be instances where President Biden's answers to questions appear to
5 contradict longstanding U.S. policy or need to be walked back and seem to affect international
6 relations.

7 You don't see those as a problem?

8 Mr. Zients. Well, as I said on the first couple, I don't have the context.

9 On the second one and the third one, I think he wasn't disciplined in his word choice. And I
10 think that was something that he needed to do what he needed to do privately and/or maybe
11 publicly -- I don't recall -- to get that right.

12 Mr. Spectre. Is being disciplined in your word choice an important skill for a President?

13 Mr. Zients. Absolutely. But even the most disciplined of us do make mistakes at times.

14 BY MR. GREENBERG:

15 Q Ron Klain told us that President Biden had a tendency to mix up proper nouns, proper
16 nouns being the capitalized ones. Is that your experience? Is that your observation?

17 A I'm not sure I'm fully tracking. Can you give me an example?

18 Q Sure. And we're going to get to the debate.

19 But when President Biden said, "We finally beat Medicare," I believe it was Mr. Klain's
20 explanation that what he meant to say was, "We finally beat Big Pharma," both "Medicare" and "Big
21 Pharma" being proper nouns.

22 Proper nouns tend to be some of the most important nouns, so I'm just wondering if that -- if
23 you share that experience, that proper -- that President Biden confused proper nouns with some
24 regularity.

25 A We talked about he had problems at times with gaffes. I don't have the analysis -- this

1 is the first I've ever heard of the analysis of proper nouns. I can't comment on that.

2 But, yeah, I think he was, throughout his career, he was somewhat prone to have gaffes or
3 mix up words, and we talked about that increased in frequency as he aged.

4 I think on the debate, that's a totally different circumstance.

5 Q And we'll get there probably in the next hour.

6 But just to round out this hour, returning to Special Counsel Hur's report, when we talked
7 with Ms. Dunn, we talked about an interview that regularly occurs before the Super Bowl with the
8 President. And after Ms. Dunn got on the record that, "I know very little about Super Bowls," she
9 told this committee that -- and I'm paraphrasing -- it wouldn't -- that the White House believed the
10 President should not do that Super Bowl interview.

11 Were you part of that decision?

12 A Yes.

13 Q What was your input into that conversation?

14 A I really deferred to Anita and the communications team but wanted to make sure that
15 the President -- the decision was made by the President and that he heard the pros and cons of doing
16 it. And he decided not to do it.

17 And I think that -- my recollection is that, the format being so limited in time, people didn't
18 think that was the right format at that point in time for the President to express his views on policy or
19 on world events. I don't know exactly what was happening in the world at that time.

20 But you do pick your event based on what's happening in the world. And I don't have
21 specific recall, but people felt the Super Bowl at that point in time was not the right place for the
22 President to make a brief appearance.

23 Q And when you say the limited nature of the event, the limited nature of the interview,
24 are you talking about, like, there was a time constraint on it?

25 A Yeah. I believe it was pretty short. Generally, we would like to have the President

1 have the length to be more expansive and cover more topics.

2 Q Was there a concern that President Biden would have difficulty expressing a viewpoint
3 or his opinion in a limited time frame?

4 A It's the amount that you can cover in a short period of time -- and, again, cognizant of
5 what's happening in the world.

6 I don't recall the situation, but if really troubling things are happening in this country or in the
7 world, you would think about a short Super Bowl interview differently than if the situation was
8 different. I don't think of that as a -- frankly, I don't think of that as a significant decision.

9 Q Are you aware of any of the medications that President Biden was taking at any point
10 during his time in the White House?

11 A I think we covered that before. No.

12 Q You said no? Sorry. I couldn't hear.

13 A I said no.

14 Q And besides the sleep apnea treatment, are you aware of any medical treatment the
15 President was receiving?

16 A I know that he had trouble with his foot. And he was doing exercises and things of that
17 nature to work on his foot.

18 Q And the reason I ask some of these medical questions is because we previously
19 subpoenaed Dr. O'Connor to speak before this committee and he pled the Fifth. Are you aware of
20 that?

21 A I am aware of that.

22 Q Do you have any knowledge of why Dr. O'Connor would avail himself of the Fifth?

23 A I do not.

24 Q Do you have any knowledge of why Annie Tomasini would avail herself of the Fifth?

25 A I do not.

1 Q And do you have any knowledge of why Anthony Bernal would avail himself of the Fifth?

2 A I do not.

3 Mr. Greenberg. Thank you. We'll end our hour there.

4 [Recess.]

1 [2:16 p.m.]

2 Ms. [REDACTED] We'll go on the record.

3 BY MS. [REDACTED]

4 Q Mr. Zients, in the previous hour you discussed the autopen process with my colleagues.

5 Just so we have it clear on the record, I have a couple questions --

6 A Please.

7 Q -- for you regarding the autopen process.

8 To your knowledge, are you aware of any instance in which an executive order signed with
9 the autopen during the Biden Presidency was issued without President Biden's knowledge or
10 authorization?

11 A Absolutely not.

12 Q To your knowledge, are you aware of any instance in which a Presidential memorandum
13 signed with the autopen was issued -- sorry, excuse me -- signed with the autopen was issued during
14 the Biden Presidency without President Biden's knowledge or authorization?

15 A Absolutely not. Anything that the President -- that was decided by the President was
16 decided by the President.

17 Q Just want to make sure we have a clear record.

18 To your knowledge, are you aware of any instance in which a pardon signed with the autopen
19 was issued during the Biden Presidency without President Biden's knowledge or authorization?

20 A Absolutely not.

21 Q And lastly, to your knowledge, are you aware of any instance in which an order granting
22 clemency signed with the autopen was issued during the Biden Presidency without President Biden's
23 knowledge or authorization?

24 A Absolutely not.

25 Q I'd also like to go to the previous hour where my majority colleagues mentioned some

1 mistakes that President Biden had made, and you mentioned that all of us make mistakes.

2 [Zients Minority Exhibit A

3 was marked for identification.]

4 Ms. [REDACTED] I would like to enter as exhibit A an MSNBC article titled -- where
5 Trump -- discussing Trump being surprised that he appointed Jerome Powell as the Fed Chair.

6 My majority colleague also said proper nouns are the most important nouns.

7 [Zients Minority Exhibit B

8 was marked for identification.]

9 Ms. [REDACTED] And I would like to enter as exhibit B a New York Times article where President
10 Trump confuses Nikki Haley with Nancy Pelosi in regards to the failure to provide adequate security
11 during the January 6th attack on the Capitol.

12 [Zients Minority Exhibit C

13 was marked for identification.]

14 Ms. [REDACTED] I'd also like to enter as exhibit C a Forbes article, February 2024 article, which
15 discusses President Trump referring to his wife, Melania Trump, as Mercedes.

16 Ms. [REDACTED] Mr. Zients, do you recall last hour when our majority colleagues asked you about
17 some of the individuals in this investigation who took the Fifth Amendment when they came before
18 the committee?

19 Mr. Zients. I do.

20 [Zients Minority Exhibit D

21 was marked for identification.]

22 Ms. [REDACTED] I would like to enter as exhibit D a Truth Social post by Donald Trump dated May
23 20th, 2025. This is sort of a long post, but in part of it he writes that it was the people that he
24 knew -- sorry.

25 "It was the people that knew he was cognitively impaired that took over the Autopen. This

1 is TREASON at the Highest Level! Something very severe should happen to these Treasonist Thugs."

2 Two days after that Truth Social post, Chairman Comer sent his first round of letters
3 requesting transcribed interviews in this matter.

4 [Zients Minority Exhibit E
5 was marked for identification.]

6 Ms. [REDACTED] I would then like to enter as exhibit E a June 4th, 2025, Presidential
7 memorandum which was issued by President Trump.

8 This Presidential memorandum directs the Attorney General to investigate, to the extent
9 permitted by law, whether certain individuals conspired to deceive the public about Biden's mental
10 state and unconstitutionally exercised the authorities and responsibilities of the President.

11 This same day, the committee sent letters to senior White House officials requesting
12 transcribed interviews in this investigation.

13 And I will note that only a few weeks later, on June 27th, 2025, Chairman Comer sent you a
14 letter requesting your appearance at this transcribed interview.

15 We can go off the record.

16 [Discussion off the record.]

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

18 It's recently been reported that Biden administration officials, quote, "repeatedly questioned
19 and criticized how the President's team decided on controversial pardons and allowed the frequent
20 use of the autopen to sign measures late in his term," end quote.

21 That's from an Axios article. We can actually mark that as exhibit 7. Going to be referring
22 to it a bit.

1 [Zients Majority Exhibit No. 7
2 was marked for identification.]

3 BY MR. GREENBERG:

4 Q Mr. Zients, were you aware of questions or criticisms about the process by which
5 pardons were handled or signed?

6 A In the -- in -- contemporaneously?

7 Q While you were chief of staff, did anybody raise concerns?

8 A Not that I recall.

9 Q It's my understanding that the vast majority -- I think this article account actually did the
10 math and says that about 95 percent of the clemency actions that President Biden took occurred
11 within the last three and a half months of his Presidency.

12 Do you have any explanation for why that is?

13 A I don't. I don't know how that compares to the end of terms for other Presidents.
14 But each one of those decisions was made by the President, as we've talked about, generally with
15 many meetings and briefing memos. And he decided to do what he did, and I have no reservations
16 about the rigor of that decisionmaking. I mean, he made every one of those decisions.

17 Q Did you ever hear that there was an effort to increase pardons or clemency in the wake
18 of the President pardoning his son, Hunter Biden?

19 A No. I think there was always a plan to do these pardons, do a -- not the specific
20 ones -- but do a round of pardons and clemency towards the end of the term.

21 Q And going back to the pardon of Hunter Biden, are you aware that prior to the
22 announcement that President Biden would pardon his son that the President had previously said that
23 he, in fact, would not pardon his son?

24 A I do recall that.

25 Q When did you learn that the President would change his mind?

1 A Change his mind and issue a pardon?

2 Q And would, in fact, pardon his son.

3 A I believe it was Thanksgiving weekend. I would say November of 2024.

4 Q And how did you learn that decision?

5 A A phone call, I believe, with -- I think -- there was definitely a phone call with other
6 senior advisers. I don't recall whether he first called me to say, "Here's what I'm planning to do.
7 Let's gather the senior advisers." I heard it the first time when they did that senior adviser call.

8 [The Reporter requested a clarification.]

9 A The substance was discussed. He -- sorry. I apologize. Please keep doing that if I
10 mess up.

11 There was a call with senior advisers, I believe on the Friday, maybe the Saturday of
12 Thanksgiving weekend.

13 What I was saying is I'm not sure he called me first to say, "Here's what I'm planning on
14 doing," and I then responded, "Let's get the team together," or whether we just got the team
15 together.

16 Q And when you got the team together, was that in person or everybody calling in --

17 A Everyone's calling in because it was Thanksgiving weekend, and the President, I believe,
18 was also away.

19 Q And was, besides White House staff, was there anybody else on that call, to your
20 knowledge?

21 A Not to my knowledge.

22 Q Had you ever provided an opinion one way or the other of whether the President should
23 pardon his son?

24 A I provided an opinion, which others, I believe, also shared, that there should be more
25 consideration and time and that we should not do it at that point in time.

1 So I wasn't weighing in on the merits of it. I was weighing in on the timing of it. And it
2 didn't feel like there had been enough time for the team to give him his feedback -- give them
3 his -- their feedback on, if nothing else, when that pardon should occur and also potentially the
4 merits of the pardon.

5 Q And sorry. I'm just unclear. Are you saying that prior to the -- that this feedback was
6 delivered prior to the call where you were all together?

7 A No. On that call.

8 Q After he had already issued the pardon.

9 A He hadn't issued the pardon. He was telling us of his decision to issue the pardon.

10 Q I see.

11 A And I think the reaction was, "Why not give this some time and think through? If you
12 continue -- if you decide to do this, which you have, figure out when is the appropriate time to roll it
13 out." But that also would given more time to think it through.

14 So it was mostly around, "Why now? Can we wait and have a little more time and space to
15 think this through?"

16 Q When did you recommend -- I'm sure you didn't give an actual day -- but when were you
17 planning --

18 A I think I -- the team was really just pushing back on the idea that it would be announced
19 in the next 48 hours, which I believe it was that quick.

20 Q Did you have any indication during that call or later about why the President changed
21 his mind?

22 A The President, I think, said at the time -- and I believe publicly -- that the situation had
23 changed and that he had new facts to incorporate into his decisionmaking, and he decided it was the
24 right thing to do.

25 Q And I don't mean to belabor this, but do you have any idea about what facts had

1 changed?

2 A Maybe "facts" is the wrong word. "Circumstances." So let me say "circumstances."
3 He just thought, given the environment that we were operating in, that the right thing to do was to
4 pardon his son.

5 And that's obviously a Presidential priority or privilege, to decide who you pardon, and he had
6 firmly made that decision.

7 Q Was it unanimous, the advice that was delivered to the President about holding off the
8 announcement of --

9 A I don't know. I certainly was not the only one who had that reaction. I don't recall
10 whether it was unanimous.

11 Q And do you remember who was on that call?

12 A I don't specifically. But there's a core set of senior advisers who would join most of
13 those calls. Obviously, there were some logistical challenges given the holiday.

14 Q Do you know who Bradley Weinsheimer is?

15 A It's vaguely familiar.

16 Q On January 17th, President Biden granted 2,490 commutations to people he described
17 as convicted of nonviolent drug offenses who are serving disproportionately long sentences.

18 Mr. Weinsheimer is a senior Justice Department ethics attorney who wrote a fairly scathing
19 response to this characterization.

20 Have you read Mr. Weinsheimer's response?

21 A I read that as part of prep.

22 Q He described the characterization of the clemency recipients as nonviolent -- he
23 described that characterization as untrue or at least misleading.

24 Do you remember any criticisms at that time that the pardon was issued, or shortly before
25 the pardon was issued -- or commutations, I should say -- do you remember similar criticisms arising?

1 A I do not have any specific recollection.

2 Q Mr. Weinsheimer opined that, "Unfortunately and despite repeated requests and
3 warnings, we were not afforded a reasonable opportunity to vet and provide input on those you
4 were considering."

5 Were ethics attorneys at the Department of Justice afforded an opportunity to opine on the
6 commutations for these individuals?

7 A I don't have knowledge of that. That would have been handled by the White House
8 counsel who interacted with the Justice Department on pardon issues and legal issues in general.

9 But Ed Siskel was a very capable White House counsel, so I assume he exercised his judgment
10 and did the appropriate communications around that set of issues.

11 Q I mean, you said in the last hour with us that there's basically a skeleton crew running
12 the White House in the last few weeks of an administration.

13 Do you think some corners were cut in the process of the usual way pardons or commutations
14 were handled in the last few weeks?

15 A No. I think it was a strong, rigorous process. And, in fact, the staffing of the White
16 House counsel -- we anticipated that there needed to remain robust staffing of White House counsel.

17 I think I was referring before to administrative staff and support staff and other senior
18 people's deputies and things of that nature.

19 But in White House counsel, we were very cognizant of the fact that there was likely to be a
20 fairly big workload, specifically, I believe, in that area of the lawyers who were working on the
21 pardons and commutations.

22 Q Mr. Weinsheimer also brought up that, quote, "There was no consideration given to
23 victim input in these cases involving violent crime," end quote.

24 Did you know that there was no victim input provided for these commutations?

25 A That sounds like that was his opinion. I don't know the merits of it, and I don't know

1 what the back-and-forth was with White House counsel and Justice on that set of issues.

2 Q But given your account that White House counsel remained robust until the end, you
3 would agree then that this was handled as it would have been handled if it had occurred at any other
4 point throughout the Biden administration?

5 A I can't comment on that. I can comment that Ed Siskel ran a very strong process and
6 was the point person for the White House on pardons, along with Bruce Reed, and that he had a
7 good relationship with the Justice Department when he worked there before, and had worked in
8 White House counsel before.

9 So I think he was a very capable White House counsel who would have done -- exercised
10 appropriate judgment and done appropriate follow-up.

11 Ms. Harker. Do you know if the President knew that there had been no victim input in
12 granting clemency in these violent cases?

13 Mr. Zients. I don't know for certain. I do know that Ed was meeting with the President
14 generally at that point multiple times a day. And as I said, the President met on each of these
15 pardons, batches of pardons, multiple times.

16 So I would assume that that was discussed, if it was appropriate to discuss or relevant to the
17 discussion, but I don't have firsthand knowledge of that.

1 [Zients Majority Exhibit No. 8
2 was marked for identification.]

3 BY MR. SPECTRE:

4 Q This is majority exhibit 8. We'll get that passed out. But its titled at the top "Daily
5 News Summary 12/01/24." It says, "Hunter Biden" -- I'll let you get it first.

6 So this appears to be a talking points card or daily news summary that was designed for
7 President Biden for December 1st, 2024. It says, "Hunter Biden" -- or, excuse me -- "Hunter Pardon:
8 Why did YOU change your mind to pardon Hunter now?" And it plays out some rationale there.

9 The second talking point is, "When did YOU decide to do this?" And it says, "Made the
10 decision this weekend."

11 And insofar as these talking points would be something that you would be aware of as chief of
12 staff -- or let me start there.

13 Would you be aware of these sorts of talking points as chief of staff?

14 A Not in a comprehensive way, meaning every one. But, yeah, sometimes people would
15 run things by me. I don't know if this was run by me or not. This would be the communications
16 team along with the press secretary, and then the President would review these quite carefully.

17 In general, he'd go through every one of them. But you can imagine he'd spend extra time
18 on his son.

19 Q Sure. And on that note, the pardon of the President's son, by all accounts in this
20 investigation, was something that was important to him. He changed his mind about it. He
21 discussed it quite a bit with staff.

22 It just strikes me as a little bit odd that there would need to be a talking point reminding the
23 President that he had made the decision a few days earlier over the weekend. Is that off?

24 A No. That's off.

25 Q Excuse me?

1 A That's off, meaning the discipline is on whatever the most anticipated questions are,
2 that the press team is responsible for creating the main bullet points, as you see here.

3 So the inclusion of something is not to suggest that the President didn't know that. It's just
4 laying out the structure of what the press team and the communications team view as the most
5 important points to make.

6 So I wouldn't read that into it at all.

7 BY MR. GREENBERG:

8 Q I mean, just to follow up on that, it wasn't -- it was very important to the President, the
9 pardon for his son.

10 A Sure.

11 Q I've read that this was -- the legal trouble that Hunter Biden was facing was a point of
12 sensitivity for the President, that people didn't bring it up very often around him. Is that fair?

13 A What's the gist of the question?

14 Q That the President followed his son's legal trouble closely.

15 A Yes.

16 What I want to make sure that I'm clear on, there are cards for all the major news of the day.
17 And it could be something very simple, like, I don't know, he's meeting with a world leader. And the
18 point on there would be who the world leader -- their name and what country they're from.

19 There's no sense of he doesn't know who he's meeting with. It's just you have the rigor of
20 laying out what the main points are. There's no suggestion by this being on a page the President
21 didn't know it, I want to be real clear on that, because this is what this exercise is.

22 Q But I guess -- and I don't mean to be glib -- but saying that, "You made the decision the
23 weekend before," seems as kind of rudimentary as, "Your son's name is Hunter." Like, aren't there
24 some things that just don't need to be explained to the President?

25 A What the team is trying to do here is to say these are the three most likely questions.

1 So that's part of what the point is. They're going to ask about your time frame. They're going to
2 ask about, "Why did you change your mind? Will this hurt your legacy?"

3 This is very standard practice, I think, throughout government. I'm sure there's some
4 equivalent of that here on the Hill.

5 I think that to read anything into that doesn't make any sense. This is a form that is created
6 to have the discipline of what are the most likely questions and then what is the succinct answer to
7 each question.

8 Q Okay. On cards and note cards and news cards. I do want to ask a few questions
9 about that.

10 Did the rate at which President Biden used note cards increase during your time interacting
11 with him in the White House?

12 A He has been a card person since the day I met him. The number of meetings where at
13 the end he says, "Can you put that on a card?" that happens all the time.

14 Q And --

15 A I mean, that's just one of his ways of operating.

16 Q And I understand there are different ways to use cards.

17 Were the cards used for preparing, or were they used to actually deliver the information -- to
18 read the information while he's being asked questions?

19 A Generally for preparing. But there might be settings where he would use some cards
20 to structure the conversation.

21 Q Did the rate at which he was using them to structure conversations increase over the
22 time that you knew him?

23 A To structure conversations?

24 Q Sure.

25 A I said that he always did this.

1 Q Or to answer questions from the press. Did that increase while you knew him?

2 A Maybe because he did more campaigning and he did, you know, given the extra
3 significant activity of campaigning, he probably used cards there, whereas when he wasn't
4 campaigning there was not the additional need.

5 Q Do you think the amount of stage direction increased for President Biden during the
6 time that you knew him?

7 A What do you mean by that?

8 Q Direction to walk. Where to walk out on stage. Where to stand to deliver remarks.
9 Where to walk off stage. Whose hand to shake. Things of that nature.

10 A I think that's standard practice. I didn't notice anything different across my time other
11 than -- as chief of staff -- other than the increased volume driven by the campaign activities.

12 Q Can you speak to what other changes you witnessed in President Biden because of the
13 increase in campaign activity?

14 A We talked about the activities that the team undertook post step stumble. That was
15 not a campaign event where that occurred, but that was applied across the board.

16 I believe we touched on the fact that the President, driven by trying to get in and out of the
17 fundraisers, would sometimes use a teleprompter at a fundraiser.

18 But all of this was how do you most efficiently use the President's time and how do we avoid
19 a potential -- another stumble -- what we talked about before.

20 Q It's been several hours, so forgive me for re-asking a question. But did you, when you
21 worked in the Obama White House, did you see President Obama using the teleprompter for similar
22 purposes as President Biden?

23 A Sure. You know, you're doing a major address, we'd use the teleprompter. Obama
24 had -- and it always was something he did well -- he would go off teleprompter. Although President
25 Biden did the same thing.

1 I think -- I don't -- I wasn't involved in -- I wasn't a chief of staff or involved in the campaigns.
2 I don't know if Obama would have used the teleprompter in a similar setting. He was less focused
3 on teleprompter than President Biden was. But certainly President Obama, as all Presidents, used
4 the teleprompter.

5 Q Of course. But President Biden began using a teleprompter for small -- smaller events
6 than he had previously.

7 Is that your understanding? That, of course, President Biden gave big speeches using a
8 teleprompter, but then it changed to where he was using a teleprompter in much smaller venues.
9 Is that correct?

10 A I think there were more smaller venues where he used teleprompters. As I mentioned
11 earlier, that was driven by the desire to try to get in and out of a fundraiser in 45 minutes, not an
12 hour and a half. And there's a way of getting the message across in a faster fashion.

13 Q Did President Biden himself request the teleprompters or did other people do that?

14 A He actually resisted in general. But we really needed to make sure that we were able
15 to accommodate his schedule.

16 You know, you continue to govern while you are running a reelection campaign. It makes the
17 job of President even more demanding, to be President and running for reelection.

18 Q Were teleprompters ever used in Cabinet meetings?

19 A No. Not to my knowledge.

20 Q What was the White House's response -- let me be more clear. How often would
21 conversations about Representative Dean Phillips' campaign arise while you were chief of staff?

22 A In the West Wing, very infrequently, a handful of times. I don't know what was
23 happening on the campaign side.

24 Q Did you ever have conversations with Congressman Phillips?

25 A I can recall two conversations. One was on a weekend, and it was very brief. I

1 believe it was a Saturday. I was at a dear friend's kid's wedding, so it was memorable. I stepped
2 out.

3 He was going on a Sunday show or Sunday shows the next morning. I don't know if it was to
4 announce he was running or lead into the fact that he might run.

5 And he had requested time with President Biden to give him a heads-up. And the decision
6 was made by me and the team that that was not a good use of the President's time, but at the same
7 time we wanted to respect the fact that he had placed a call. So I took the call.

8 Q It's been reported that you told Congressman Phillips that it would be insane for him to
9 call for an open Democratic primary. Is that true?

10 A I have no reason to not think that, because I do think that when you have a sitting
11 President -- I don't remember exactly where we were in the cycle, whether he had already won
12 primaries or was way ahead -- that it didn't make a lot of sense.

13 And I think at the end of the day, Dean Phillips' candidacy ended up not going anywhere. I
14 do believe he actually did announce to run [inaudible].

15 [The Reporter requested a clarification.]

16 A Sorry. I believe that he did.

17 And when I go to my second conversation -- to be consistent with that -- the second
18 conversation is one day when he announced he was, I believe, exiting the race, the President called
19 him just to touch base and say that he respected what he had done or whatever it was. And I was
20 sitting with the President when that happened.

21 So those are the two times.

22 Mr. Kelner. Off the record for a second?

23 Mr. Greenberg. We'll go off the record.

24 [Discussion off the record.]

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

1 Mr. Zients has committed to speaking a little bit louder.

2 Mr. Zients. Yes.

3 BY MR. GREENBERG:

4 Q What did you understand Congressman Phillips' decision to run as a Democrat for
5 President, what did you understand -- why do you think he was doing that?

6 A My recollection is that he was reacting to the age issue that we've talked about so many
7 times from the voters' perspective. And I'm not suggesting these were his words, but my
8 recollection was it's sort of time for the next generation of leaders, which he represented.

9 Q Did you agree with him at the time?

10 A Clearly not. No, I did not. I thought that the President was running for reelection and
11 that he would be the nominee, and that additional candidates didn't make a lot of sense at that point
12 in the process. And that ended up being the case.

13 Q And I understand you might not be chief of staff for long if you had agreed with him at
14 the time, but looking back, do you think now he had a point?

15 A No. I think that at that point in time, President Biden was way ahead in the polls and
16 was clearly going to be the Democratic nominee.

17 Q I'm going to turn to the March 2024 State of the Union address.

18 Can you talk about what the -- if there were expectations, if there was pressure
19 surrounding -- prior to President Biden delivering that address, about what President Biden needed
20 to do or accomplish during that State of the Union address?

21 A Look, I've been part of many State of the Union preparations. Obviously, as chief of
22 staff, I had a different seat than I had before. But I think the expectations around the State of the
23 Union are always extremely high. It's the culmination of an intensive policy process. So therefore,
24 a President is announcing his policy priorities. And then the actual performance is important too.

25 So I think expectations around the State of the Union are as high as any Presidential event,

1 always.

2 Q Were there discussions in the White House at that point about the State of the Union
3 being used to push back against the concerns about President Biden's age?

4 A Sure. This was an important moment for the President, to be in front of tens of
5 millions of people, showing his command of the substance and that he was the right person to be the
6 next President of the United States.

7 Q Is it fair to say that a State of the Union in an election year is even higher stakes than
8 normal?

9 A Yes, I think that's fair.

10 Q Do you have any knowledge about any medical care being provided to President Biden
11 prior to his delivery of the State of the Union?

12 A I do not. Medical care was between the President and his doctor.

13 Q Can you tell us how long the President prepared for the State of the Union?

14 A A lot, as all Presidents do. And when you say "prepare," I mean, there's a huge policy
15 process to decide what are going to be the signature initiatives or priorities. So that's tens and tens
16 of hours of the President's time across many months.

17 And then there's drafts of the speech and changes to the speech and, hopefully, attempts to
18 shorten the speech.

19 And then there's rehearsal.

20 Q How many rehearsals are there -- were there?

21 A I think it would depend on how you think of a rehearsal. I mean, sometimes the right
22 thing for a President to do is to read at his desk from a notebook like this. Other times it's to
23 practice with a teleprompter.

24 But there's a lot of work that goes into a State of the Union. A lot of Presidential time. A
25 lot of staff time. And, yes, it makes sense to rehearse when you're in front of the country on such

1 an important speech.

2 Q And I know this is open-ended, but who among the senior advisers was most involved in
3 preparing President Biden for the State of the Union?

4 A Mike Donilon. Bruce Reed. Bruce Reed ran that whole policy process. Bruce was
5 the deputy chief of staff for policy.

6 Q Right.

7 A So he ran the policy process.

8 The communications team when it came time to really fine-tune the speech.

9 Q And when it came to delivery, who weighed in on how the President should --

10 A On the senior team?

11 Q Yes. Or others, if you remember.

12 A Same folks. Communications becomes even more important. We did have some
13 outsiders at different points in the process.

14 There was a guy named -- I think I have it right -- Michael Sheehan, who's a speech coach that
15 has worked with President Biden for years. So he would come in towards the end.

16 We had Steven Spielberg join, I think, for some sessions, I think around the State of the Union.
17 And Jeffrey Katzenberg was also involved in some of those sessions. There could have been others,
18 but I can't -- no one else comes to mind.

19 Ms. Harker. What input did Mr. Spielberg and Mr. Katzenberg contribute?

20 Mr. Zients. It was typically around, "Boy, the language doesn't pop there. Is there
21 different vocabulary?" Or, "This is an opportunity to really slow down and deliver." So it was
22 around delivery and language, not policy in any way, shape, or form.

23 BY MR. GREENBERG:

24 Q Did Mr. Spielberg contribute to any other speeches or events that President Biden
25 would deliver over your time knowing him?

1 A Yes. I don't -- I can't recall specifically, but, yeah, there were other times on important
2 speeches, generally around the -- I think post the State of the Union, around the campaign. I
3 don't -- he might have been involved in some of the debate prep, for example.

4 Q And is that -- is the answer the same for Mr. Katzenberg?

5 A Yes. They were generally together.

6 Q Did either Mr. Katzenberg or Mr. Spielberg ever approach you and have a conversation
7 about concerns about the President's either appearance or health or age?

8 A They were -- I remember -- I think it was Katzenberg, not Spielberg, had concerns about
9 the strength -- the strength of his -- of the President's voice, that he wasn't loud enough. So I think
10 the -- I remember Katzenberg bringing that forward.

11 They both did weigh in on things like more casual events and take the tie off, which I wish I
12 could do right now.

13 Q Besides polite input and recommendations to that end that you just described, did they
14 ever really raise concern, have anxiety about what they were witnessing in President Biden?

15 A Not that I remember.

16 Q Turning now to -- oh. I guess it's -- I guess I should -- it's fair to give you an answer
17 to -- do you agree that -- well, how would you characterize President Biden's debate performance in
18 2024 -- or, excuse me -- his State of the Union performance in 2024?

19 A Strong.

20 Q Was that the general feel throughout the White House, would you say?

21 A Yes.

22 Q But at the same time, this didn't completely put to bed the issue of age or cognitive
23 ability from the President from the punditry. Is that correct?

24 A Well, the age issue that we've been focused on, as I said, out there is the number one or
25 number two issue the whole time.

1 Q So as we approach talking about the debate and debate prep, I believe the debate was
2 held -- with President Trump -- was held earlier than most Presidential debates. Is that your
3 understanding?

4 A That's my understanding.

5 Q And were you part of conversations in the White House to make the decision to have
6 the debate earlier than usual?

7 A Yes, I was.

8 Q And was part of the -- well, why was the decision made to have the debate earlier?

9 A I think, like what we talked about with the State of the Union, the team thought it was a
10 good opportunity to showcase the President's policies and vitality, and to get that done earlier would
11 have a bigger impact on the reelect.

12 Q Who among the senior staff was of the opinion that President Biden should not have a
13 debate with President Trump at all?

14 A There was some discussion of that, just would it be a level playing field and would the
15 debate moderators keep it under control. But it really -- it never -- it never got any traction.

16 I think Steve Ricchetti was a little skeptical about the ability to have a fair debate. But I
17 believe that Steve agreed that we should do it and do it early.

18 We believed that it was an opportunity for the President to show that he was the right person
19 to be the next President of the United States.

20 Q And Ms. Tanden told us during her interview with us that Mr. Klain at one point had told
21 her that this was going to be -- to prepare President Biden for a debate against President Trump was
22 going to be a heavy lift. Was that your view as well?

23 A I think -- we talked about the heavy lift for the State of the Union, that this is up there
24 with the amount of time.

25 And Ron had done it many times before. So I would assume -- you've spoken to Ron -- that

1 Ron would say preparing any candidate or President for a debate is a heavy lift.

2 Q Were you --

3 A I'm watching the clock a little bit because if we're stopping in the next few minutes, I'm
4 fine. But I do want a restroom break at some point. I think we're coming up on that hour.

5 Q About 20.

6 Mr. Kelner. Why don't we take a break now?

7 Mr. Greenberg. Yeah. Let's take a break.

8 Go off the record, please. Thank you.

9 [Discussion off the record.]

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

11 BY MR. GREENBERG:

12 Q Were you part of President Biden's debate prep sessions in -- at Camp David?

13 A So the way I handled that was some people went out to Camp David, including the
14 President, for several days and spent their nights out there.

15 Given my role as chief of staff, I thought it was really important that I be at the White House
16 the majority of the time. Yet as we got towards the end of debate prep, I wanted to be there for
17 some of the sessions.

18 So I think even three or four days I would leave the White House around 1 o'clock, 2 o'clock,
19 get to Camp David, spend a few hours there, and get back so that I'd be back for my Monday morning
20 meetings and all the rest at the White House.

21 Q Just so I understand, this happened multiple times you would --

22 A It was either three or four times in, like, three or four straight days.

23 Q So starting with the early phases -- the early phase of debate prep, you were not there?

24 A No. And I was also only there for partial days throughout. It was either three or four
25 partial days where I was there for three hours or so.

1 Q Understood.

2 During the early phases when you were not there at all, were you receiving updates about
3 how debate prep was going or what was happening?

4 A I'm sure I was, yes.

5 Q What do you remember about what you were hearing?

6 A Sort of that they were -- my recollection is they were slogging away. It's hard. You
7 got to get through a lot of material. But they felt like they were largely on course, is my
8 recollection.

9 Q And then when you began to go up and come back for the debate sessions, what were
10 you seeing?

11 A Some very strong sessions or parts of sessions; some places where they still needed
12 work; a sense that the President was tired and under the weather, which obviously concerned us and
13 wanted to make sure that we were balancing the need for prep with the need for whatever he had,
14 recovering from that.

15 Q The President had arrived at Camp David after doing international travel. Is that
16 correct?

17 A I think the prior week or so he had done international travel.

18 Q Mr. Klain described President Biden as looking exhausted when he saw him at Camp
19 David. Is that consistent with what you saw?

20 A He definitely did seem under the weather, is the way I would describe it, which has a
21 certain look or feel of fatigue. I wasn't there, obviously, when Ron was there at the beginning, so I
22 can't comment on that period of time.

23 Q And when you did go there, were you -- would you describe yourself as shocked by what
24 you saw?

25 A No, I would not. I would say that I was -- as I said, there were some very good periods.

1 He was performing. We wanted to balance it with him trying to kick whatever it was that he had.

2 No.

3 And, in fact, I think when I left, which I think was the last -- the debate was maybe a
4 Thursday? I think it was Tuesday. I think people felt like this is where you want to be at this stage,
5 that it always comes together, and it was coming together.

6 Q So to speak a little bit colloquially, the Joe Biden we saw at Camp David was the Joe
7 Biden that you had seen on -- during your time as being chief of staff?

8 A Adjusted by the fact that he was under the weather. So that impacted his voice, it
9 impacted his energy level, his stamina.

10 Q Was the Joe Biden that you would see on the debate stage the same Joe Biden that you
11 had come to know, even adjusted for the things you've just mentioned?

12 A No. That was -- I had never seen anything like that before, and that was -- I assume
13 we're talking about the actual debate.

14 Q Yes, sir.

15 A Yeah. And it was shocking and obviously concerning at the time.

1 [3:11 p.m.]

2 BY MR GREENBERG:

3 Q In the interim, between you leaving on the Tuesday and the debate happening on
4 Thursday, did anybody raise concerns to you about President Biden not being, in fact, not being
5 ready for this debate?

6 A Not -- I think the concern was just that he was, you know, still under the weather, so
7 that was the concern. But there was never any discussion of "do you pull down the debate" or
8 anything like that. He was ready to do it and obviously totally committed to do it.

9 Q Where did you watch the debate?

10 A At my home.

11 Q Were you with anybody?

12 A My wife.

13 Q People watch debates differently. Were you exclusively watching the debate, or were
14 you, you know, on the phone with anybody or scrolling Twitter? Can you describe how you were
15 watching the debate?

16 A I was very attentively watching the debate. That doesn't mean that, you know, I
17 wasn't paying my attention to the phone in case something else was happening in the world, but I
18 watched it closely.

19 Q And did you receive any communications from White House staff or campaign staff or
20 members of President Biden's family about how he was performing during the debate?

21 A Once things -- it was clear that it was not a strong performance and that he was having
22 real trouble, yes. Not in anticipation, not before the debate started, but when he had the, what I
23 call the unprecedented and like nothing I had ever seen before freezes and things of that nature,
24 absolutely.

25 Q Was it a lot of people?

1 A My recollection is, yes. I mean, I don't really know. Certainly more than a few.

2 Q Did Ron Klain contact you during that time?

3 A No. I think Ron Klain was -- Ron Klain was there, and so he would have been, you
4 know, back stage, whatever it is. No.

5 Q Did Mike Donilon contact you during that time?

6 A Not that I recall.

7 Q Did anyone from the communications staff contact you from that time?

8 A I am remembering that Jen O'Malley Dillon was in touch; she was the campaign chair.
9 I don't have a specific recall, but I would think it was highly likely that Anita would have been in
10 touch. The senior team, that is what -- probably Ben McCanna, head of communications. But,
11 again, these aren't specific recollections, but I would assume, given how we operated as a team, that
12 they would have been in touch.

13 Q And did you have any immediate or contemporaneous outreach from any elected
14 officials that you remember?

15 A Not that I recall. Certainly following the debate I did. I don't think I did during the
16 debate. I don't recall.

17 Q When did you recognize that this was not a good night for President Biden?

18 A I think it was that moment that you talked about with the Medicare, but I think there
19 were issues leading up to that, too, that was really striking. He was clearly off to a rocky at best
20 start, and it got worse from there.

21 Q You said that this was something you had never seen before, and I think you said the
22 word "freezes." Is it your testimony today that you had never seen President Biden freeze?

23 A I mean, he had pauses or things of that nature that we all do, that we have talked about,
24 gaffes and things of that nature. But what we saw on that debate stage, I had never seen anything
25 like that before.

1 Q Did you, either while the debate was happening or immediately after, were you part of
2 conversations about how President Biden's performance should be messaged or communicated?

3 A I am sure I was. Now, there was a lot of real-time work happening in Atlanta. So it
4 was probably more making sure the right people were on it. Hearing more of the decisions than
5 helping to drive the decisions because, you know, the team was there acting in real time, you know,
6 whether he -- I think he went immediately to a rally. There was certainly discussion about the
7 North Carolina the following morning and the remarks for that, and, you know, continuing to press
8 on, even though he was clearly under the weather, he had experienced something unprecedented.
9 So that morning, you know, I didn't get much sleep that night, that morning there were definitely
10 discussions around the remarks in North Carolina.

11 Q And do you attribute President Biden's performance that night to him being under the
12 weather?

13 A That is my assumption from, you know, my recollection and the conversations that I
14 had, that he was just -- and I am sure that is combining with getting off track in some way and, you
15 know, having a little bit of a mental freeze as a result. I don't have anything more than that.

16 Q When did somebody communicate to you that President Biden, in fact, had a cold?

17 A Well, as I described, when I was at debate prep, it was clear that he was under the
18 weather. Whether that was a cold, the flu, a virus, that is between him and his doctor, but I knew
19 that he was under the weather that whole period of time.

20 Q And you had known President Biden for many years, had you ever seen him have a cold
21 or the flu before?

22 A Yes.

23 Q Did he ever behave the way that he did during the debate?

24 A Not that I ever saw.

25 Q We will stop right there. We will go off the record.

1 [Recess.]

2 Ms. [REDACTED] We can go on the record. I would like to enter as, I believe, exhibit F a
3 January 20th, 2025, Presidential Proclamation.

4 [Zients Minority Exhibit F
5 was marked for identification.]

6 BY MS. [REDACTED]

7 Q It is titled "Granting Pardons and Commutation of Sentences for Certain Offenses
8 Related to the Events at or near the United States Capitol on January 6th, 2021.

9 In part B, which is on the back side, the proclamation states that President Trump has granted
10 a full, complete, and unconditional pardon to all other individuals convicted of offenses related to
11 events that occurred at or near the United States Capitol on January 6, 2021.

12 I will note that part A lists approximately 15. Do you see any names listed in part B?

13 A I do not.

14 Q Are you aware that this categorical pardon extended to more than 1,500 people
15 convicted of offenses related to the attack on the Capitol on January 6th, 2021?

16 A I am now.

17 Q Interestingly, in a Fox News interview with Sean Hannity, President Trump said that he
18 had not evaluated every individual case when choosing to pardon all these individuals. He
19 explained it would be very, very cumbersome to go and look, you know how many people we are
20 talking about, 1,500 people.

21 Ms. [REDACTED] And now I would like to enter as exhibit G a news article published by NPR on
22 January 30th, 2025.

23 [Zients Minority Exhibit G
24 was marked for identification.]

25 Ms. [REDACTED] The title of this article is "Criminal Records of January 6th Rioters Pardoned by

1 Trump Include Rape, Domestic Violence."

2 This article explains that the categorical pardon issued by President Trump to the January 6th
3 rioters included dozens of defendants with prior convictions or pending charges for crimes, including
4 rape, sexual abuse of a minor, domestic violence, manslaughter, production of child sexual abuse
5 material, and drug trafficking.

6 BY MS. [REDACTED]

7 Q Mr. Zients, my majority colleagues also asked you about your reaction to President
8 Biden's performance at the debate. As I understood, you did not attribute President Biden's debate
9 performance to alleged cognitive issues; is that correct?

10 A Correct.

11 Q And, after that debate, it didn't change your belief that President Biden was able to
12 execute the duties of the office of the President?

13 A Absolutely not.

14 Ms. [REDACTED] We will go off the record.

15 [Recess.]

16 BY MR. SPECTRE:

17 Q We can go on the record. During Mr. Klain's transcribed interview, he was only aware
18 of one decision that President Biden made that did not have documented authorization, and that was
19 the decision to mandate COVID-19 vaccines for members of the Armed Forces. He said that that
20 came about through an in-person meeting with Secretary Austin who had requested this mandate,
21 and Mr. Klain had said that you were also in the room. You were the coordinator, COVID response
22 coordinator at the time; is that right?

23 A Yes.

24 Q And were you in the room for that conversation?

25 A I believe so.

1 Q Do you recall that conversation?

2 A I remember the issue, and I am not sure I would have recalled it if you hadn't prompted
3 it, but it sounds like it is familiar.

4 Q Do you recall what Secretary Austin's rationale was for recommending the vaccine
5 mandate?

6 A I think it was all around national security and the safety of the troops.

7 Q My understanding is that Secretary Austin could not issue the mandate absent a full
8 biologics license from the FDA, unless he had a waiver from the President. Was there any
9 discussion of getting a waiver?

10 A That sounds familiar. Again, I don't have strong recollection of this.

11 Q So you might have had a conversation about a waiver?

12 A Possibly, yeah.

13 Q Do you recall what President Biden's response was to Secretary Austin's request?

14 A I believe we put the mandate in place. Right. So I am working backwards from that.

15 Q Sure. But so you don't recall specifically what was said in the meeting?

16 A I don't have a specific recollection.

17 Q Do you recall when the meeting would have taken place?

18 A I mean, timeframe, it would have been in 2021.

19 Q Right.

20 A Probably the first half of 2021.

21 Q If you recall, during the time of the meeting, were you aware of the status of the FDA's
22 review of the biologics license application for the COVID-19 vaccine?

23 A This is going too far back in the memory bank. I don't know specifics.

24 Q On December 4th, 2020, President Elect Biden had said that he would not make
25 COVID-19 vaccines mandatory. Do you recall when President Biden changed his mind about that?

1 Was it in this meeting?

2 A I don't know. But having been at the forefront of the COVID response, it was so
3 dynamic and ever-changing that I think it was the responsibility of any leader in a pandemic like that
4 to evaluate the situation and make policy decisions. So I think that, to the extent, I don't recall the
5 specifics that you are talking about, but to the extent President Biden put policies in place that he
6 might not have issued earlier, that was consistent with how you fight a once-in-a-century pandemic.

7 Q And I understand that this was 4 years ago and the recollections are difficult. I am just
8 trying to get a sense of the timeline for when in the process the FDA -- where in the process the FDA
9 was, and whether the White House was aware of where in the process they were when the decision
10 to consider a vaccine mandate occurred. You don't recall?

11 A No. I mean, it is way back. And talking about a time when there were a lot of
12 changing circumstances and decisions, it was the COVID response.

13 Q Do you recall if anyone else was in the meeting besides yourself, Mr. Klain, Secretary
14 Austin and President Biden?

15 A I don't recall. In most of those meetings, you would have the National Security
16 Advisor, but I don't know specifically if Jake was there or not.

17 Q Nobody from the FDA was there?

18 A No. I would not imagine having someone from the FDA in that meeting.

19 Q And no one from HHS, Health and Human Services?

20 A I don't know. I mean, you wouldn't have the FDA, but you could have Secretary
21 Becerra. I don't have a recollection of him being in the room.

22 Q So, again, understanding that your recollection may be limited, do you have any
23 knowledge of how that decision that President Biden made in the room with Secretary Austin was
24 communicated, if -- was it put on a decision memo and recorded in some way? Was it
25 communicated via a similar email traffic that we discussed earlier with your assistant?

1 A I have no idea. I was the COVID response coordinator at the time. So I have no
2 recollection on that.

3 Q Switching gears a little bit, just while we are on the topic of Secretary Austin. There
4 was a story in early 2024 where it was reported that Secretary Austin had been hospitalized for, I
5 believe it was cancer treatment, for a cancer he had been diagnosed with earlier in December. So
6 he was hospitalized I think around January 1st, and the White House apparently wasn't made aware
7 of it until I think January 4th. Can you just explain -- do you recall those events?

8 A I do.

9 Q Do you mind just explaining your recollection of what that all -- how that occurred?

10 A I don't have dates but that we were notified that he was in the hospital, and we hadn't
11 had any prenotification of that. We hadn't any prenotification of him going to the hospital. We
12 didn't have any prenotification of his -- whatever he was having treatment for.

13 Q Did that strike you as concerning or out of the ordinary?

14 A Yeah. I don't think it was well-handled.

15 Q Who mishandled it?

16 A Secretary Austin's team. I mean, the Department of Defense. So I don't think that
17 was well-handled, and I think Secretary Austin acknowledged that.

18 Q Was there any established protocol or approved guidance of any kind about how
19 Cabinet Secretaries should communicate these sorts of health scenarios?

20 A I don't know what was in place at the time, but we made it very clear post that incident
21 about the protocols. So not suggesting there weren't protocols in place, but we responded quickly
22 by making those protocols very clear and communicating that to the Cabinet.

23 BY MR. GREENBERG

24 Q President Biden has, after his Presidency has since announced that he has been
25 diagnosed with stage four cancer. Did you ever hear during your time in the White House any

1 conversations about President Biden having cancer?

2 A No.

3 Q How in your opinion was this missed? It is stage four; that seems like something that
4 should have been caught.

5 A I am not a physician. I am not his physician. I don't know.

6 Q Are you aware of any employee in the White House -- are you aware of anyone
7 instructing or asking Kevin O'Connor, or any member of his staff, to not perform any kind of test or
8 procedure on President Biden?

9 A No.

10 BY MS. HARKER:

11 Q The National -- we have spoken a bit about President Biden and the administration
12 granting clemency to folks at the end of the term, and we have spoken a bit about the meetings in
13 which those decisions were discussed. The National Archives and Records Administration recently
14 told the Trump White House Counsel's Office that they did not find specific meeting notes that clearly
15 mentioned or note that the President was present for any of the four clemency meetings. It has
16 been reported that President Biden's decision memo on commuting several death-row sentences is
17 unmarked, and NARA cannot find a version indicating President Biden's approval.

18 Is it correct that there were four meetings between December 2024 and January 2025 to
19 issues we discussed?

20 Mr. Kelner. I just want to clarify. What are you reading from, Margaret?

21 Ms. Harker. This is a news article from justthenews.com that reviewed NARA records.

22 Mr. Kelner. I am not familiar with justthenews.com, but, Jeff, you can answer.

23 Mr. Zients. Look, I don't know if the number was four or five. More likely that than three,
24 meaning, he did so many meetings. So, you know, I think that any conclusion other than the
25 President spent a lot of time and made all the decisions on the clemency is just plain old wrong.

1 BY MS. HARKER:

2 Q Were you at all of these meetings?

3 A I think we talked about this earlier. No, I went to some, and Bruce Reed and the White
4 House Counsel, Ed Siskel, were at all the meetings.

5 Q How do you know if he was at all of the meetings if you weren't at all of them?

6 A Because I was the chief of staff responsible for the President's schedule.

7 BY MR. GREENBERG:

8 Q Back to chronology. After the debate, did Governor Maura Healey reach out to you?

9 A Yes.

10 Q In one of those books that we were talking about, "Original Sin," it is reported that
11 Governor Healey said, "Anyone who watched that debate, the images are irretrievable." Does that
12 reflect what Governor Healey said to you?

13 A I don't know the exact words she used, but she was very, very concerned about the
14 President's prospects for reelection post the debate. She wasn't alone.

15 Q I know I have asked versions of this question previously, but I just -- I want to make sure
16 that it covers the entire timeframe that we are talking about. When people were reaching out to
17 you, is it only because they were worried about the prospects of the President being reelected, or did
18 nobody reach out -- did anybody reach out and say, "Is the President healthy? Is he able to do the
19 job? Is he okay?"

20 A People did ask, "Is he okay?" I don't remember any conversations with someone
21 questioning his ability to do the job.

22 Q Okay. Who do you remember asking you if the President was okay?

23 A I think that would be a natural part of any of these conversations we have talked about
24 post-debate because no one, including myself and his team, had ever seen anything like it before,
25 and we wanted to make sure that he was okay. And his doctor and he had conversations and did

1 whatever they decided to do to ensure that he was okay.

2 I think it is an actual question to say, "Is the President okay," but I want to be clear, I do not
3 have any recollection of anyone questioning whether the President can do his job.

4 Q So your -- was it your response to convey the information that President Biden had
5 spoken with his doctor and the doctor said he was okay?

6 A I am sure I did some version of that.

7 Q And this is the same doctor who missed President Biden's cancer diagnosis for 4 years?

8 A The President's doctor is Dr. O'Connor.

9 Q Did any other Governor reach out to you with similar concerns as Governor Healey?

10 A Yes.

11 Q Who?

12 A I believe Governor Walz because he was the head of the Democrat Governors
13 Association. I don't know. I had regular contact with a lot of the Governors going back to my
14 COVID days because they were really the point for implementation. So I had strong Governor
15 relationships. I don't know who else I talked to during that period of time. There was a meeting
16 of the Democratic Governors in the Roosevelt Room, you know, a week or so later.

17 Q Did you have any conversations with Governor Newsom?

18 A I don't recall. Quite possibly because he is one of those Governors that I talked to
19 because the California COVID response was, obviously, given the size of that State, one of the more
20 complicated responses.

21 Q Did you have any conversations with Governor Pritzker?

22 A Again, likely, someone who I worked closely with during the COVID response and did
23 have somewhat regular contact with.

24 Q And did you have any conversations with Governor Shapiro?

25 A I don't think on Shapiro. Shapiro was not part of the COVID response. It was

1 Governor Wolf at the time. So I didn't have that preexisting relationship. I did work with
2 Governor Shapiro quite a bit towards the last year of the administration, but I don't think I had as
3 much regular contact with him around the -- you know, much of this was in the back part of the year,
4 on U.S. Steel and some other issues. So I don't know. It is possible. Less likely than the others.

5 Q And what about Vice President Harris? I am talking about the timeframe after the
6 debate, until President Biden announced that he was dropping out of the race, did you have -- did
7 you ever speak with the Vice President during that time?

8 A I am sure I did.

9 Q Did you ever have any conversations with her regarding the President's debate, in
10 particular?

11 A I am sure I did.

12 Q Do you remember the contents of those conversations?

13 A I don't have any specific recollection. I would assume we talked about what the team
14 was talking about, which is, how do we recover from this from a public perception, perspective; how
15 do we get him out there in the right settings? But I don't have any specific --

16 Q Did you ever discuss with Vice President Harris any kind of contingency in which
17 President Biden would drop out?

18 A I did not.

19 Q Did you ever speak with Doug Emhoff about President Biden's debate?

20 A I don't have any specific recollection, but probably yes.

21 Q Same question, did you ever have any conversations about any contingency in which Joe
22 Biden would drop out?

23 A No.

24 Q Did you ever have any conversations with anybody about a contingency, what would
25 happen if Joe Biden dropped out of the race?

1 A Well, as -- I mean, with the President, you know, particularly, when he decided to do it.
2 But, you know, I mean, you know, like I mentioned, I talked to him, or he knew my view, that I
3 thought he should get out of the race. And, you know, therefore, you know, you talk about, "If you
4 drop out, what happens," but I don't remember any specifics.

5 Q And when did you communicate your view? I know that you had kept it to yourself for
6 a period.

7 A Yeah. He -- I think he -- it is fair to say within a few days after the debate he was aware
8 of my view that I thought it was prudent to consider getting out of the race.

9 Q Did you feel that you were, after you communicated that, put -- you know,
10 communicated -- that the President communicated less with you after you communicated that view?

11 A No.

12 Q Did you advocate for the President to be more public facing after the debate?

13 A We all did. And some, you know, even more extreme than others. But the plan was
14 about, "How do we get him out there more?" We talked about, immediately following the debate,
15 the event in North Carolina, that there were, you know, a press conference. He did a lot of different
16 things, but -- were meant to build back public confidence that he was the right person to be the next
17 President of the United States.

18 Q And there has been some reporting that there was a disagreement between you and
19 Mr. Klain about the President's decision to go to Camp David where I believe a photo shoot occurred;
20 is that accurate?

21 A I do recall that. I don't know if that is from prep or press coverage, but Ron -- Ron and
22 I sometimes had friction around, not the general map, but Ron always wanted to go -- not always,
23 oftentimes wanted to go faster and harder, which, you know, is a perspective. I think he wanted to
24 go faster and even harder at this issue of getting him out there. So we weren't disagreeing on the
25 general strategy, I guess. There was a disagreement around the pace. If I am recalling the dates

1 right, Thursday night was the debate. We talked about Friday. The Camp David weekend was that
2 weekend, and I think part of my calculus was, you know, he has been under the weather; let's give
3 him a little bit of time and then hit the ground running.

4 Q Do you think it is fair to say Mr. Klain was more bullish on President Biden's prospects at
5 this point than you were?

6 A I think it is fair to say that Ron thought the President should actually stay in the race. I
7 don't know where that goes to prospects, but, you know, I mentioned that I thought the more
8 prudent thing was for him to exit.

9 Q Did you go to Camp David during that time?

10 A That weekend?

11 Q Uh-huh.

12 A No.

13 Q Do you know who did?

14 A I don't know. The President always has a member of the senior team with him. So
15 that could be Annie Tomasini. It could be Bruce Reed, but I don't know who was in response for
16 that.

17 Q Ms. Tomasini, along with Mr. Bernal and Ashley Williams, has been described as creating
18 a cocoon around the President. Do you agree with that?

19 A No.

20 Q Do you believe they were among President Biden's most trusted advisors?

21 A I can speak less to Ashley because she really wasn't in the Oval Office role when I was
22 chief of staff, at least not for the vast majority of the time [inaudible]. Annie was a very close
23 advisor. Who was the other person?

24 Q Mr. Bernal.

25 A Close advisor.

1 Q Recognizing that the President had a bad debate, what did you see your role as chief of
2 staff to be with regard to the staff in the White House and -- what did you think you should do
3 with -- for or with them to communicate or to resolve his bad night?

4 A Are we talking about the senior most team or the broader --

5 Q Well, let's start with the senior team.

6 A To get them focused on this plan to get him out there more, to figure out what meetings
7 made most sense, what events made most sense, when should a press conference take place, what
8 groups from the Hill should he interact with.

9 Q And the larger group?

10 A To keep spirits high, you know, it is hard to work in the White House. It is even harder
11 when something unexpected and negative happens, which is what happened at the debate. So I
12 am a big believer in the responsibility of a leader is to be optimistic and to keep people on task, and
13 communication is a big part of that.

14 Q And was there an all-staff call on July 3rd?

15 A That sounds familiar, yes. I don't know the date, but we did all-staff calls.

16 Q Is that the same group of people who would be in the larger meeting?

17 A Much, much, much broader.

18 Q Okay.

19 A Yeah. That meeting, the larger meeting in the Roosevelt would be the deputy
20 assistants to the President and the assistants the President, 40-odd people. So that group I would
21 have communicated with in person.

22 Q Right.

23 A The morning after the debate and the morning after that, you know, on a regular basis.
24 This is more of the -- between the Old Executive Office Building and the White House, you know,
25 hundreds of people who were part of the Executive Office of the President.

1 Q And did you communicate during that call something along the lines of "it was just one
2 night"?

3 A Sounds familiar.

4 Q Did you really believe that?

5 A Yes.

6 Q Did staff get a chance to respond on that kind of call, or were people muted?

7 A I don't know if they were muted or not, but they are one-way calls.

8 Q Was there any pushback from anyone during that call?

9 A As I just said, it is a one-way call.

10 Q I am sorry.

11 A Yeah.

12 Q Was there any conversation even that early on -- we are still a few weeks away from
13 President Biden dropping out -- was there a conversation about what an open primary would look
14 like?

15 A Not structured conversation. You know, were there hallway conversations? I am
16 sure.

17 Q Did you get a feel of how morale was in the White House?

18 A I think people were worried, you know, as a general -- it was already a very difficult
19 stressful environment being in the West Wing, particularly in a reelect year, and then the debate
20 made that more difficult, more uncertain, more people, you know, calling for different things. That
21 is a hard work environment.

22 Q Were you communicating that to President Biden?

23 A I don't have any specific recollection, but I am sure it was part of my briefing. It was
24 just, you know, the importance of keeping the team informed and the team focused.

25 Q It is my understanding that Congressman Adam Smith, who was the ranking member of

1 the House Armed Services Committee, told you he was going to call for President Biden to step aside
2 around July 4th.

3 A I do recall that.

4 Q And your response purportedly was, "Give us a few days"; is that correct?

5 A Probably. I have no reason to believe that wasn't my response because the President
6 was working through what he was going to do. You know, I was trying to give him some decision
7 space.

8 Q Did you tell President Biden about this call?

9 A I don't have a specific recollection. I could very well have, but I don't know for certain.

10 Q And it seems reasonable, but the "give us a few days" comment, did you have an idea
11 what was going to happen at the end of the few days, or was this just buying time?

12 A It felt, not just buying time, it felt like the President was nearing a decision point, and I
13 thought it would be better than people getting out ahead of him to let the President make up his
14 mind. I don't know how that timing ended up coincided with the President's decision, but that was
15 the logic.

16 Q Part of the effort to get President Biden out more in the public was an interview, I
17 believe, that was conducted by George Stephanopoulos. Do you recall that?

18 A I do.

19 Q Did you ever have conversations before or after the interview with Mr. Stephanopoulos
20 about how President Biden conducted himself during that interview?

21 A I do not recall any conversations. I do know Stephanopoulos, but I don't believe we
22 had any contact around that period of time.

23 Q Around July 12th, I believe Senator Schumer contacted you and said, as it is reported,
24 "Let me see Biden, or I am going to publicly request a meeting." Did that occur?

25 A Yes. I think we talked about that a little bit earlier, that Schumer wanted a meeting,

1 and we arranged for that in Rehoboth Beach.

2 Q And, again, I don't have the transcript from a few hours ago, but were you at Rehoboth
3 Beach when that occurred?

4 A I was not.

5 Q And you got a bit of a readout; is that correct?

6 A Schumer called me afterwards and said that he appreciated that I had arranged the time
7 together with the President.

8 Q And this was after the Caucus meeting of --

9 A Yes.

10 Q -- the Democrats, correct?

11 A Yes.

12 Q Did he indicate whether President Biden had given him enough material to push back on
13 his Caucus?

14 A I don't remember specific conversations on that front.

15 Q I believe also during that weekend there was a call between the Progressive Caucus and
16 the President. Do you recall that?

17 A Yes, I do. I was not on that call. I believe Steve Ricchetti was in Rehoboth when he
18 staffed that call.

19 Q Did you get a readout, though, from that call?

20 A Yes. I remember being concerned that it had not gone well.

21 Q One representative found President Biden to be, quote, "very angry" and, quote,
22 "personally offended" and, quote, "rambling, long-winded, and at times incoherent."

23 A I wasn't on the call, but it is clearly that person's opinion.

24 Q And I understand that. And my question is, during this time period that we are talking
25 about, the middle of July of 2024, was President Biden very angry or incoherent?

1 A No. I think he was under a lot of stress and, you know, working very hard and probably
2 not a lot of sleep, but I don't remember him being particularly -- consistent with what you just asked
3 about. I do need a bathroom break.

4 Mr. Greenberg. We will go off the record.

5 [Recess.]

6 BY MS. HARKER:

7 Q Back on the record. Neurologist Dr. Kevin Kennard reportedly visited the executive
8 mansion eight times in eight months between 2023 and 2024. Are you aware of those visits?

9 A I am aware from time and prep that that came up. I don't know if it was -- I am not
10 aware of it from it being cleared on the President's schedule by me or anything of that nature. So I
11 didn't -- contemporaneously I didn't know about those visits.

12 Q Okay.

13 BY MR. GREENBERG:

14 Q Back to chronology. Mr. Klain told the committee he discussed President Biden's call
15 with the Progressive Caucus with you. He told us that he told you it was a mistake to not have
16 someone brief the President for that call, and someone who had good relations with the Progressive
17 Caucus with the President. Is that right, did you have --

18 A I know he was frustrated. Ron was frustrated by the timing of the Progressive Caucus
19 meeting. I think he wanted -- it was one of those things he wanted to do earlier, and we as a team
20 decided that wasn't a priority to do earlier. And then I think his frustrations were obviously
21 heightened by the fact that the call didn't go well. What he is referring to there is that Steve
22 Ricchetti was staffing the President in Rehoboth; Steve is the head of congressional relations. So I
23 think he is a pretty good choice to be on the call and briefing the President.

24 Q And Mr. Klain didn't think Mr. Ricchetti should be the one doing that?

25 A I don't know what his logic was. Maybe he thought Ricchetti's politics didn't align with

1 the Progressive Caucus the way someone else's could have. I don't know.

2 Q Skipping ahead a few days. President Biden traveled -- would eventually make his
3 decision to drop out of the race in Delaware; is that correct?

4 A Correct.

5 Q President Biden also had developed COVID during that time; is that correct?

6 A Yes. He was at an event on the -- towards the west of the country, and it was
7 discovered that he had COVID, and he immediately ended that trip and came to Rehoboth to be -- to
8 do his recoup and recovery.

9 Q Did you ever have any conversations prior to President Biden dropping out with
10 members of the Biden family about their position on President Biden staying in the race or not?

11 A None that I recall. Whether it was direct or indirect, I sensed that the First Lady
12 wanted him to stay in the race, but I don't recall any specific conversations.

13 Q When did you learn that President Biden was going to drop out of the race?

14 A I was in my West Wing Office on Sunday. It was around noon, and he called me
15 directly and said, "This is the decision I have made." I started talking about the decision, and then
16 he pivoted to, "I still have 6 months, and I want to get as much done as we possibly can." And then
17 he asked for me to convene the senior team -- I think it was the 8:15 team -- so he could tell them
18 shortly before the public announcement.

19 Q Is it your understanding that he had actually made that decision the previous evening?

20 A I don't know. I wasn't there. That would not surprise me given that he was calling
21 me at noon on the following day, but I don't know.

22 Q What do you mean by that? I am sorry.

23 A Well, I mean, you know, that he slept on it, that he made the decision, slept on it, and
24 then gave me a holler. I don't know that, though. I mean, I think he had done a meet -- what I do
25 know is that he had done a meeting that I believe Steve Ricchetti and Mike Donilon were in that night

1 before. So I don't know if that meeting ended with a decision, or "Let's sleep on it." But there was
2 an important meeting the night before.

3 Q Looking back now, and with the benefit of hindsight and some time to think about it all,
4 do you think that the reaction to President Biden's debate performance from politicians, punditry, do
5 you think that was just all an overreaction to one bad night?

6 A No, in that, as we have talked about, you know, age was an issue well in advance of the
7 debate. And part of the reason to do an early debate was to show how command of the substance
8 and how the President's policies contrasted with the former President's policies and the President
9 can perform well on his feet. Right. And that didn't happen. Right. Just the opposite
10 happened. So I don't think it was -- it was surprising that people had that reaction.

11 Q Do you think part of the job of being President is demonstrating that you are capable of
12 being President?

13 A For sure.

14 Q And President Biden failed at that?

15 A Well, on that debate night, he did not perform well. He performed well throughout his
16 Presidency and governing the country and making decisions.

17 Q When was the last time you spoke with Jill Biden?

18 A I haven't had a one-on-one conversation with her since I left -- since we all left office. I
19 saw her once in D.C. at a meeting with some former colleagues of the President maybe a couple
20 months ago.

21 Q And when was the last time you spoke with Joe Biden?

22 A I met with President Biden a couple of weeks ago in Wilmington. A colleague, Brian
23 Deese, who was the head of the NEC for the first 2 years, and I went to see him, his -- the person
24 authoring his book with him was there, and we talked through economic policy from the IRA to the
25 CHIPS Act to -- and the impact -- and the stories behind how those bills got passed and the impact

1 that they had on the economy.

2 Q And you haven't talked about this investigation or your interview today with President
3 Biden?

4 A No.

5 Ms. Harker. If the debate was one bad night and you had never seen President Biden
6 appear the way he did that night, why did you think that he should drop out after the debate?

7 Mr. Zients. Because I thought that this issue that had been front and center for months of
8 "is the President too old to be a second-term President," the whole purpose -- not the whole
9 purpose, a goal of moving the debate forward was to show that that was not the case. And,
10 unfortunately, he had a bad night, and it was just the opposite. So I thought that, at that point,
11 given the polling, concern around the President and his age, these calls from leadership on the Hill,
12 the Caucus, that his likelihood of being reelected had diminished quite a bit and that he was better
13 off letting someone else do that.

14 Ms. Harker. In retrospect, do you think he should have dropped out earlier?

15 Mr. Zients. No. I think he made the decision at the right point, you know, he was in a close
16 race, but post the debate it would have been very difficult to make up ground.

17 Mr. Greenberg. We will go off the record.

18 Mr. Zients. Thank you.

19 [Recess.]

20 BY MS. [REDACTED]

21 Q We will go on the record. Mr. Zients, my majority colleagues have asked you about the
22 book titled "Uncharted," written by the author Chris Whipple. In a recent Fox News interview, Mr.
23 Whipple stated that there is no evidence that Biden was unable to fulfill the duties of Commander in
24 Chief.

25 In the same interview, he goes on to dismiss the idea that Biden's last year was "Weekend at

1 Bernie's" and that there was no cabal running the country with an autopen, and it is just silly that the
2 notion they are going to be able to prove that there was this ghastly coverup on the part of Biden's
3 inner circle is just crazy to me; I think the answer is that this thing goes nowhere.

4 I would also like to note that my majority colleagues seem to find it surprising that the debate
5 was just one -- you know, was a bad day. But President Trump, after meeting with President Biden
6 post-election, also seemed to be surprised that the man he met was different from the debate, and
7 from -- I would just like to quote from one of the books that my majority colleagues have referenced,
8 quote, "Biden spoke softly, but he showed no signs of confusion, and he went into detail on a variety
9 of topics. He never needed any assistance or intervention to stay on topic. At one point, he stood
10 to fetch some pictures from a consul table, and his gait was labored, but mentally he seemed sharp
11 and smart. Trump left astonished, remarking he didn't understand what had happened at the
12 debate. It didn't seem like the same guy," end quote.

13 Does that description of President Biden seem accurate with the President Biden that you saw
14 almost every single day in the White House?

15 A A hundred percent. And, in fact, I was in that meeting. The President's chief of staff
16 to be, Susie Wiles, and I attended that meeting. So I would say that meeting was completely
17 consistent with the President Biden we have been talking about, that I have been talking about.

18 Ms. [REDACTED] We will go off the record.

19 [Whereupon, at 4:22 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date