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1 [The court-martial was called to order at 1853, 31 July 2013.]

2 MJ: Court is called to order. Let the record reflect that all
3 parties present when the court last recessed are again present in
4 court. The witness is on the witness stand.

5 Major Fein, please describe who is in the gallery for the
6 closed session.

7 TC[MAJ FEIN]: Yes, ma'am. This session is classified at the
8 Secret level. Prior to it starting, the court security officer
9 completed his closed hearing checklist; it will be filed with the
10 post-trial allied documents. Also, in this--currently in this
11 session is the bailiff, the Court's paralegal, members of the
12 prosecution team, members of the defense team, and security, Your
13 Honor, and PFC Manning.

14 MJ: All right. Is there anything we need to address before we
15 proceed?

16 TC[MAJ FEIN]: No, ma'am.

17 CDC[MR.COOMBS]: No, ma'am. Well, actually, just to put on the
18 record--and this will probably come out when we have the redacted
19 portion of this as well--that the defense did verify the working
20 papers were, in fact, given to us in discovery--found exactly where
21 they were at thanks to the government giving us the Bates numbers,
22 then also found an email from me to my co-counsel discussing and

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1 talking about these working papers. So, once the memory was jogged,
2 then I recalled looking at them, ma'am.

3 MJ: Mr. Coombs, thank you for notifying the Court. And I
4 assume we don't have to do this again in open court because of the
5 procedures we'll have where the--this will--I hope you redact----

6 TC[MAJ FEIN]: Yes, ma'am.

7 MJ: Okay. Go ahead.

8 **[Examination of Mr. Kirchofer continued.]**

9 **Questions by the trial counsel [MAJ FEIN]:**

10 Q. Sir, earlier, I was asking you questions about specific
11 data sets and some findings of impact. Now, I would like to focus
12 your attention on the Department of State cables.

13 A. Yes, sir.

14 Q. And, specifically, sir,

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16 A.

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3 Q. And, sir, what was included--or how

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6 A.

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15 Q. And what was included, then, sir, in--when you're

16 referencing----

17 MJ: And those countries were?

18 WIT: There was--

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1 MJ: Okay. Go ahead.

2 [Examination of the witness continued.]

3 Q. And, sir, what was--so,

4

5

6 A.

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10 Q. And what are some specific examples of these collection
11 directives?

12 A. Like, for example,

13

14

15 Q. And why is it a concern, sir, that this information is now
16 available publicly?

17 A. To me,

18

19

20

21 Q. And, sir, did you, as the Deputy Chief at the IRTF, observe

22

23 A. The----

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1 Q. ----the information within it?

2 A. Well, these are the types of things that--for example, when
3 I went--that particular didn't come up and shape--

4

5

6

7 ----

8 Q. What do you mean, sir, by " "?

9 A. Well, because

10

11

12

13

14 Q. And, sir, the level?

15 A. Yes, they are.

16 Q. And why is that?

17 A. Just for that reason,

18

19 Q. Sir, next, I'd like to----

20 MJ: Yes?

21 ADC[CPT TOOMAN]: Sorry, Major Fein. I guess, just for the

22 record, Your Honor, we would--I guess this would be part of our

23 objection--our hearsay objection. We believe that Mr. Kirchofer's

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1 testimony, there, is based on hearsay.

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5 MJ: All right. Do you have a hearsay exception?

6 TC[MAJ FEIN]: Well, a few, Your Honor. First off, this
7 information is based off of--first, it's not hearsay,

8

9

10 MJ: The witness has just testified about

11

12 TC[MAJ FEIN]: Yes, ma'am, but that's also based off the
13 information that the witness said--well----

14 MJ: That I said if it's hearsay, it's not allowed to be
15 elicited on direct, right?

16 TC[MAJ FEIN]: Yes, ma'am.

17 MJ: So?

18 TC[MAJ FEIN]: So I'll re-ask the question, ma'am.

19 MJ: All right.

20 TC[MAJ FEIN]: May I have a moment, Your Honor?

21 MJ: Uh-huh.

22 [Examination of the witness continued.]

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1 Q. Sir, what--

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5 A.

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11 MJ: Who is "they" and "them"?

12 WIT: This example

13 MJ: Okay. Go ahead.

14 [Examination of the witness continued.]

15 A. So,

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21

22 Q. Thank you, sir.

23 A. ----but I know that that was the conversation.

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1 Q. Sir, now, could you please describe for the Court what

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3 A. So, one of the compromised--or one of the records that went
4 public was

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22 Q. Was that information otherwise known, sir----

23 A. No.

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1 Q. ----prior to the release of that cable?

2 A. No, it was not.

3 Q.

4

5 A.

6

7

8

9

10 Q.

11

12

13 A.

14 Q.

15 A.

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21

22

23 Q.

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1 A.

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3

4

5 Q.

6

7 A.

8 Q.

9 A.

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11

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13

14 Q.

15

16 A.

17

18

19 Q.

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21 A.

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1 Q.

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3 A.

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8 Q.

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11 A.

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13

14 Q.

15 A.

16

17 TC[MAJ FEIN]: Thank you, sir. Your Honor, there's no further
18 questions.

19 MJ: Captain Tooman?

20 ADC[CPT TOOMAN]: Thank you, ma'am. One moment, please. Thank
21 you, sir, ma'am.

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CROSS-EXAMINATION

Questions by the assistant defense counsel [CPT TOOMAN]:

Q. Sir, first, I want to talk, just generally, about cables. Are you--do you know what SIPDIS is?

A. Yes.

Q. So you understand that it's the type of cable that's widely distributed and disseminated throughout the government?

A. Yes.

Q. Do you have any idea how many folks have access to SIPDIS?

A. Well, at the time when NCD was still turned on, it was broadly available on SIPRNET, so I don't know how many people that is, but it's significant.

Q.

A.

but----

Q.

A.

Q.

A.

Q.

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1 A.

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3 Q. Now, you talked about

4

5 A. Yes.

6 Q.

7

8

9 A.

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11 Q. Are you aware of that--if--are you aware of whether or not

12

13 A. I don't know, I'm not----

14 Q. So you've never gotten any report that

15

16

17 A. I have not, no.

18 Q. Okay. Now, you mentioned an example, there,

19

20

21 A. Yes, exactly.

22 Q. Are you aware of whether or not

23

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1 A. That's--I think--if

2

3

4 Q. Okay. So, you're not aware

5

6 A. Correct, I don't know that.

7 Q. Okay.

8 A. I know that

9

10 through on a threat.

11 Q. Okay. Is it fair to say that

12

13 A. No, no, the

14

15

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17

18

19 Q. Okay. And do you know if that

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21 A. I said if that happened, it was after I left; I don't know.

22 ADC[CPT TOOMAN]: One moment, please. Nothing further. Thank

23 you, sir.

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1 MJ: All right. Redirect?

2 TC[MAJ FEIN]: May I have a moment, Your Honor.

3 MJ: Yes.

4 TC[MAJ FEIN]: No, Your Honor, no further questions.

5 MJ: All right. Is there anything else we need to address today
6 before we close the session for good--or recess the session? Excuse
7 me.

8 TC[MAJ FEIN]: No, ma'am.

9 CDC[MR.COOMBS]: No, Your Honor.

10 MJ: All right. And we said 10 o'clock tomorrow, right?

11 ADC[CPT TOOMAN]: Yes, Your Honor.

12 MJ: All right. Court is in recess, then, until 10 o'clock
13 tomorrow.

14 **[The court-martial recessed at 1910, 31 July 2013.]**

15 **[The court-martial was called to order at 1911, 31 July 2013.]**

16 MJ: Well, it's called--court is called to order, briefly, just
17 to temporarily excuse you.

18 [The witness was duly warned, temporarily excused, and withdrew from
19 the courtroom.]

20 MJ: Court is in recess.

21 **[The court-martial recessed at 1911, 31 July 2013.]**

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