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21. [The court-martial was called to order at 1445, 6 August 2013.]

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1 MJ: Court is called to order. Major Fein, please account for
2 the parties and the status of the courtroom. And----

3 TC[MAJ FEIN]: Yes.

4 MJ: ----the witness is on the witness chair.

5 TC[MAJ FEIN]: Yes, ma'am. All parties, when the court last
6 recessed, are again present. This is a closed session at the Secret
7 level, Your Honor. Included with the parties is the bailiff, the
8 Court's paralegal, members of the defense team, members of the
9 prosecution team, and security.

10 Also, the court security officer has completed a closed
11 hearing checklist and that will be filed with the post-trial allied
12 papers.

13 MJ: Okay. Proceed.

14 **[Examination of Colonel Chesnutt continued.]**

15 **Questions by the assistant trial counsel [CPT MORROW]:**

16 Q. Colonel Chesnutt, before we get into some of the impact you
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1 A.

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3 Q. And how do you--

4 A.

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13 Q.

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15

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17 A.

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1 Q. All right. So let's sort of move into what happened in the
2 aftermath of the release of cables.

3

4

5 A.

6

7

8

9 Q. And why did you do that, sir?

10 A.

11

12

13 Q. So was it more, sir,

14

15 A. Right.

16 Q. And, sir,

17

18 A. Yes----

19 Q.

20 A. Yeah,

21 Q. And can you explain that, please?

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1 A.

2

3

4 Q. And you were the--

5

6 A. Yes, I did.

7 Q. And, sir,

8

9 A.

10 Q. And who was set to be his replacement?

11 A.

12 Q.

13

14 A.

15 Q. And why not?

16 MJ: Yes?

17 ADC[MAJ HURLEY]: I'm sorry to interrupt. 1001(b)(4), ma'am.

18 MJ: Okay. Just a moment. Noted.

19 [Examination of the witness continued.]

20 Q.

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1 A.

2

3 Q.

4

5 A.

6

7

8 Q. All right, so let's explore this a little bit.

9

10

11 A. It's a--

12

13

14

15

16

17 Q.

18 A.

19

20 Q. And do you----

21 MJ: When?

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1 Q.

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3 A.

4 Q.

5

6 A.

7

8 Q.

9

10 A.

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14

15 Q.

16

17 A.

18

19 Q.

20

21 A.

22 MJ:

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1 ADC[MAJ HURLEY]:

2 MJ:

3 [Examination of the witness continued.]

4 A.

5

6

7

8

9 Q.

10

11 A. Right.

12 Q.

13 A.

14

15 MJ: The--strike----

16 WIT: Okay.

17 [Examination of the witness continued.]

18 Q.

19

20

21 A.

22

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2

3

4

5

6 Q.

7

8

9

10 A. Yes, it became increasingly difficult.

11 Q.

12

13 A. Yes.

14 Q. ----

15

16 A.

17

18

19

20

21 ADC[MAJ HURLEY]: Captain Morrow, if I could--1001(b)(4) on the

22

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1 MJ: Okay. Got it.

2 [Examination of the witness continued.]

3 Q.

4

5

6 A. Yes, it was.

7 Q. And can you explain that, please?

8 A.

9

10

11

12

13

14

15 MJ: Yes?

16 ADC[MAJ HURLEY]: Pardon me. Objection, hearsay, ma'am.

17 MJ: All right. What's the----

18 ATC[CPT MORROW]: Your Honor, we'd often under 803(3) as well.

19 MJ: Okay. Your objection is noted.

20 ADC[MAJ HURLEY]: Yes, ma'am.

21 MJ: And go ahead; it's overruled right now.

22 [Examination of the witness continued.]

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1 Q. Sir,

2

3 A.

4

5

6 Q.

7

8 A. Yes, it was.

9 Q. And how so?

10 A.

11

12

13

14

15

16 Q.

17

18

19 A. Yes.

20 Q.

21

22 A. As a rule, yes.

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~~SECRET~~

1 Q.

2

3

4 A.

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6

7 Q.

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9

10

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12

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15

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17 Q.

18

19 A.

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1 ADC[MAJ HURLEY]: Ma'am, the

2 1001(b)(4).

3 MJ: Okay.

4 [Examination of the witness continued.]

5 Q.

6

7

8 A.

9

10

11

12

13 Q. And did that

14

15 A.

16

17

18 Q. Sir,

19

20

21

22 A.

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1 ATC[CPT MORROW]: Thank you, sir.

2 MJ:

3 WIT:

4 MJ: Thank you. Defense?

5 ADC[MAJ HURLEY]: Yes, ma'am. Sir, ma'am, if I can take a
6 second to get organized here?

7 **CROSS-EXAMINATION**

8 **Questions by the assistant defense counsel [MAJ HURLEY]:**

9 Q. Good afternoon, sir.

10 A. Good afternoon.

11 Q. Sir,

12 A.

13 Q.

14

15 A. Yes.

16 Q.

17 A. Yes.

18 Q.

19 A. Yes.

20 Q.

21

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1 A.

2

3 Q. Sir, you testified, just there at the end,

4

5 A. Yes.

6 Q. Do you recall--we've had two interviews before today, is
7 that correct?

8 A. Yes.

9 Q. One was yesterday and one was months ago over in Tamberg?

10 A. Yes.

11 Q. And, in those interviews, you indicated that,

12

13

14

15 A. Yes.

16 Q. So, sir, and going on,

17

18

19 A. Yes.

20 Q. And, sir, just to reinforce in my mind,

21

22 A.

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1 Q.

2 A. 2012.

3 Q. 2012?

4

5 A.

6

7 Q. So, sir, getting back to these

8

9

10 A. Yes.

11 Q.

12 A. Yes.

13 Q.

14 A. Yes.

15 Q.

16 A. Yes.

17 Q. Sir, --and before I move on from

18 that----

19 A. Right.

20 Q. ----in our conversations previously,

21

22 A. Right.

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1 Q.

2

3

4 A. Yes.

5 Q. And that's your testimony, here, today as well?

6 A. Yes.

7 Q.

8

9 A. Yes.

10 Q. So, sir, moving on to

11

12

13

14 A.

15 Q. The bin Laden raid. Thank you. Abbottabad. And that

16 happened approximately 1 May 2011?

17 A. Yes.

18 Q. And the bin Laden raid--that's the raid that bin Laden was

19 killed, right?

20 A. Yes.

21 Q.

22 A. Yes, it did.

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1 Q.

2

3

4 A.

5

6 Q.

7

8 A. Yes.

9 Q.

10

11

12 A.

13

14

15

16 Q. And, sir, going back, again,

17

18 A. Sure.

19 Q. ----I just neglected to ask you this question.

20 , in no way, connected to the WikiLeaks disclosures,

21 to you knowledge, right?

22 A. No, no connection.

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1 Q. And the Abbottabad raid--I'm just going to have to use my
2 Oklahoma pronunciation on that----

3 A. "Bin Laden raid" works too.

4 Q. ----and I apologize. Yeah, "bin Laden raid." Let's go
5 with that one.

6

7 A. Not that I'm aware of.

8 Q.

9

10

11 A. Yes.

12 Q.

13

14 A.

15

16 MJ: By what time?

17 WIT: By May 2011.

18 MJ: I don't mean to interrupt you,

19

20 WIT:

21

22 MJ: Thank you.

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1 [Examination of the witness continued.]

2 Q. Thank you, sir. Sir, we talked, yesterday, about your
3 leaving in October of 2012?

4 A. Yes.

5 Q. And I recall, yesterday,

6

7 A. Yes.

8 Q.

9

10 ACC: Yes.

11 Q.

12 A. Yes, I have.

13 Q.

14

15 A.

16

17

18

19 Q. Sir, the--I forgot to ask you about

20 So, if we could go back to that line

21 of questioning, sir, maybe. I apologize for skipping around.

22 A. Right.

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1 Q.

2

3 A. Yes.

4 Q. The

5 A. Yes.

6 Q.

7

8 A.

9

10

11 Q. And, sir, if I could get you to tease out, in your mind,
12 the problem that resulted only because

13

14

15 A. About a month.

16 Q. Okay, so the early part of December 2010?

17 A. Yes.

18 Q. And the

19 A. Yes.

20 Q. So there was a 2-month time window when it--when the only
21 complicating factor was the WikiLeaks disclosures.

22 A. Yes.

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1 Q. And the incidents that you described with Captain Morrow on
2 direct----

3 A. Yes.

4 Q. ----can--and I believe there were a few of them and I'll
5 just go through a few of them just to see if you can recall if that
6 was just during that time window or at any other time window.

7 A. Yes.

8 Q. All right?

9

10

11 A. Yes,

12 Q.

13 A. Yes.

14 Q.

15

16

17 A.

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Q. And, in your memory,

A. Yes.

Q. Can you--as you sit there right now, can you think of any of the effects, that you talked with Captain Morrow on direct,

A.

ADC[MAJ HURLEY]: Sir, I'm just going to take a look at my notes. Colonel Chesnutt, I don't have any more questions.

WIT: Thank you.

MJ: Redirect?

ATC[CPT MORROW]: Briefly, Your Honor.

REDIRECT EXAMINATION

Questions by the assistant trial counsel [CPT MORROW]:

Q. Sir, you

A. Right.

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1 Q.

2

3 A.

4 Q. And you, obviously,

5

6

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8 A.

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16 ATC[CPT MORROW]: Thank you, sir.

17 MJ: Anything else from the defense?

18 ADC[MAJ HURLEY]: No, ma'am, other than the last--the disability

19 [sic] to provide , ma'am, we'd object to that

20 under 1001(b)(4).

21 MJ: Okay. Just give me one second, here.

22

EXAMINATION BY THE COURT-MARTIAL

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1 **Questions by the military judge:**

2 Q. Colonel Chesnutt, I know you testified as to this, but
3 these

4 A.

5

6 Q.

7 A.

8 Q.

9

10 A. Yes, ma'am.

11 Q.

12 A.

13

14 Q. And that was after the release of the WikiLeaks cables?

15 A. Specifically,

16

17 MJ: I think that's all I have. Anything based on that?

18 ADC[MAJ HURLEY]: No, ma'am.

19 ATC[CPT MORROW]: No, Your Honor.

20 MJ: Temporary or permanent excusal?

21 ATC[CPT MORROW]: Temporary, Your Honor.

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

3 MJ: Counsel, we said 10 o'clock tomorrow, right?

4 ADC[MAJ HURLEY]: Yes, ma'am.

5 MJ: Okay. I should have the last order with Undersecretary
6 Kennedy ready, probably, in about 10 minutes. So I can either give
7 it to the court reporter or if you just want to come by chambers and
8 get it; whatever works. Anything else we need to address?

9 ADC[MAJ HURLEY]: Ma'am, may we confer with the parties for just
10 a second?

11 A. Yes.

12 [The parties for both sides conferred.]

13 ADC[MAJ HURLEY]: Ma'am, we just wanted to talk to you about the
14 way forward that we reached with respect to this classified evidence
15 and we'll probably use the same procedure tomorrow, as necessary.
16 What we're going to do is write out our objections--write them out--
17 hand-write them because of the--some constraints we have with this
18 classified evidence--the government will type out our objections and
19 then type out their responses on an appropriately classified
20 computer, print that out and then deliver that to you--whatever means
21 the Court would like.

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1 MJ: Okay. Why don't we do it this way--will this work: if you
2 can deliver it to me in the morning so--I can't see another way to do
3 that--then I'll have it tomorrow morning. During the course of the
4 day, I'll go through it, I'll have the classified--my classified
5 notes, here, as well, and then just address it piece-by-piece, day-
6 by-day witnesses. Does that work?

7 TC[MAJ FEIN]: Yes, ma'am, we'll complete it tonight and have it
8 ready for Mr. Prather tomorrow morning for when you show up.

9 MJ: All right.

10 ADC[MAJ HURLEY]: The defense has no objection to that course of
11 action, ma'am.

12 MJ: Okay. Anything else we need to address?

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

14 ADC[MAJ HURLEY]: No, ma'am.

15 MJ: Court is in recess until zero--or 1000 tomorrow.

16 **[The court-martial recessed at 1511, 6 August 2013.]**

17 **[END OF PAGE]**

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