

[REDACTED] (USACT)

---

**From:** (b) (6), (b) (7)(C) USACT  
**Sent:** Tuesday, October 1, 2019 11:13 PM  
**To:** DuCharme, Seth (OAG)  
**Subject:** Re: MLAT

Oops, ignore. Got it.

Sent from my iPhone

> On Oct 1, 2019, at 10:57 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>

> He's NSD front office

>

> Sent from my iPhone

>

>> On Oct 1, 2019, at 9:49 PM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) wrote:

>>

>> Sorry to bother you. Can you please remind me of the name of the OIA attorney who is our point of contact? Thanks

>>

>> Sent from my iPhone

[REDACTED] (USACT)

**From:** (b) (6), (b) (7)(C) (USACT)  
**Sent:** Tuesday, October 1, 2019 11:13 PM  
**To:** DuCharme, Seth (OAG)  
**Subject:** Re: MLAT

Ok but name? Thanks

Sent from my iPhone

> On Oct 1, 2019, at 10:57 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>

Duplicative Records

DuCharme, Seth (OAG)

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Tuesday, October 1, 2019 10:57 PM  
**To:** (b) (6), (b) (7)(C) (USACT)  
**Subject:** Re: MLAT

(b)(6),(b)(7)(C) per NSD

Sent from my iPhone

> On Oct 1, 2019, at 9:49 PM, (b) (6) (USACT) <(b) (6)> wrote:

**Duplicative Records**

[REDACTED] (USACT)

---

**From:** (b) (6), (b) (7)(C) (USACT)  
**Sent:** Friday, September 6, 2019 12:36 PM  
**To:** DuCharme, Seth (OAG)  
**Subject:** Re: IG report

Ok, thanks.

Sent from my iPhone

> On Sep 6, 2019, at 8:28 AM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>

> No for now will I confirm once I clear

>

>

> Sent from my iPhone

>

>> On Sep 6, 2019, at 8:15 AM, (b) (6), (b) (7)(C) (USACT) <[REDACTED]> wrote:

>>

>>

>> Please let me know if I should plan to pick up the report today around 12:30? Going into the agency now so I will not have phone access for a bit. Feel free to leave an email. Thanks

>> Sent from my iPhone

DuCharme, Seth (OAG)

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Wednesday, August 7, 2019 10:31 PM  
**To:** Durham, John (USACT)  
**Cc:** (b) (6), (b) (7)(C) (USACT)  
**Subject:** Re:tPhones

Understood.

Sent from my iPhone

> On Aug 7, 2019, at 10:30 PM, Durham, John (USACT) (b) (6), (b) (7)(C) wrote:

>

> Seth-

> Upon additional reflection AND talking with [REDACTED] we want to be sure that whatever is/isn't happening with phones purportedly received by Mr. Nunes, DOJ remains untainted by any results/exploration of the Hill's efforts. Until we can clarify how it is that the phones made their way to Mr. Nunes, we need to be very careful that the AG doesn't somehow get unintentionally compromised in the matter.

> JHD

>

> Sent from my iPhone

Durham, John (USACT)

---

**From:** Durham, John (USACT)  
**Sent:** Tuesday, July 23, 2019 9:41 AM  
**To:** DuCharme, Seth (OAG); Rabbitt, Brian (OAG)  
**Subject:** John Solomon

FYI . . . John Solomon sent an email to our team wanting to talk on background re our reaching out to (b) (6), (b) (7)(C) in an effort to interview ██████████. Solomon's email indicated he thinks this will be big news in connection with the Mueller report. Again, just an FYI.

JHD

(I'm on a plane getting ready to fly from Hartford to DC now.)

Sent from my iPhone

Durham, John (USACT)

---

**From:** Durham, John (USACT)  
**Sent:** Friday, July 5, 2019 1:52 PM  
**To:** (b) (6), (b) (7)(C); (USACT); (b) (6), (b) (7)(C) DuCharme, Seth (OAG);  
(b) (6), (b) (7)(C) (JMD); (b)(6), (b)(7)(C) per FBI (JMD);  
(b)(6), (b)(7)(C) per FBI  
**Subject:** McCarthy Report -- Episode 50: Time for a Testimony...Again | National Review

Interesting observations by Andy. About halfway on to the Podcast he talks about the investigation of the investigators. He clearly knows the terrain.

JHD

<https://www.nationalreview.com/podcasts/the-mccarthy-report/episode-50-time-for-a-testimony-again/>

Sent from my iPhone

**DuCharme, Seth (OAG)**

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Wednesday, July 3, 2019 8:47 AM  
**To:** (b) (6), (b) (7)(C) (USACT)  
**Cc:** Durham, John (USACT)  
**Subject:** Re: 2019-06-24 JDJ MM to Barr - DOJ re Durham Probe.pdf

Great! Thanks. Will be good to see (b)(6),(b)(7)(C) per FBI

Sent from my iPhone

> On Jul 3, 2019, at 8:39 AM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:

>  
> Also, SSA (b)(6),(b)(7)(C) per FBI who sings your promises will meet you.

>  
> Sent from my iPhone

>  
>> On Jul 2, 2019, at 8:26 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>>  
>> Great I'll plan to be in the lobby of 26 Fed at 10am by the FBI entrance

>>  
>> Sent from my iPhone

>>  
>>> On Jul 2, 2019, at 7:54 PM (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:

>>>  
>>> I am sure we can get a secure line if needed as our interviews are in a SCIF. We can also arrange an escort.

>>>  
>>> Sent from my iPhone

>>>  
>>>> On Jul 2, 2019, at 7:44 PM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:

>>>>  
>>>> (b) (6), (b) (7)(C) and I will be over there for interviews at 8:30 and 11:00. Is this something we could do on a conf call?

>>>>  
>>>> Sent from my iPhone

>>>>  
>>>>> On Jul 2, 2019, at 7:40 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>>>>>  
>>>>> In FBI space? I left my brown badge in DC so if we meet there I'm going to need to sign in



and get a visitor badge. May even need an escort.

>>>>>

>>>>> Sent from my iPhone

>>>>>

>>>>>> On Jul 2, 2019, at 7:01 PM, Durham, John (USACT) <(b) (6), (b) (7)(C)> wrote:

>>>>>>

>>>>>>> Seth-

>>>>>>> 10:00 over at Federal Plaza tomorrow morning?

>>>>>>> JHD

>>>>>>>

>>>>>>> Sent from my iPhone

>>>>>>>

>>>>>>>> On Jul 2, 2019, at 1:18 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>>>>>>>>

>>>>>>>>> Let me know if you want me to get a conference room for us in EDNY before or after your meetings at FBI.

>>>>>>>>>

>>>>>>>>>

>>>>>>>>> Sent from my iPhone

>>>>>>>>>

>>>>>>>>>> On Jul 2, 2019, at 10:51 AM, (b) (6), (b) (7)(C) (USACT) <(b) (6), (b) (7)(C)> wrote:

>>>>>>>>>>

>>>>>>>>>>> Thanks. In NYC this week on interviews. Let us know if we should try to catch up re: your trip last week.

>>>>>>>>>>>

>>>>>>>>>>> Sent from my iPhone

>>>>>>>>>>>

>>>>>>>>>>>> On Jul 2, 2019, at 10:01 AM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>>>>>>>>>>>>

>>>>>>>>>>>>

>>>>>>>>>>>>

>>>>>>>>>>>>> <2019-06-24 JDJ MM to Barr - DOJ re Durham Probe.pdf>

>>>>>>>>>>>>>>

>>>>>>>>>>>>>

>>>>>>>>>>>>>> Sent from my iPhone

DuCharme, Seth (OAG)

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Wednesday, July 3, 2019 8:46 AM  
**To:** (b) (6), (b) (7)(C) (USACT)  
**Cc:** Durham, John (USACT)  
**Subject:** Re: 2019-06-24 JDJ MM to Barr - DOJ re Durham Probe.pdf

Ok. I'm on my way there but will redirect to Brooklyn and head over the bridge to be in the lobby of 26 Fed at 11:30

Sent from my iPhone

> On Jul 3, 2019, at 8:29 AM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:

>

> Due to the interview schedule, could we move our meeting to 11:30? Thanks

>

> Sent from my iPhone

>

>> On Jul 2, 2019, at 8:26 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

**Duplicative Records**

[REDACTED] (USACT)

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**From:** (b) (6), (b) (7)(C), (USACT)  
**Sent:** Tuesday, July 2, 2019 7:55 PM  
**To:** DuCharme, Seth (OAG)  
**Cc:** Durham, John (USACT)  
**Subject:** Re: 2019-06-24 JDJ MM to Barr - DOJ re Durham Probe.pdf

Yes.

Sent from my iPhone

> On Jul 2, 2019, at 7:41 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:

>

> I need a scif and only us in it - is that something FBI can provide to us? The info I need to pass to you is very sensitive.

>

> Sent from my iPhone

>

>> On Jul 2, 2019, at 7:01 PM, Durham, John (USACT) (b) (6), (b) (7)(C) > wrote:

>>

**Duplicative Records**

Durham, John (USACT)

---

**From:** Durham, John (USACT)  
**Sent:** Tuesday, July 2, 2019 11:19 AM  
**To:** (b) (6), (b) (7)(C) (USACT)  
**Cc:** DuCharme, Seth (OAG)  
**Subject:** Re: 2019-06-24 JDJ MM to Barr - DOJ re Durham Probe.pdf

█ I spoke with Seth yesterday and he can come over to brief us to. We just need to give him a time.

Sent from my iPhone

> On Jul 2, 2019, at 10:51 AM, (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) > wrote:  
>

Duplicative Records

DuCharme, Seth (OAG)

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Tuesday, July 2, 2019 10:59 AM  
**To:** (b) (6), (b) (7)(C) (USACT)  
**Cc:** Durham, John (USACT)  
**Subject:** Re: 2019-06-24 JDJ MM to Barr - DOJ re Durham Probe.pdf

Yes. I will meet you in NYC.

Sent from my iPhone

> On Jul 2, 2019, at 10:51 AM, (b) (6), (b) (7)(C) (USACT) <[REDACTED]> wrote:

Duplicative Records

**DuCharme, Seth (OAG)**

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Wednesday, June 26, 2019 6:02 AM  
**To:** Durham, John (USACT); (b) (6), (b) (7)(C) (USACT)  
**Subject:** Re: ODNI

"Prior to his selection as the Director of NCSC, Mr. Evanina served as the Chief of the Central Intelligence Agency's Counterespionage Group where he led Intelligence Community agencies in identifying, preventing, and neutralizing espionage-related activities by foreign intelligence services."

Sent from my iPhone

> On Jun 26, 2019, at 5:59 AM, DuCharme, Seth (OAG) <(b) (6)> wrote:  
>  
>  
> I'm meeting with this person at 1pm, please let me know if it might overlap with anything you're working on. Also curious if [REDACTED] knows him.  
>  
> Bill Evanina  
>  
> <https://www.dni.gov/index.php/ncsc-who-we-are/ncsc-leadership>  
>  
>  
> Sent from my iPhone

Durham, John (USACT)

---

**From:** Durham, John (USACT)  
**Sent:** Friday, June 21, 2019 6:16 PM  
**To:** (b) (6), (b) (7)(C) (JMD); (b) (6), (b) (7)(C) (USACT); (b) (6), (b) (7)(C) (JMD);  
(b) (6), (b) (7)(C) ); (b) (6), (b) (7)(C) (USACT); (b)(6), (b)(7)(C) per FBI  
[REDACTED]  
**Cc:** DuCharme, Seth (OAG)  
**Subject:** State Department

Folks-

I just got off the phone with Marik String at the State Dept. State will have copies of all documents provided to the Congressional Committees and the SCO on our matter ready to go by the end of next week. In addition, they agree to have a person familiar with State's search for docs over the past year or so sit down with us to share what they know they don't have and to figure out the most efficient way to go about pulling additional docs they do/may have. It sounds like a Friday caper, although we may be able to finagle a Thursday meeting.

JHD

Durham, John (USACT)

---

**From:** Durham, John (USACT)  
**Sent:** Monday, June 17, 2019 8:38 PM  
**To:** (b) (6)  
**Subject:** Are you around for a quick call (unrelated to our current assignment)?

Sent from my iPhone



DuCharme, Seth (OAG)

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Thursday, June 13, 2019 12:36 PM  
**To:** (b) (6), (b) (7)(C) (USACT); Durham, John (USACT); (b) (6), (b) (7)(C)  
**Subject:** Catching up today

Is there a convenient time for me to call on TS or perhaps better yet, stop by your place?

Sent from my iPhone

Durham, John (USACT)

---

**From:** Durham, John (USACT)  
**Sent:** Wednesday, June 12, 2019 11:04 PM  
**To:** DuCharme, Seth (OAG)  
**Cc:** (b) (6), (b) (7)(C) (USACT); (b) (6), (b) (7)(C)  
**Subject:** Re: Justice Dept. Seeks to Question C.I.A. in Its Own Russia Investigation - The New York Times

Oh we saw it.

Sent from my iPhone

> On Jun 12, 2019, at 10:51 PM, DuCharme, Seth (OAG) <(b) (6)> wrote:  
>  
>  
> <https://www.nytimes.com/2019/06/12/us/politics/russia-investigation-cia.html>  
>  
>  
> Sent from my iPhone

**Durham, John (USACT)**

---

**From:** Durham, John (USACT)  
**Sent:** Tuesday, June 11, 2019 4:37 PM  
**To:** DuCharme, Seth (OAG)  
**Subject:** RE: Sullivan

On phone with a federal jurist. Are we still on for 5:00 p.m.?

-----Original Message-----

**From:** DuCharme, Seth (OAG) <(b) (6)>  
**Sent:** Tuesday, June 11, 2019 4:36 PM  
**To:** Durham, John (USACT) (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C) (USACT) (b) (6), (b) (7)(C) >  
**Subject:** Re: Sullivan

John can you call my cell when you get this message? I tried you but it went to voicemail.

Sent from my iPhone

> On Jun 10, 2019, at 10:58 AM, Durham, John (USACT) (b) (6), (b) (7)(C) wrote:

>

> Yes. We're meeting with Marik String (kind of their acting GC) this Wednesday at 8:30.

>

> Sent from my iPhone

>

> On Jun 10, 2019, at 10:00 AM, DuCharme, Seth (OAG) (b) (6)

> wrote:

>

> You get in touch with him yet?

>

> If not, I will send you additional contact info today.

>

> Seth D. DuCharme

> Counselor to the Attorney General

> U.S. Department of Justice

>

**Durham, John H. (JMD)**

---

**From:** Durham, John H. (JMD)  
**Sent:** Thursday, June 6, 2019 9:36 AM  
**To:** DuCharme, Seth (OAG)  
**Subject:** Top Intel official indicates Congress will be apprised of Barr review

<https://www.politico.com/story/2019/06/04/william-barr-fbi-investigation-trump-campaign-1502668>

**DuCharme, Seth (OAG)**

---

**From:** DuCharme, Seth (OAG)  
**Sent:** Thursday, June 6, 2019 9:09 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C) (USACT); Durham, John (USACT)  
**Subject:** FW: Obstruction  
**Attachments:** 11-10124.pdf

Interesting 9<sup>th</sup> circuit case on obstruction

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**From:** (b) (6) >  
**Sent:** Thursday, June 6, 2019 12:15 AM  
**To:** DuCharme, Seth (OAG) <(b) (6)>  
**Subject:** Obstruction

<http://cdn.ca9.uscourts.gov/datastore/opinions/2013/08/28/11-10124.pdf>

Sent from my iPhone

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

GARY L. ERMOIAN,  
*Defendant-Appellant.*

No. 11-10124

D.C. No.  
1:08-cr-00224-  
OWW-11

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

STEPHEN JOHN JOHNSON,  
*Defendant-Appellant.*

No. 11-10388

D.C. No.  
1:08-cr-00224-  
OWW-12

**ORDER AND  
AMENDED  
OPINION**

Appeal from the United States District Court  
for the Eastern District of California  
Oliver W. Wanger, Senior District Judge, Presiding

Argued and Submitted  
April 18, 2013—San Francisco, California

Filed August 14, 2013  
Amended August 28, 2013

Before: Alfred T. Goodwin, Diarmuid F. O’Scannlain,  
and N. Randy Smith, Circuit Judges.

Opinion by Judge O’Scannlain

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### **SUMMARY\***

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#### **Criminal Law**

The panel amended an opinion filed August 14, 2013, in a case in which the panel held that a criminal investigation is not an “official proceeding” under the federal statute criminalizing obstruction of justice, 18 U.S.C. § 1512.

In the amended opinion, the panel reversed and remanded to the district court so that it may enter a judgment of acquittal on the obstruction of justice charges and resentence defendant Johnson.

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\* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

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**COUNSEL**

John Balazs, Sacramento, CA, argued the cause and filed a brief for defendant-appellant Gary L. Ermoian.

Jerald Brainin, Los Angeles, CA, argued the cause and filed a brief for defendant-appellant Stephen J. Johnson.

Mark E. Cullers and Laurel J. Montoya, Assistant United States Attorneys, Fresno, CA, argued the cause and filed a brief for plaintiff-appellee United States of America. With them on the brief were Benjamin J. Wagner, United States Attorney, Fresno, CA, and Camil A. Skipper, Appellate Chief, Fresno, CA.

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**ORDER**

The opinion filed in this case on August 14, 2013 is amended as follows:

In the final sentence on page seventeen of the slip opinion, add “and resentence Johnson” after the word “charges” and before the period.

An amended opinion is filed concurrently with this order.

---



**OPINION**

O'SCANNLAIN, Circuit Judge:

We must decide whether an FBI investigation qualifies as an “official proceeding” under a federal statute criminalizing obstruction of justice.

I

A

The facts of this case read like an episode of the fictional television drama *Sons of Anarchy*.<sup>1</sup> Sometime in 2006, the Central Valley Gang Impact Task Force (“CVGIT”)—a United States Department of Justice (“DOJ”)-funded group tasked with coordinating local law enforcement efforts to eliminate gang-related crimes in California’s Central Valley—learned that the Hells Angels motorcycle gang was attempting to establish a chapter in Modesto, California.<sup>2</sup> Hoping to disrupt the formation of this gang chapter, the CVGIT opened an investigation into several known associates of the Hells Angels gang in the Modesto area,

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<sup>1</sup> *Sons of Anarchy* is a television drama series that runs on the cable channel FX. It documents the legal and illegal activities of a fictional outlaw motorcycle club operating in a town in California’s Central Valley. In the show, the club’s headquarters are located in a clubhouse adjacent to an auto mechanic shop.

<sup>2</sup> The Federal Bureau of Investigation (“FBI”) was also a member-agency of the CVGIT. Because FBI Agent Nathan Elias was the lead member of the CVGIT task force investigating the Holloways, we like the parties will refer to the CVGIT’s investigation as an FBI investigation.

including Robert Holloway and his son Brent Holloway,<sup>3</sup> the Road Dog Cycle Shop (which they co-owned), and members of the Merced Chapter of the Hells Angels gang who were affiliated with Road Dog Cycle.

Through information gleaned from earlier investigations, the CVGIT was aware that Road Dog Cycle was dealing in stolen motorcycles and motorcycle parts. The task force also suspected that some individuals associated with law enforcement were leaking information to the Holloways and were thus facilitating their criminal enterprise.

To catch the Holloways engaging in illegal activity, the CVGIT first sought to prevent any further leaks of confidential law enforcement information. Thus, in an effort to ferret out some of Robert's law enforcement sources, the CVGIT created a "Gang Intelligence Bulletin," which it distributed to local law enforcement in September 2007. The bulletin purported to contain "confidential information" that was "intended for law enforcement personnel only." But in actuality, the information in the bulletin was "watered down" to avoid leaks of sensitive information that could truly jeopardize the CVGIT's investigation into the Holloways and Road Dog Cycle. In substance, the bulletin described surveillance of the annual summer "Burn-Out Party" held at Road Dog Cycle and named the different outlaw motorcycle gangs seen in attendance. After circulating the bulletin, the CVGIT monitored wiretaps it had placed on Robert's phones, hoping to ensnare the law enforcement officers leaking information.

---

<sup>3</sup> To avoid confusion, we refer to Robert and Brent Holloway by their first names.

The defendants in this case, Gary L. Ermoian and Stephen J. Johnson, were charged with obstructing justice based upon their activities during a chain of events set into motion by the bulletin's distribution. The morning after the Gang Intelligence Bulletin was distributed to law enforcement personnel, David A. Swanson<sup>4</sup>—a Deputy Sheriff and bailiff in the county courthouse—placed a 40.8 second phone call from his work telephone to Ermoian. At the time, Ermoian—one of Robert's close personal friends—was employed as a part-time private investigator for Robert's attorney, Kirk McAllister. Swanson informed Ermoian that he “saw some photos” of the Burn-Out Party and that Ermoian should warn Robert to “watch his back.”

The wiretap on Robert's phone recorded a flurry of activity immediately after Swanson contacted Ermoian. Just minutes after receiving the call from Swanson, Ermoian called Robert to share Swanson's tip. Given Swanson's position in the courthouse and his access to information about pending warrant applications, Ermoian was concerned that Swanson's veiled warning that Robert should “watch his back” might indicate that police were coming with a search warrant. He thus advised Robert to “take a look around the shop [to] see if you see anything . . . .” Heeding Ermoian's advice, Robert talked to Brent and other Road Dog Cycle employees, checked the store for “questionable” motorcycle parts, and put one questionable item “in the alley [behind the store] with a tag on it.”

---

<sup>4</sup> Although Swanson was charged with obstruction of justice and was tried along with defendants Ermoian and Johnson, he was acquitted of the charge. Thus, he is not a party to this appeal.

Later that same day, Ermoian and Robert both received several additional phone calls warning about a pending investigation into Road Dog Cycle from defendant Johnson. Johnson was not a member or close affiliate of the Hells Angels motorcycle gang, but he had become acquainted with Robert, Ermoian, and McAllister through a business he owned and operated, which subcontracted with law enforcement to perform canine sniff searches. Starting sometime in 2006, Robert and his attorney McAllister had hired Johnson on a few occasions to perform preventative canine searches of Road Dog Cycle so that they could locate and dispose of any drugs or other contraband found on the premises. Shortly after Ermoian received Swanson's tip, McAllister requested that Johnson perform a preventative search of Road Dog Cycle in anticipation of the pending law enforcement raid. Upon learning that another source suspected a raid, Johnson informed both Ermoian and Robert that he had "overheard" a conversation at the DOJ facility where he was contracted to conduct periodic canine searches about an impending Bureau of Alcohol, Tobacco, and Firearms ("ATF")-DOJ investigation into Road Dog Cycle.

With two sources suggesting that a police raid was imminent, Robert, Ermoian, Johnson, and other affiliates of Road Dog Cycle flew into action. Based on the wiretap, the CVGIT learned that they conducted counter-surveillance, searching for undercover officers near the shop. They warned the local chapter of Hells Angels to "make sure that [the] crew is safe" because they were in "jeopardy" from law enforcement crackdowns. They attempted to ferret out informants within the motorcycle gang. And they generally tried to "make sure that all [their] ducks [we]re in a row" and made an effort to be "careful about what c[ame] in and out" of the shop.

Having discovered that Ermoian and Johnson were related to the law enforcement information leaks, the CVGIT did not move immediately to arrest them. Instead, to avoid tipping off the other suspects to the true scope of the investigation, it postponed action and continued to dig into the illegal activities of Robert and Road Dog Cycle, as they were the primary targets of the investigation. It wasn't until June 2008, when the CVGIT's investigation into the Holloways was coming to a close, that FBI Agent Nathan Elias—the lead member of the CVGIT for the Holloway case—first went to interview Ermoian about the Holloway investigation. Johnson was first interviewed about his involvement with Holloway a month later. Subsequently, both Ermoian and Johnson were arrested on charges of conspiracy to obstruct justice.

## B

On May 28, 2009, a federal grand jury returned an indictment against twelve defendants associated with Road Dog Cycle, charging several violations of racketeering laws and various related offenses. In the indictment, defendants Ermoian and Johnson were charged with conspiracy to “corruptly obstruct, influence, and impede an official proceeding, to wit, a law enforcement investigation conducted by the Federal Bureau of Investigation” in violation of 18 U.S.C. § 1512(c)(2), (k). Defendants Ermoian and Johnson, and the charges against them, were severed from the other defendants and charges in the indictment. The remaining defendants pleaded guilty to various charges, and only Ermoian and Johnson proceeded to trial.

Throughout the trial process, Ermoian and Johnson challenged the legal validity of the obstruction of justice

charge. Specifically, and relevant to this appeal, the defendants filed a pre-trial motion to dismiss the indictment, an objection to the jury instructions and a motion for acquittal during trial, as well as a post-trial motion for acquittal, at all times asserting the same general argument: they could not be convicted under the obstruction of justice statute, § 1512, because their alleged obstruction of an FBI investigation did not qualify as obstruction of an “official proceeding” under the statute. The district court rejected this argument each time, concluding that the term “official proceeding” as used in the statute should be read broadly to include an “FBI investigation.”

The jury convicted Ermoian and Johnson of obstructing justice. They timely appealed.

## II

Ermoian and Johnson raise various arguments challenging their conviction on appeal, but they focus primarily on one issue: Did the district court err when it determined that an FBI investigation qualifies as an “official proceeding” under the statute criminalizing obstruction of justice?

Our circuit has never before addressed the meaning of the term “official proceeding” as used in the obstruction of justice statute at 18 U.S.C. § 1512. But the dearth of Ninth Circuit case law on the question does not leave us without a point of reference. We begin, as any effort to interpret a statute must, with the text. The “first step in interpreting a statute is to determine whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case.” *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997). Whether the meaning of a statute is plain “is

determined by reference to the language itself, the specific context in which that language is used, and the broader context of the statute as a whole.” *Id.* at 341. If the statute’s meaning can be resolved by reference to the statutory text such that “the statutory language is unambiguous and ‘the statutory scheme is coherent and consistent,’” our inquiry is complete. *Id.* at 340 (quoting *United States v. Ron Pair Enterprises, Inc.*, 489 U.S. 235, 240 (1989)).

### A

The statute under which the defendants were convicted, 18 U.S.C. § 1512(c)(2), prohibits “corruptly . . . obstruct[ing], influenc[ing], or imped[ing] *any official proceeding*, or attempt[ing] to do so.” *Id.* (emphasis added). Section 1515(a)(1) defines an official proceeding as:

- (A) a proceeding before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a judge of the United States Tax Court, a special trial judge of the Tax Court, a judge of the United States Court of Federal Claims, or a Federal grand jury;
- (B) a proceeding before the Congress;
- (C) a proceeding before a Federal Government agency which is authorized by law; or
- (D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory

official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce[.]

18 U.S.C. § 1515(a)(1). Of these definitions, the parties agree that only one might cover an FBI investigation—“a proceeding before a Federal Government agency which is authorized by law.” *Id.* § 1515(a)(1)(C).

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As used in the statute, the definition of the phrase “official proceeding” depends heavily on the meaning of the word “proceeding.” That word is used—somewhat circularly—in each of the definitions for an “official proceeding” and is key to the phrase’s meaning. *See id.*

“Proceeding” has been defined in various ways, ranging from the broad to the specific. But an account of both lay and legal dictionaries suggests that definitions of the term fall into one of two categories: “proceeding” may be used either in a general sense to mean “[t]he carrying on of an action or series of actions; action, course of action; conduct, behavior” or more specifically as a legal term to mean “[a] legal action or process; any act done by authority of a court of law; a step taken by either party in a legal case.” *Proceeding*, Oxford English Dictionary, available at <http://www.oed.com>; see also Black’s Law Dictionary 1241 (8th ed. 2004) (defining proceeding either narrowly as (1) “[t]he regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of judgment;” (2) “[a]ny procedural means for seeking redress



from a tribunal or agency;” and (3) “[t]he business conducted by a court or other official body; a hearing” or more broadly as “an act or step that is part of a larger action.”). As such, one of the word’s definitions (“an action or series of actions”) is broad enough to include a criminal investigation, as it encompasses a wide range of activities. *See Proceeding*, Oxford English Dictionary, *available at* <http://www.oed.com>. But the other (“any act done by authority of a court of law; a step taken by either party in a legal case”) would exclude criminal investigations in the field, as it associates the term with formal appearances before a tribunal. *See id.*

Dictionary definitions of the term “proceeding” alone, therefore, cannot conclusively resolve whether an FBI investigation qualifies as an official proceeding under § 1512. But dictionary definitions in isolation do not end our inquiry. When a term has both a general and a more technical meaning, we must look to surrounding words and phrases to decide which of the two meanings is being used. As it was once aptly explained: “Sometimes context indicates that a technical meaning applies. . . . And when law is the subject, ordinary legal meaning is to be expected, which often differs from common meaning.” Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 73 (2012).

Several aspects of the definition for “official proceeding” suggest that the legal—rather than the lay—understanding of term “proceeding” is implicated in the statute. For one, the descriptor “official” indicates a sense of formality normally associated with legal proceedings, but not necessarily with a mere “action or series of actions.” *See* 18 U.S.C. § 1515; *see also Proceeding*, Oxford English Dictionary, *available at* <http://www.oed.com>. Moreover, when used to define “official proceeding,” the word “proceeding” is surrounded

with other words that contemplate a legal usage of the term, including “judge or court,” “Federal grand jury,” “Congress,” and “Federal Government agency.” And most importantly, the definition of “official proceeding” at issue here clarifies that the type of “proceeding” being described “is authorized by law.” 18 U.S.C. § 1515(a)(1)(C) (emphasis added).

Thus, clues in the text surrounding “proceeding”—although perhaps not conclusive—point us in a general direction. And the overall tenor of the definitions associated with the legal usage of “proceeding” supports the notion that a mere criminal investigation does not qualify as one. See Black’s Law Dictionary 1241 (8th ed. 2004). As the commentary accompanying that definition succinctly explains, “‘Proceeding’ is a word much used to express the *business done in courts*” and “is an act done *by the authority or direction of the court*, express or implied.” *Id.* (quoting Edwin E. Bryant, *The Law of Pleading Under the Codes of Civil Procedure* 3–4 (2d ed. 1899)). Indeed, in listing the various actions that might qualify as a “proceeding,” in law the earliest “ancillary or provisional step[]” adjudged to qualify as such was an arrest, which—of course—would occur *after* the criminal investigation had already been completed. *Id.* (quoting Edwin E. Bryant, *The Law of Pleading Under the Codes of Civil Procedure* 3–4 (2d ed. 1899)).

Thus the definition of the term “proceeding” strongly suggests that “a proceeding before a Federal Government agency which is authorized by law” does not encompass a criminal investigation. See 18 U.S.C. § 1515(a)(1)(C).

What the term “proceeding” alone leaves mildly ambiguous, the broader statutory context makes entirely plain: an “official proceeding” does not include a criminal investigation.

Examining the term “proceeding” within the grammatical structure of the definition at issue, it becomes clear that the term connotes some type of formal hearing. The statute refers to proceedings “before a Federal Government agency”—a choice of phrase that would be odd if it were referring to criminal investigations. *Id.* The use of the preposition “before” suggests an appearance in front of the agency sitting as a tribunal. As the Fifth Circuit explained when addressing this same definition, “use[ of] the preposition ‘before’ in connection with the term ‘Federal Government agency’ . . . implies that an ‘official proceeding’ involves some formal convocation of the agency in which parties are directed to appear, instead of any informal investigation conducted by any member of the agency.” *United States v. Ramos*, 537 F.3d 439, 462–63 (5th Cir. 2008).<sup>5</sup> In short, a criminal investigation does not occur

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<sup>5</sup> Although the government cites to two different out-of-circuit decisions in an effort to convince us that the term “official proceeding” in the obstruction of justice statute should be read broadly to include criminal investigations, we are not persuaded by their reasoning. *See United States v. Kelley*, 36 F.3d 1118, 1128 (D.C. Cir. 1994); *United States v. Gonzalez*, 922 F.2d 1044, 1055–56 (2d Cir. 1991).

The first, *Kelley*, did not even analyze the meaning of the term “official proceeding” as used in the obstruction of justice statute. Instead, the court “assume[d] that the AID Inspector General’s investigation was a proceeding under § 1512 . . .” based on an agreement between the

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parties. *Kelley*, 36 F.3d at 1128. This assumption carries no persuasive weight.

The second, *Gonzalez*, addressed the meaning of “official proceeding” as it is used in the statutory subsection delineating appropriate venue for § 1512 prosecutions. *Gonzalez*, 922 F.2d at 1054–56. That subsection specifies that venue lies “in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected.” 18 U.S.C. § 1512(i). The court in that case interpreted the phrase “official proceeding” broadly to encompass investigations, because it was concerned that if it were to exclude investigations from the scope of the term “official proceeding” in the venue provision, then that provision would, in effect, overrule the substantive subsections in § 1512. *Id.* at 1055. Specifically, the court was concerned that if the government could not obtain venue where an investigation was conducted, then a criminal could not be convicted of obstructing “an official proceeding [that was] not . . . pending or about to be instituted at the time of the offense” as the statute contemplated. *Id.* at 1055–56; *see also* 18 U.S.C. § 1512(f)(1).

We are not persuaded that the Second Circuit correctly analyzed the meaning of the term official proceeding in this statute. First, that court never carefully parsed the plain meaning of the definition for “official proceeding” but instead relied on Congress’s “purpose” to “protect those persons with knowledge of criminal activity who are willing to confide in the government” to reach its conclusion. *Id.* at 1055. Second, that court never considered that the venue provision could extend to investigations, not through the term “official proceeding,” but through the subsequent parenthetical phrase “(whether or not pending or about to be instituted).” We thus decline to adopt the Second Circuit’s reading in this case.

Instead, we find the decision of the Fifth Circuit in *Ramos* to be far more persuasive and relevant for our purposes. *See Ramos*, 537 F.3d at 460–64. There, unlike *Gonzalez*, the court directly analyzed the meaning of the phrase “official proceeding” as used in the substantive criminal provisions of § 1512. *Id.* Consulting the plain language of the statute and the broader context of the statutory scheme, that court determined that

“before a Federal Government agency” like a hearing or trial might; it is conducted “by” the agency in the field.

Looking more broadly to § 1512 where the term “official proceeding” is repeatedly used, it becomes even more apparent that a criminal investigation is not incorporated in the definition. Section 1512 refers to “prevent[ing] the attendance or testimony of any person in an official proceeding”; “prevent[ing] the production of a record, document, or other object, in an official proceeding”; and “be[ing] absent from an official proceeding to which that person has been summoned by legal process.” 18 U.S.C. § 1512(a)(1)(A)–(B), (a)(2)(B)(iv). The use of the terms “attendance”, “testimony”, “production”, and “summon[.]” when describing an official proceeding strongly implies that some formal hearing before a tribunal is contemplated.

Additionally, it would be odd to interpret “official proceeding” broadly to incorporate investigations when the statutory scheme already provides an explicit mechanism to criminalize obstruction of a criminal investigation. Section 1512(f)(1) states that “an official proceeding need not be pending or about to be instituted at the time of the offense” for criminal liability to attach under the obstruction of justice statute. By extending the statute’s reach to criminal activities that occur before “official proceedings” commence, this subsection expands the scope of the obstruction of justice statute to include criminal investigations. By contrast, if we were to read the phrase “official proceeding” to include an FBI investigation, as the Government urges us to do, this

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internal agency investigations of employee misconduct were not official proceedings. *Id.* Our independent analysis of the text leads us to reach a similar conclusion with regard to criminal investigations.

subsection of the statute would work to criminalize actions taken before *an investigation* was even “pending or about to be instituted.” *Id.* We do not think that the obstruction of justice statute was intended to reach so far back as to cover conduct that occurred even pre-criminal-investigation. Indeed, such a construction would be in tension with Supreme Court precedent requiring a nexus between the obstructive act and criminal proceedings in court. *See Arthur Andersen LLP v. United States*, 544 U.S. 696, 708 (2005) (interpreting a materially similar subsection of § 1512 as requiring that the defendant have “knowledge that his actions are likely to affect [a] judicial proceeding” in order to have the “requisite intent to obstruct”).

Thus, in light of the plain meaning of the term “proceeding,” its use in the grammatical context of the “official proceeding” definition, and the broader statutory context, we conclude that a criminal investigation is not an “official proceeding” under the obstruction of justice statute.<sup>6</sup>

## B

The district court in this case instructed the jury that “an ‘official proceeding’ includes an investigation by the Federal Bureau of Investigation.” As we have already determined, such instruction was legally erroneous: an FBI investigation is not an official proceeding under the obstruction of justice statute.

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<sup>6</sup> Because the meaning of the term “official proceeding” is plain and unambiguous, we decline the Government’s invitation to consult the statute’s legislative history. *See Robinson*, 519 U.S. at 340.

Normally, an error in a jury instruction requires reversal of the defendant's conviction "unless the [error] was harmless beyond a reasonable doubt." *United States v. Henderson*, 243 F.3d 1168, 1171 (9th Cir. 2001). But here, we do not need to determine whether the erroneous jury instruction was harmless. Both before the district court and on appeal, the Government conceded that, if an FBI investigation was not an official proceeding, then the obstruction of justice charges could not have been sustained on the evidence presented at trial.

The Government's concession regarding the sufficiency of the evidence conclusively resolves this case in the defendants' favor. Not only should their convictions be reversed, but retrial must also be barred. *United States v. Bibbero*, 749 F.2d 581, 586 (9th Cir. 1984) ("An appellate reversal of a conviction on the basis of insufficiency of the evidence has the same effect as a judgment of acquittal: the Double Jeopardy Clause precludes retrial."). We thus reverse and remand to the district court so that it may enter a judgment of acquittal on the obstruction of justice charges and resentence Johnson.<sup>7</sup>

**REVERSED and REMANDED.**

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<sup>7</sup> Because we reverse the convictions on the basis of the statutory interpretation issue, we do not reach any of the defendants' remaining arguments raised on appeal.

Durham, John (USACT)

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**From:** Durham, John (USACT)  
**Sent:** Thursday, June 6, 2019 8:43 AM  
**To:** DuCharme, Seth (OAG)  
**Cc:** (b) (6), (b) (7)(C); (JMD); (b) (6), (b) (7)(C) Durham, John H. (JMD); (b) (6), (b) (7)(C); (USACT)  
**Subject:** Re: Draft Letter

Good for me.

Sent from my iPhone

On Jun 6, 2019, at 8:14 AM, DuCharme, Seth (OAG) <(b) (6)> wrote:

Can we try for a call around 9:30?

Sent from my iPhone

On Jun 6, 2019, at 7:10 AM, (b) (6), (b) (7)(C); (JMD) (b) (6), (b) (7)(C) wrote:

Seth: Another consideration as you review the draft is whether (b) (5)

Sent from my iPhone

On Jun 6, 2019, at 12:23 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) wrote:

Seth—

See the attached draft for review. We included a paragraph (b) (5)

. We're happy to discuss.

Thanks.



<Draft-Letter-to-Schiff.docx>

DuCharme, Seth (OAG)

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**From:** DuCharme, Seth (OAG)  
**Sent:** Thursday, June 6, 2019 7:38 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** Durham, John (USACT); Durham, John H. (JMD); (b) (6), (b) (7)(C) (JMD); (b) (6), (b) (7)(C) (USACT)  
**Subject:** Re: Draft Letter

Thanks - this is great. I'll confer this morning and get back to you ASAP.

Sent from my iPhone

On Jun 6, 2019, at 12:23 AM, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)> wrote:

**Duplicative Records**

DuCharme, Seth (OAG)

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**From:** DuCharme, Seth (OAG)  
**Sent:** Wednesday, June 5, 2019 5:17 PM  
**To:** Durham, John (USACT)  
**Cc:** (b) (6), (b) (7)(C) (USACT); (b) (6), (b) (7)(C)  
**Subject:** RE: ODNI

I've had some contact with Jason - got a call from Jason and [REDACTED] today, we've been playing phone tag, just maybe add to our to do list how to efficiently coordinate on calls that come into OAG from the IC GCs, including in re the current matter we're working on tonight.

-----Original Message-----

**From:** Durham, John (USACT) (b) (6), (b) (7)(C) >  
**Sent:** Wednesday, June 5, 2019 5:15 PM  
**To:** DuCharme, Seth (OAG) (b) (6)  
**Cc:** (b) (6), (b) (7)(C) USACT) (b) (6), (b) (7)(C) >; (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
**Subject:** Re: ODNI

I know [REDACTED]. What's up?

Sent from my iPad

On Jun 5, 2019, at 2:47 PM, DuCharme, Seth (OAG) (b) (6) [REDACTED] wrote:

You know these guys?

Jason Klitenic  
General Counsel  
Office of the Director of National Intelligence (b)(3), (b)(6) per ODNI [REDACTED]  
[REDACTED]

(b)(3), (b)(6) per ODNI  
Principal Deputy General Counsel  
Office of the Director of National Intelligence Office of General Counsel (b)(3), (b)(6) per ODNI [REDACTED]  
[REDACTED] >

**DuCharme, Seth (OAG)**

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**From:** DuCharme, Seth (OAG)  
**Sent:** Tuesday, June 4, 2019 9:22 AM  
**To:** Durham, John (USACT); (b) (6), (b) (7)(C) (USACT)  
**Subject:** FW: John Sullivan Contact Info.  
**Attachments:** John Sullivan.vcf

[REDACTED] (JMD)

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**From:** (b) (6), (b) (7)(C) (JMD)  
**Sent:** Friday, May 31, 2019 5:25 PM  
**To:** DuCharme, Seth (OAG)  
**Subject:** Re: contact information

Thanks.

Sent from my iPhone

On May 31, 2019, at 5:14 PM, DuCharme, Seth (OAG) <[sducharme@jmd.usdoj.gov](mailto:sducharme@jmd.usdoj.gov)> wrote:

No but I can probably get it by Monday

Sent from my iPhone

On May 31, 2019, at 3:40 PM, (b) (6), (b) (7)(C) (JMD) (b) (6), (b) (7)(C) > wrote:

Hi Seth: Do you have contact information for John Sullivan, Deputy Department of State? Thank you.

EXECUTIVE SESSION  
COMMITTEE ON THE JUDICIARY  
JOINT W/  
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.

INTERVIEW OF: ANDREW McCABE

Thursday, December 21, 2017

Washington, D.C.

The interview in the above matter was held in Room 2141, Rayburn House Office Building, commencing at 10:54 a.m.

COMMITTEE SENSITIVE

Chairman Goodlatte. This is a transcribed interview of Andrew McCabe. Chairman Gowdy and I requested this interview. Joint investigation by the House Committee on the Judiciary and the House Committee on Oversight and Government Reform to conduct oversight into the Department of Justice's investigation of former Secretary Clinton's handling of classified information and related matters.

So, Mr. McCabe, would you please state your name and position at the FBI for the record?

Mr. McCabe. Yes, sir. My name is Andrew McCabe, and I am the deputy director of the FBI.

Voice. The microphone.

Mr. McCabe. Sorry. Is that better?

Chairman Goodlatte. Yeah, that's good.

Mr. McCabe. My name is Andrew McCabe, and I am the deputy director of the FBI.

Chairman Goodlatte. I want to thank you for appearing here today, and we appreciate your willingness to testify voluntarily.

I'm Bob Goodlatte, chairman of the Committee on the Judiciary, and I'm joined today by several members of the Judiciary and Oversight and Government Reform Committees and by counsel for those committees. And I will now ask everyone else from the committees who is here in the room to introduce themselves as well, starting with members of the committees.

Chairman Gowdy. Trey Gowdy.

Mr. Buck. Ken Buck.

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Mr. Ratcliffe. John Ratcliffe.

Mr. Meadows. Mark Meadows.

Ms. Jackson Lee. Sheila Jackson Lee.

[Inaudible.]

Mr. Cicilline. David Cicilline.

Mr. Connolly. Gerry Connolly.

Mr. Cummings. Elijah Cummings.

[Inaudible.]

Chairman Goodlatte. All right.

Okay. Now, at this table -- before I ask the other people to introduce themselves -- at this table, we're to have three members of the majority from each committee, three members of the minority from each committee.

So if you have more than six, take a seat, you're welcome to stay, take a seat, but only six at a time, and allow the gentleman from Ohio, Mr. Jordan, to have a seat at the table.

So I'm still thinking I have more than six Democrats at the table.

[Inaudible.]

Chairman Goodlatte. No. The issue is that -- you're welcome to stay, but you sit in the audience because that's -- that's what the rules are for this.

Mr. Cicilline. What rules?

Chairman Goodlatte. The rules that the chairman of the two committees have established, that there will be six members at the table.

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Mr. Cicilline. Okay.

Mr. Nadler. We can switch them around?

Chairman Goodlatte. That's right. You can switch out at any time.

Mr. Cummings. This is very important. So do what the chairman asks.

Chairman Goodlatte. I thank you for that.

Mr. Cummings. Sure.

Chairman Goodlatte. Okay. Okay. So this is important. You can have up to six people ask questions. Other people can jump in during a questioner's 30 minutes, but we're not going to have more than six 30-minute sessions for either side.

On our side, we're going to rotate between the two chairmen asking questions. Other members will interrupt us if they want to follow a line of question. You can do the same thing. You can do it with six people, you can do it with two people, however you want, but --

Mr. Cummings. What about staff?

Chairman Goodlatte. Staff will have to ask questions through the members.

Mr. Cummings. That's not acceptable. We want to use our 30 minutes, period, the way we want to use them. I've never heard of this. In other words, we want to -- we want staff -- we prepared for this. We've been up all night preparing for this. We got 48 hours notice, and we want our staff to be involved in this.

Chairman Goodlatte. Well, they can be involved in it.

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Mr. Cummings. No. No. No. Not this stuff about going through. Now, come on.

Chairman Goodlatte. So if you want a staff member to ask questions, then you'll vacate a seat, let them sit there, and ask with questions. And members can ask questions through them, but only the six members that you designate.

Mr. Cummings. Okay. Wait a minute. So a staff person cannot ask Mr. McCabe a question.

Chairman Goodlatte. Let's go off the record.

Mr. Cummings. Yeah. Sure.

[Discussion off the record.]

Chairman Goodlatte. So let's ask those people who are here who are not Members of Congress to identify themselves. We'll go back on the record for that purpose.

Mr. Cummings. We're back on the record now?

Chairman Goodlatte. Yes. All right. We'll start over here with Brandon. We'll work our way around the room.

Mr. Ritchie. Branden Ritchie.

Ms. Husband. Shelley Husband, Judiciary Committee staff.

Mr. Castor. Steve Castor with the Oversight Committee.

Mr. Davis. Carlton Davis, Mr. Gowdy.

Mr. Somers. Zach Somers with the Judiciary Committee.

Mr. Parmiter. Robert Parmiter, Judiciary Committee.

Mr. Breitenbach. Ryan Breitenbach, Judiciary Committee.

Chairman Goodlatte. Back row here.

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Mr. Rapallo. David Rapallo, Oversight Committee.

Ms. Kim. Janet Kim, Oversight Committee.

Ms. Shen. Valerie Shen, Oversight Committee.

[Additional staff introductions were inaudible.]

Mr. Apelbaum. Perry Apelbaum, Judiciary Committee.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, Oversight Committee.

Mr. Hiller. Aaron Hiller, Judiciary Committee.

Mr. Schools. Scott Schools, Justice Department.

Ms. Anderson. Trisha Anderson, FBI.

Mr. Brower. Greg Brower, FBI.

(b)(6),(b)(7)(C) per FBI special agent, director's detail.  
(b)(6),(b)(7)(C) per FBI special agent, director's detail.

Chairman Goodlatte. Very good.

All right. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I'll go over.

Our questioning will proceed in rounds. The majority will ask questions first for 30 minutes, then the minority will have the opportunity to ask questions for an equal period of time, if they choose. We will go back and forth in this manner until there are no more questions and the interview is over.

As I noted earlier, Deputy Director McCabe is appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that Mr. McCabe declines

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to answer our questions or if counsel for the Department instructs him not to answer, we will consider whether a subpoena is necessary.

Typically, we take a short break at the end of each hour of questioning. But if you would like to take a break apart from that, please let us know. We can also take a break for lunch at the appropriate point.

As you can see, there is an official reporter taking down everything we say to make a written record, so we ask that you give verbal responses to all questions.

Do you understand?

Mr. McCabe. I do.

Chairman Goodlatte. Thank you.

So that the reporter can take down a clear record, we will try to limit questioning during each 30-minute round to one member or one committee counsel. However, we may need to deviate from that general rule at certain points.

It's also important that we don't talk over one another or interrupt each other if we can help it. And that goes for everybody present at today's interview.

Both committees encourage witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and you are appearing today with counsel.

Could counsel please state your name and current position for the record?

Ms. Anderson. Trisha Anderson, principal deputy general counsel

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for the FBI.

Chairman Goodlatte. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time.

If you have any questions or if you do not understand one of our questions, please let us know. And if you honestly do not know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection.

And it is okay to tell us if you learned information from someone else. Just indicate how you came to know the information.

If there are things you don't know or can't remember, just say so, and please inform us who, to the best of your knowledge, might be able to provide a more complete answer to the question.

Mr. McCabe, you should also understand that, although this interview is not under oath, you are required by law to answer questions from Congress truthfully.

Do you understand that?

Mr. McCabe. Yes, I do.

Chairman Goodlatte. This also applies to questions posed by congressional staff in an interview.

Do you understand this?

Mr. McCabe. I do.

Chairman Goodlatte. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements.

Do you understand this?

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Mr. McCabe. I do.

Chairman Goodlatte. Is there any reason you are unable to provide truthful answer to today's questions?

Mr. McCabe. No.

Chairman Goodlatte. Finally, I'd like to note that the content of what we discuss here today is confidential. It is not a classified briefing, but it is a confidential interview, and we ask that you not speak about what we discuss in this interview to anyone not present here today to preserve the integrity of our investigation.

This confidentiality rule applies to everyone present in the room today, including members of both committees.

That is the end of my preamble.

Do you have any questions before we begin?

Mr. McCabe. I do not.

I would just like to say that there may be times in my responses, if the question you've asked me calls for a classified response, I will indicate that and indicate that I can't go into classified matters in an unclassified setting.

Chairman Goodlatte. Thank you.

And I'll remind all the members of the committee -- of the two committees, on both sides of the aisle -- that this is an investigation into matters separate and apart from what is being investigated by the House Intelligence Committee. It is not an investigation into matters being investigated by the special counsel, Mr. Mueller. And if questions are asked that go into matters that are beyond the scope of

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this investigation, we will instruct the witness not to answer the question.

If the witness feels that the question is being answered that gets into the matters related to Mr. Mueller, you should advise us of that. And that is the one of the limitations set forth by the Department of Justice when they made you available as a witness.

Do you understand that?

Mr. McCabe. I do.

Chairman Goodlatte. And I'm going to assume everyone else in the room understands that.

Mr. Cummings.

Mr. Cummings. Mr. Chairman, would you explain what you mean by "confidential," because I want to make sure that we don't violate this rule. I guess this is a Judiciary rule. But I want to make sure that we don't violate it.

We're not talking about classified, but we are talking about, quote, "confidential." Would you explain that to our members so we're clear.

Chairman Goodlatte. Yes.

What happens in this room stays in this room. So if you know something from outside this room, you want to comment to somebody else, including members of the media, you can do that. But if you learn something in this room from this interview, it is confidential and cannot be shared outside of this room. And that applies to members on both sides of the aisle, and all the staff here as well.

Is that clear?

Mr. Cicilline. What is the basis for that assertion, Mr. Chairman?

Chairman Goodlatte. The basis for that assertion is the basis for the Department agreeing to provide the witness to us. They requested that it be a classified interview. We said no, but it will be a confidential interview.

Mr. Connolly. Mr. Chairman, does that extend to characterizing, not the content, but the tone, tenor, nature of this session?

Chairman Goodlatte. I would --

Mr. Connolly. Does that fall within the penumbra of your idea of confidential?

Chairman Goodlatte. Well, first of all, there is a wide range here between -- you don't have to deny that you were here. You can say you were here, right? But if you go into detail about this, we will have to -- there is going to be a long series of interviews here with a number of witnesses. And if it appears that everything that is said in here appears in the news media, we will have to reduce the number of people who are participating in the process.

I don't want to do that. I would prefer to have this open and have as many members -- in fact, all members of both committees are welcome to come and sit in. But we will change that if these -- this is an investigation, and investigations are not to be like a public hearing.

Mr. Raskin. Mr. Chairman?



Chairman Goodlatte. Yes, sir?

Mr. Raskin. Will you state publicly that this was a, quote, confidential hearing?

Chairman Goodlatte. Yes.

All right.

Oh, I'm sorry. I'm sorry. Yeah. It's an interview. It's a -- you can state it's a confidential interview.

Mr. Connolly. Mr. Chairman. Can we say this is the start of the investigation?

Chairman Goodlatte. No, the investigation started months ago, but this is the first interview.

Mr. Connolly. The investigation started months ago, but this is the first interview part of that investigation.

Chairman Goodlatte. Correct.

Mr. Johnson of Georgia. When you say this is the first, this is the first interview of the investigation that began months ago, the scope of the particular investigation that this fits within, what is it?

Chairman Goodlatte. Well, it's based upon a statement that Mr. Gowdy and I made back in October, so roughly 2 months ago, where we outlined the matters to be investigated by this joint effort.

Mr. Cummings. I have one last question so we don't waste each other's time. You said that this is not about Russia. And you said that if questions go outside of whatever it is we're looking into, that you would say -- tell the witness he didn't have to testify.

Tell us what this is about so that we will all know what our limits are. Other than that, we're like -- I mean, this is -- I mean, we're just on a wild goose chase. What's going on?

Chairman Goodlatte. All right. This is about matters related to the Department of Justice's investigation into the decisions made by the Department during the 2016 and earlier investigation into the former Secretary of State and Democratic Presidential candidate's email matters and related matters.

So, for example, the FBI's decision to publicly announce the investigation into Secretary Clinton's handling of classified information but not to publicly announce the investigation into campaign associates of then-candidate Donald Trump. The FBI's decision to notify Congress by formal letter of the status of the investigation, both in October and November of 2016. The FBI's decision to appropriate full decisionmaking in respect to charging or not charging Secretary Clinton to the FBI rather than the Department of Justice. And the FBI's timeline in respect to those charging decisions.

Mr. Cummings. And is it okay -- going back to the confidentiality rule -- when I talk to the press, which I will, is it okay to say that it was limited to those things?

Chairman Goodlatte. Absolutely.

Mr. Cummings. Very well.

Chairman Goodlatte. Mr. Chairman, do you have anything you want to add?

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Chairman Gowdy. No, sir.

Chairman Goodlatte. All right.

Ms. Jackson Lee. Mr. Chairman, is this -- in pursuit of the original point made in Judiciary of asking for a special counsel, are we looking for a resolution to be the appointment of a special counsel on these issues?

Chairman Goodlatte. We have drawn no conclusions. That's the purpose of the investigation. As you know, I and others have called for the appointment of a special counsel to look into these matters, but that is a separate issue from actually conducting the investigation since a special counsel, as you know, has not been appointed.

Ms. Jackson Lee. So we can all come with the perspective of an open door proceeding. I guess we can determine that. But as to our distinguished guest, we're not here to put him under a microscope to already meet what we want to do, which is the appointment of special counsel. When I say "we," what --

Chairman Goodlatte. We are here to elicit facts and get to the truth.

Ms. Jackson Lee. Thank you very much.

Chairman Goodlatte. And with that, I will now turn it over to the chairman of the Oversight and Government Reform Committee, Mr. Gowdy, to begin the questions.

Chairman Gowdy. Thank you, Mr. Chairman.

Thank you, Deputy Director McCabe.

From a procedural standpoint, who's our timekeeper so I'll know

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who to look to? And I don't want to go over my 30 minutes.

Chairman Goodlatte. The time is now 11:14.

Chairman Gowdy. All right. Hopefully I can count on to you punch me when my 30 minutes is up.

I want to start by thanking you for coming, and thank you for your service to our country.

Two days ago, you and I spent, I guess, close to 8 hours together.

Mr. McCabe. Yes, sir.

Chairman Gowdy. And so I want to kind of amplify what Chairman Goodlatte said. I'm not going to ask you a single question about what special counsel is doing. I will support an objection by Chairman Goodlatte if you're asked by anyone questions about that. I'm not going to ask you any questions about the investigation into Russia's efforts to interfere with our 2016 election cycle.

My interest in having this interview today, at least three of us used to work for the same employer you have, the Department of Justice.

2016, for whatever reason, forced the Department to make difficult decisions. There were some difficult fact patterns in 2016. And I think it is important, I think any entity, but especially the Department of Justice, it is not too much to ask, "Tell me what your thought process was as you went into this decision, the conclusion you made."

And so that's what my focus is going to be on. And I'm going to start chronologically, but that's not because I think it's most important. In fact, I don't think it -- I think something in the middle

is the most important. But in fairness to you, I'm going to start chronologically, because I'm going to kind of bounce around.

So I just want to make sure you understand not only what we're talking about today, but more importantly, what we're not talking about today.

You were really gracious to give us a lot of your time 2 days ago and would have stayed longer had we had more questions.

Mr. McCabe. Yes, sir.

Chairman Gowdy. And every Republican and Democrat that was in that room you made yourself available to. That is a separate investigation.

What I want to talk to you about today are other decisions -- non-special counsel-related, non-Russia-related -- that the Department found itself making or analyzing.

And quite candidly, Deputy Director McCabe, there was a time when my colleagues on the other side of the aisle had some of the same questions too. I hope they have them today. I'm confident they will. I hope they will.

But there was a time when lots of Members of Congress wanted to better understand Director Comey's decision to have the July 5th press conference. There was a time when lots of Members of Congress wanted to better understand the decision to, number one, write a letter, and make that letter public. There was a time when Democrat Members of Congress wanted to better understand the decision to publicize some investigations but not others. And I happen to think that the

Department of Justice and the FBI is big enough to answer even what some may suggest are tough questions.

So that's my purpose today. And I want to start chronologically, and chronologically would be the decision to open an investigation and/or matter, however you want to frame it, because that is also an issue, what to call it, the decision to open a matter or an investigation related to Secretary Clinton's email.

When was it made? Who made it? And why was it made?

Mr. McCabe. So you should first know that I was not a part of the Clinton email case at that time. So I cannot tell you why the decision was made to open the case. I was not -- I was not involved in that.

My understanding, from having been told sometime later, is that we received a referral from the intelligence community IG and that the decision flowed from that referral. But I can't give you any insight as to what people thought at that time, because I was not a part of that process.

Chairman Gowdy. Is it unusual to receive a referral from the intelligence community?

Mr. McCabe. No.

Chairman Gowdy. Is that the way other investigations have begun that you are more familiar with?

Mr. McCabe. We receive referrals from all sorts of entities, most of which go through the Department of Justice first and then are sent along to us for consideration of investigative action.

Mr. Ratcliffe. Mr. Chairman?

Chairman Gowdy. Yes?

Mr. Ratcliffe. May I ask a question?

Deputy Director, even though you were not involved in the decision or have knowledge about when it was opened, can you confirm whether or not you were the deputy director of the FBI at that time?

Mr. McCabe. I was not. I was, at that time, serving as the assistant director in charge of the Washington field office.

Mr. Ratcliffe. Thank you.

Chairman Gowdy. Who would be the witnesses that might be able to shed more light on that initial decision, accepting the fact that you were not part of it?

Mr. McCabe. So, of course, Director Comey. The deputy director at that time was Mark Giuliano. I believe the assistant director for counterintelligence was Coleman, right? Would be the assistant director of counterintelligence at that time.

Chairman Gowdy. Does the FBI have the authority to initiate an investigation even absent DOJ knowledge or approval? And when I say "DOJ," I mean main Justice. Do you have to consult with a prosecutor before you open a matter like this?

Mr. McCabe. I mean, we open investigations all the time, right? This is a particularly sensitive investigation. So -- and when we open -- and I don't -- I shouldn't speculate, but when we open an investigation that is qualified as a sensitive investigative matter, that decision has to be reported to the Department of Justice.

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Chairman Gowdy. So a sensitive matter is a specific designation within either the Bureau or main Justice.

Mr. McCabe. That's correct.

Chairman Gowdy. And who makes the determination whether or not to identify something as sensitive.

Mr. McCabe. There's a series of criteria that would apply to assist in that determination. That analysis would be done likely at the division level, so by the assistant director of the respective division and his leadership team.

Chairman Gowdy. And what are the ramifications or consequences of designating something sensitive? How would it be treated differently?

Mr. McCabe. There are a few ramifications, but it requires elevated levels of approval within the headquarters division. It requires a certain level of general counsel awareness and concurrence. And then, as I've mentioned, it also requires a reporting -- there's a reporting requirement to the Department I think within 30 days of the opening of a sensitive investigative matter.

Chairman Gowdy. Do you know who within main Justice would have been part of that decisionmaking process?

Mr. McCabe. I do not.

Chairman Gowdy. You said general counsel would be part of it on the Bureau side?

Mr. McCabe. That's right.

Chairman Gowdy. Do you know who the general counsel for the

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Bureau would have been at that time.

Mr. McCabe. The general counsel was James Baker.

Chairman Gowdy. Again, and I don't want to ask you something you've already answered, but I'd rather do that than run the risk of not asking.

Mr. McCabe. Yes, sir.

Chairman Gowdy. Department of Justice attorneys would be -- would have been consulted given the sensitive nature, excepting that in every investigation they are not. Is that accurate?

Mr. McCabe. Under normal circumstances, for a sensitive investigative matter, the Department would be consulted. They would certainly be notified. I can't speak to how that process took place in this case because I was not a part of it.

Chairman Gowdy. In Bureau vernacular, what are the different options or alternatives on how to refer to something? Do you refer to it as an investigation? Do you refer to it as a matter? Do you refer to it as an inquiry?

What are the words that are used within the Bureau to identify what we all think of as investigations?

Mr. McCabe. Right.

We have different levels of investigation that we authorize, but they are all referred to as investigations, except the lowest level, which we typically refer to as assessments.

Chairman Gowdy. So assessment is the lowest level. And where would we go from there, going up?

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Mr. McCabe. Going up you would go to a preliminary investigation. And then the highest level, which is the most common, is a full field investigation.

Chairman Gowdy. Do you know where the matter related to Secretary Clinton began? Did it begin as an assessment, or was it -- did it begin as a full field investigation?

Mr. McCabe. I don't know the answer to that.

Chairman Gowdy. All right. And it's a little bit unfair of me to ask you, because you've already said you were not part of that. When did you become part of it?

Mr. McCabe. I became -- I assumed oversight responsibility for the investigation in February of 2016.

Chairman Gowdy. What was the posture of the investigation at the time you assumed oversight responsibility?

Mr. McCabe. It had been open for several months. And they were -- you know, the team had been assembled and had been working at headquarters for several months on the investigation.

Chairman Gowdy. Do you recall any members of the -- I think you used the word "team?"

Mr. McCabe. Yes.

Chairman Gowdy. Who would some of the team members be?

Mr. McCabe. At the highest levels, the team was, of course, the director. The deputy director. That was me as of February of 2016. The EAD at that time was Michael Steinbach.

The assistant director over counterintelligence was Bill

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Priestap. Bill Priestap's deputy assistant now. He wasn't a deputy assistant director then, but -- I'm not sure what his title was at that time.

But Peter Strzok was part of that team. Jonathan Moffa was part of that team. (b)(6),(b)(7)(C) per FBI was part of that team. James Baker was part of that team. The director's chief of staff, James Rybicki, was frequently present for meetings or discussions about issues on that investigation. Lisa Page was part of that team.

And then, you know, you could -- there may have been other people as needed.

This was kind of the leadership level that discussed and kind of tracked and made the major decisions on the investigation. There was an investigative element of agents, analysts, and other, you know, support folks, but I can't -- I can't provide the names of those folks at this time.

Chairman Gowdy. Anything unusual about the way the Bureau staffed that case as opposed to other sensitive matters, investigations?

Mr. McCabe. This was a unique investigation, and it was rather -- the normal course of business is that investigations are run and managed by our field offices. And the staffing and the direction and the supervision of investigations is typically done at the field level.

In rare circumstances, when we have a particularly sensitive case, the decision is made to essentially manage that investigation

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from headquarters, usually with the support of a field office that provides investigators, analysts, whatever personnel you might need. That's how this investigation was run.

And I know -- I'll say it just because I know it's been a point of interest in the reports around the case. Although it is not an official terminology, in Bureau lore, dating back for long, long before I came here, typically people in the FBI would refer to those cases, those unique cases that are managed at headquarters rather than in the field, as a headquarters special. That is not an official terminology, but it is one that people in the FBI have used for many, many years.

Chairman Gowdy. And it wouldn't be indigenous to her investigation either?

Mr. McCabe. No, sir?

Chairman Gowdy. There are other investigations that were referred to that way?

Mr. McCabe. The investigation of Robert Hanssen is a good example. That investigation was -- you could refer to it as a Bureau special. It was run from headquarters by a special team of folks who were assembled because of their expertise, and it was managed out of headquarters because of its sensitivity and because of the need to keep the information about what was happening in the case limited to a very small number of people.

Chairman Gowdy. All right. You used a word that I wrote down.

Chairman Goodlatte. May I join that.

You referred to having sometimes a principal field office

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supporting that -- you referred to a principal field office as supporting that investigation. Did that take place with regard to this matter?

Mr. McCabe. It did.

Chairman Goodlatte. In what field office was it?

Mr. McCabe. The Washington field office.

Chairman Goodlatte. Okay. So all here in Washington.

Mr. McCabe. Yes, sir.

Chairman Goodlatte. Thank you.

Chairman Gowdy. Deputy Director, you used a word, because I wrote it down, and it was the word "unique," which I think means one of a kind. I've got to go back to my old WordPack days. But I want to give you a chance to substitute another word for unique if it fit into a smaller category of cases that were similar or if, in fact, you -- the question I asked you was about the structure of this investigation.

Mr. McCabe. Okay.

Chairman Gowdy. And you used the word "unique." And I want to be fair.

Was it unique in the truest sense of the word, or was it similar to other high profile, sensitive matters? Unusual, a small number, or truly unique?

Mr. McCabe. I think of this investigation as unique not compared to other investigations, but because of the facts that were involved. I am not familiar with another case that presented quite the same

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challenges and facts that we had in this one. So that's probably why I referred to it as unique.

If you're asking about running a -- managing a case in the way that I've described from headquarters, that has certainly happened before. It is a small number of cases. There may not be one at any given time. There may be one or two at any given time. It's hard to say. But it is a small population of cases that I am aware of.

Chairman Gowdy. The interaction between main Justice and Bureau agents. Is it daily? Hourly? Weekly?

What is the interaction on a case like this between the prosecutors and the line agents?

Mr. McCabe. So speaking to this case --

Chairman Gowdy. Yes, sir.

Mr. McCabe. -- the folks that were working the case from our side of the street were in very frequent, I would say daily contact with their colleagues at the Department of Justice.

Chairman Gowdy. Who were the prosecutors at main Justice that were assigned to assist in the investigation?

Mr. McCabe. So the case was handled out of the National Security Division. There were two -- I guess I'll refer to them as line attorneys, but two attorneys within the National Security Division, reported to -- their supervisor was an individual named David Laufman. Mr. Laufman reported to George Toscas.

And that was, in my understanding, kind of the official assigned -- folks who were assigned to the case. There was very limited

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involvement at the leadership levels in the Department of Justice in the case. I think John Carlin, who George Toscas normally reported to at that time, John Carlin was aware of the case, although I'm not sure how often he was -- he was briefed on it. The Attorney General and the deputy attorney general were not involved in the day-to-day management of the case during the period of my experience working it.

Chairman Gowdy. Anything unusual about the way that the main Justice structured, staffed this investigation as opposed to others?

Mr. McCabe. Yes. As I understand, and this was a decision that was made before I was involved in the case, but as it was explained to me, the decision had been made that the Attorney General and the deputy attorney general would not be involved in the day-to-day oversight of this case as they would in a typical, you know, significant, high-profile matter because of their -- the nature of their political positions. So they were not recused, but they were not involved. And Mr. Carlin occupied a somewhat similar status.

Chairman Gowdy. So the AG at the time would have been Ms. Lynch?

Mr. McCabe. That's correct?

Chairman Gowdy. And the deputy AG at the time would have been Ms. Yates?

Mr. McCabe. That's correct.

Chairman Gowdy. And John Carlin would have been the head of the National Security Division?

Mr. McCabe. That's right.

Chairman Gowdy. And so the person primarily responsible for any

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day-to-day interaction would be whoever was right below John Carlin?

Mr. McCabe. I'm sorry. Could you give me that one again?

Chairman Gowdy. The person -- if it's not Lynch and it's not Yates and it's not Carlin, who would be the most senior person at main Justice that would have day-to-day involvement?

Mr. McCabe. George Toscas?

Chairman Gowdy. Okay. You used the word "challenges," that this case created -- I think you used the word "challenges" to modify the word "facts." Challenging set of facts to investigate. In what way?

Mr. McCabe. In many ways. We don't typically find ourselves in a position of investigating someone who's in the midst of an election effort running for President. I think that's the -- certainly the first way that comes to mind.

Chairman Gowdy. So the status of the person that could be considered the object of the investigation is what distinguished it as opposed to the underlying facts.

Mr. McCabe. No, I wouldn't say that. There were many challenging aspects of the case. Let me go back to the work that we were doing.

The investigation was, as you know, an effort to determine whether classified material had traversed a personally -- a personal system, a nongovernment IT system. So from a very nuts-and-bolts kind of practical matter, our first effort is to go back and essentially try to reconstruct that system or any associated system and to determine

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whether classified material had been -- had been -- had crossed those systems.

All this is happening several years after those devices and those systems had been, in many cases, taken out of use, destroyed, lost, repurposed, what have you.

So from just a purely kind of forensic perspective, we had great challenges in determining what sort of systems had been used and had been exposed -- may have been exposed to this material. And then, of course, reconstructing that in the best way that we could.

The next challenge was in identifying, locating, and recovering all of the email or material that may have traversed those systems. And then, of course, analyzing that material for classified content.

And so that was enormously challenging. We're talking about -- I'm not -- I can't give you numbers -- accurate numbers here as I sit before today. We, of course, have these numbers, and I'm happy to provide them to you. But you're talking about an enormous volume of email material that had to be reviewed for classified content, much of which was not FBI content.

So then we involved -- we constructed and executed an intricate and demanding coordination process to try to identify that material that we thought was classified, to try to get that material to the entity that we thought owned it and could make the final determination as to its classified status, and to give them the time and the space to do those reviews, and, of course, receive the returns from those reviews.

So challenging to find the emails, to go through the emails, to

run the process necessary to have the owners of that material appropriately weigh in on it. So that was uniquely challenging as well.

Identifying all those individuals who may have played a role in the construction, the maintenance, the use of those systems, all of which took place years before we were aware of and involved in the investigation. Obviously went through that process as well. We interviewed many people.

Simply gaining access to people and the material we needed to take a look at was also uniquely challenging in this case in the way that our access was negotiated.

So there were many aspects of this case that made it challenging.

Chairman Gowdy. Had either you or, to your knowledge, the Bureau been involved in similar investigations given the complexities that you just outlined?

Mr. McCabe. Similar in what way?

Chairman Gowdy. Similar in the difficulties, the challenges. Similar in trying to identify whether or not classified material had been handled in a grossly negligent way.

Mr. McCabe. We do many mishandling cases, so we have experience with that. We do a lot of hard cases. Most of the work we do is challenging.

So, sure. I mean, we have certainly had cases that may have been similar in some ways.

Chairman Gowdy. I guess what I'm getting at, so I won't beat

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around the bush, had her last name not been Clinton, would you have handled the investigation the same way?

Mr. McCabe. Yes, sir.

Chairman Gowdy. You went through your -- the lawyers or the legal, general counsel members that may have been part of the team, Mr. Baker, Ms. Page. Anyone else?

Mr. McCabe. Ms. Anderson.

Chairman Gowdy. Ms. Anderson.

Mr. McCabe. And I think I indicated (b)(6),(b)(7)(C) per FBI --

Chairman Gowdy. Yes, sir.

Mr. McCabe. -- is also part of that office.

Chairman Gowdy. All right. Before I digress, I think we were talking about the interaction between the Department of Justice and how it was structured. And AG Lynch and DAG Yates did not have day-to-day involvement.

Mr. McCabe. Not to my knowledge, sir.

Chairman Gowdy. Okay.

Mr. McCabe. I can't speak for any briefings or contact they may have had, you know, within their own building. But in the normal way that we interact with the Attorney General and the deputy attorney general, primarily through the morning briefings that we do with them 3 days a week, no, from my perspective, they were not involved.

Chairman Gowdy. What investigative steps require main Justice input or approval and which ones do not?

Mr. McCabe. Generally or in this case?

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Chairman Gowdy. Generally.

Mr. McCabe. I mean, there's many investigative steps that require --

Chairman Gowdy. Which ones require DOJ engagement?

Ms. Anderson. This calls a little bit for a legal conclusion. You're asking for some legal conclusions from the witness. So I'm not sure he's here authoritatively to speak to those issues.

Chairman Gowdy. Well, if he doesn't know the answer, he can say he doesn't know the answer. He is a lawyer.

Ms. Anderson. Sorry. The question calls for legal conclusions with respect to our DI0G. The witness is not here to testify as a lawyer.

Chairman Gowdy. Well, if you don't know the answer, you can say you don't know the answer.

Search warrant. Do you do that on your own or do you go to an attorney to --

Mr. McCabe. No, sir. We use the U.S. attorneys predominately for search warrants.

Chairman Gowdy. Grand jury subpoena?

Mr. McCabe. Same.

Chairman Gowdy. Administrative subpoena.

Mr. McCabe. It's been much years since I did an administrative subpoena, but when I did, we were able to do those from within our building.

Chairman Gowdy. Decision to interview a witness?

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Mr. McCabe. That is -- it could go either way. It depends on the case.

Chairman Gowdy. Decision to offer immunity to a witness?

Mr. McCabe. That is a Department of Justice decision.

Chairman Gowdy. Were there conversations that you were part of centering around whether and to what extent to offer immunity to witnesses?

Mr. McCabe. I can't remember a specific conversation in which we discussed immunity. I know that the -- immunity was one of those elements that I referred to earlier in terms of our access to witnesses. That was negotiated by the Department of Justice.

Chairman Gowdy. Can you elaborate on that?

Mr. Nadler. Negotiated with the Department of Justice with whom?

Mr. McCabe. With witnesses' attorneys or sometimes with the witnesses themselves.

Chairman Gowdy. Can you go into more detail on that? Can you think of anyone that immunity was offered to? And walk us through the thought process of why that was warranted or why that decision was made.

Mr. McCabe. I'm sorry. I'm happy to address -- if you tell me who you're referring to, I'm happy to address it. But --

Chairman Gowdy. Well, you might --

Mr. McCabe. I can't remember a --

Chairman Gowdy. You might be better positioned than I am to know who immunity was offered to.

Mr. McCabe. I don't know, sir, off the top of my head, who was

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granted immunity and who was not.

Chairman Gowdy. Would the Bureau have been part of the decision to offer immunity?

Mr. McCabe. No, not typically?

Chairman Gowdy. Are there any instances that you can recall where the Bureau did not agree with the decision to offer immunity?

Mr. McCabe. I can recall many points of disagreement between the FBI and the Department during the investigation. There was considerable frustration at different points over the strategy that we were using to get to where we needed to go. And by that I mean by access to witnesses and access to material.

There were differences of opinion as to the best way to pursue that course, as there frequently are in big and small investigations. But that was definitely present in this one.

Chairman Gowdy. I wrote down the word "disagreement" and wrote down the word "frustrations."

Can you give the committee a sense of what disagreements may have existed between -- accepting that that happens in lots and lots of cases.

Mr. McCabe. Yes, sir.

Chairman Gowdy. There's nothing unusual about that.

Mr. McCabe. Right.

Chairman Gowdy. But we are right now focused on one.

What disagreements may have existed in this particular case?

Mr. McCabe. So there were times that we -- I shouldn't say we.

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There were times that people in the FBI suggested and wanted to pursue, let's say, acquiring of evidence through legal process, rather than the Department's preferred route, which was negotiating consent to access different pieces of evidence.

Mr. Meadows. Mr. Chairman?

Chairman Gowdy. Yes?

Mr. Meadows. So you started to say "we." And obviously you recalled a particular instance, because you changed it from "we," which would mean that you were not included.

Who are you referring to in terms of that unique case?

Mr. McCabe. I'm actually not thinking of a specific case. This is a general frustration.

Mr. Meadows. You can think of no particular case, what you just answered, in terms of where that process was used.

Mr. McCabe. Okay. So I'm thinking now of our acquisition of laptops towards the end of our investigation, which was a point that we were insistent on conducting whatever exploitation we could on the laptops that were used to conduct the sort of the emails, which I can explain later if you want me to go into that.

Mr. Nadler. We can't hear you.

Mr. McCabe. I'm sorry.

Mr. Nadler. The sort of emails. You said something else.

Chairman Gowdy. He said which he was happy to explain to me later.

Mr. McCabe. Okay. So towards the end of the investigation, we

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became -- we were absolutely insistent on the fact that we would not end the investigation until we acquired, or made every effort to acquire, I believe it was two laptops that were used initially by people associated with the Secretary to conduct what we referred to as the sort, which was the original separation of work emails and personal emails. We wanted to see the machines upon which that sort was conducted.

We had a hard time getting to them because there were a lot of complicated attorney-client privileges associated with it because those laptops had been used by attorneys for work they had done for different, unrelated clients. So understood that it was complicated.

And so we were constantly balancing whether we would pursue those laptops with the use of subpoenas and search warrants, or would we continue to negotiate with attorneys to try to produce those voluntarily.

Ultimately, we were able to get the laptops through a consent agreement, and we did not have to pursue a search warrant.

But at different times during the pendency of that issue, we were frustrated and wanted to pursue subpoenas and search warrants rather than continuing to negotiate with the attorneys.

Chairman Goodlatte. That's 30 minutes.

Mr. Nadler. If I could just ask one thing. So the question of the method -- the question of the methods aside on which there was a disagreement, you did, in fact, get the laptops?

Mr. McCabe. Yes, we did.

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Mr. Meadows. Mr. Chairman, may I make a point of order, since our time is out. It is incredibly important that we have 30 minutes per side. And I think all the committee members from Oversight will know that I am a very fair individual. Mr. Nadler perhaps doesn't know that. But for him to come in and ask questions as followups during our 30 minutes, I think you need to make sure we have a silo as a point of order.

Chairman Gowdy. I think what Mr. Nadler is going to allow is for you to ask two followups on any question he asked, and then we're going to be even, and then we won't do it anymore.

Mr. Nadler. And those were just clarifying questions.

Chairman Gowdy. My 30 minutes is. The gentleman from North Carolina's point is well taken. My 30 minutes is up.

Do you need to break, Deputy Director?

Mr. McCabe. No, sir. I'm good.

Mr. Connolly. Mr. Chairman, just -- I don't disagree with Mr. Meadow's point. However, it is sometimes very hard to hear. And permit us once in a while to ask for something to be repeated, because it's very hard to hear.

Chairman Gowdy. I hadn't shut you down yet.

Chairman Goodlatte. We're going to try to turn the volume up. We're also going to remind everybody to speak into the microphones.

Mr. Cummings. Deputy Director McCabe, I want to thank you for more than two decades of service to our country and for appearing before us today at such short notice. I note that Chairman Gowdy mentioned

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that you spent quite a bit of time with the Intelligence Committee, and we thank you.

Mr. McCabe. Thank you, sir.

Mr. Cummings. You are a career public servant.

Mr. McCabe. That's correct.

Mr. Cummings. You have had a highly distinguished career in law enforcement. And you have occupied some of the most important roles at the Bureau, fighting terrorism and ensuring that those who commit heinous crimes are held accountable. Is that right?

Mr. McCabe. That's correct, sir.

Mr. Cummings. I think it's important that our Members understand what you have done during your career and what you do now to protect our country and every single person sitting at this table and the more than 300 million Americans that we represent.

When did you first join the Bureau?

Mr. McCabe. I joined the FBI on July 7th, 1996.

Mr. Cummings. And why did you decide to join the FBI?

Mr. McCabe. I became fascinated with the FBI when I was in law school. I spent the summer between my second and third year in law school working for free at the Department of Justice.

Mr. Cummings. Free?

Mr. McCabe. I was a volunteer intern in the criminal fraud section, and I spent a lot of time poring over the work of FBI agents, reading 302s, that sort of thing. And I became just hooked on the idea of joining this organization.

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Mr. Cummings. I understand that you started your career as a special agent in New York investigating organized crime.

What were you doing on September 11th, 2001?

Mr. McCabe. So I was doing that. I was still an agent on Eurasian organized crime squad in New York. I was also an operator on the New York field office's SWAT team.

And so when the attack took place, we assumed, as members of the team, that we would be dispatched to go out and conduct arrests and search warrants and the sort of work that we do. Unfortunately, that call never came.

So we spent the next month reestablishing and protecting our command post in a garage on the corner of 26th Street and the West Side Highway, because, of course, our building was off limits. It had been contaminated by the fallout from the towers.

Mr. Cummings. You were promoted to the FBI's national headquarters in 2006, and in 2008 became the special agent in charge of the Washington field office's counterterrorism division. Is that right?

Mr. McCabe. I was actually the assistant special agent in charge of the CT division, the counterterrorism division in the Washington field office. But, yes, sir.

Mr. Cummings. Why did you shift your focus from organized crime to counterterrorism?

Mr. McCabe. I was ready for a new challenge. I had had a great experience doing nothing but criminal work in the New York field office

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other than, of course, my involvement in the investigation of the attacks on 9/11.

I think, like many people, I was drawn to the counterterrorist fight as having gone through that experience of the 9/11 attacks in New York City. I knew it was time for me and my career to come to do my tour at headquarters, and I thought no better place to do that than, really, on the terrorism, as we called it at the time, the front lines in the International Terrorism Operation Section 1, or ITOS 1, as it's referred to within the Bureau.

Mr. Cummings. In 2010, you were tapped to become the first director of the FBI's High-Value Interrogation Group.

What does that group do?

Mr. McCabe. So that group was called for in a Presidential order signed by President Obama, and it was essentially in response to the many challenges and problems that we had had -- I say "we," I mean the entire government and intelligence community -- in conducting the interrogations of high-value terrorist subjects.

And so the intent behind High-Value Interrogation Group, or the HIG, as we referred to it, was to build an interagency capability, combined of FBI and two intelligence community partners primarily, to conduct interrogations of high-value subjects wherever they were detained around the world in a lawful and effective manner.

Mr. Cummings. And who were some of the detainees questioned by the group under your leadership?

Mr. McCabe. The first appointment of the HIG team was to

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interrogate Mutallab, the Christmas Day bomber, of course tried to take down a Northwest Airlines flight on Christmas Day in 2009, if I have my years correct. And then we conducted probably about two dozen additional deployments in my term as director of the HIG.

Mr. Cummings. So I've been told that you then held two of the most important jobs in the FBI, Assistant Director of the Counterterrorism Division, and Executive Assistant Director of the National Security Branch.

Mr. McCabe. That is correct.

Mr. Cummings. What were your responsibilities in those roles?

Mr. McCabe. So as assistant director of the counterterrorism division, I was responsible for all of our CT efforts. So a budget of about \$120 million a year, about (b)(7)(E) per FBI agents around the country, and, of course, around the globe and our legat offices, and a considerable force here at headquarters. We have primary, as you know, investigative responsibility for international and domestic terrorism. And we spend a lot of time focused on that work, trying to keep America safe.

Mr. Cummings. What was your involvement in the investigation of the 2013 Boston Marathon bombing?

Mr. McCabe. So I oversaw that investigation from headquarters as the Assistant Director of the Counterterrorism Division.

Mr. Cummings. Does that mean you were in charge of it?

Mr. McCabe. Yes, sir.

Mr. Cummings. And what was your involvement in the arrest and

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interrogation of Khatallah?

Mr. McCabe. So Mr. Khatallah was one of the few people that we have been able to hold responsible for the attack on our special mission facility in Benghazi, Libya. I oversaw the development of that operation and the very significant and complicated partnership relationships that enabled us to bring Mr. Khatallah to Justice.

Mr. Cummings. Was that a difficult case?

Mr. McCabe. Yes, sir, it was.

Mr. Cummings. In 2014, you then served as the Assistant Director in Charge of the FBI's Washington field office, the Bureau's second-largest field office. Can you tell us about what your role was at the helm of the D.C. office, and what your proudest accomplishments were there?

Mr. McCabe. One of the best jobs I've ever had. It's an outstanding opportunity to represent and oversee the efforts of (b)(7)(E) per FBI employees assigned to the Washington field office. The Washington field office is responsible for all FBI matters in the District of Columbia and in northern Virginia. And as the ADIC, you -- the assistant director in charge -- you oversee all of those programs. So, once again, kind of took me back a little bit to my criminal roots, but still had a lot of involvement in our national security work.

The Washington field office has -- although it is the second largest field office, it has an incredibly diverse and important national security mission, particularly on the counterintelligence side, as a result of the large and diverse population of diplomats and

intelligence officers here in the Nation's capital.

Mr. Cummings. You've dedicated your life to law enforcement. Is that right?

Mr. McCabe. I've been happy to do so, sir.

Mr. Cummings. And why is that? What's the driving force there?

Mr. McCabe. There is no greater mission than the one that has been given to the Federal Bureau of Investigation. I explained this to my folks many, many times last summer as I served as the Acting Director for a short period of time. We have a workforce of 36,500 people around the globe, 12,000 of whom carry guns every day to defend themselves and the people of this Nation. We do some incredibly important work, and we do it professionally, competently, and independently, every day around the globe. It has been -- it has been the honor and privilege of my life to do that work.

Mr. Cummings. You became the Deputy Director of the FBI in 2016, a position that you continue to serve in. I guess that's an important job, too.

Mr. McCabe. It is, sir.

Mr. Cummings. Can you explain what your role and responsibilities are in your current position --

Mr. McCabe. Yes, sir.

Mr. Cummings. And give us a sense of how you serve our country on a day-to-day basis in that position?

Mr. McCabe. I am responsible for all of the FBI's investigative operations and intelligence collection operations worldwide.

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I am the highest ranking agent in the FBI, and, ultimately, I am responsible for the welfare, the safety, and the work product of all 36,500 people I just mentioned.

Mr. Cummings. So can you explain what it means to you on a personal level to serve as the number two guy?

Mr. McCabe. It is a -- it has been a privilege and an opportunity that I never, ever imagined I would have. I came into this organization over 21 years ago. I didn't know a single FBI employee. I was just attracted to the mission. I had incredible respect for this place and the men and women that do this work. And I have spent every one of those days trying to do it as well and as intensely as I possibly can. And to have concluded my experience in this organization to serve as Deputy Director has just been beyond my wildest dreams and hopes for what I would do at the FBI.

Mr. Cummings. On that note, I understand that you have been personally under attack by some who have questioned your integrity.

Mr. McCabe. Yes, sir.

Mr. Cummings. And whether you let your personal political views, or the personal political views of your wife, cloud your judgment in your role at the FBI.

Mr. McCabe. Yes, sir.

Mr. Cummings. I want to ask you about that, because I'm very concerned about it. You know, I'm sitting here, I'm listening to you, and I'm so glad that you are where you are.

Mr. McCabe. Thank you, sir.

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Mr. Cummings. In your long and distinguished career at the FBI, have you ever let your personal political views, whatever they might be, influence you in any way with regard to your actions as an FBI agent?

Mr. McCabe. No, sir.

Mr. Cummings. Did you ever let the fact that your wife ran for State Senate, or anything that occurred related to her campaign, influence or impact, in any way, your official actions as an FBI agent?

Mr. McCabe. No, sir.

Mr. Cummings. What is your reaction to those personal attacks against you, and, more broadly, against the FBI as an institution?

Mr. McCabe. Well, you have given me a lot to unpack there.

Mr. Cummings. Let me tell you something. I'm concerned about the tearing down of the reputation of the FBI, and it is painful.

Mr. McCabe. Yep.

Mr. Cummings. Because I think it's an attack on our very democracy. That's my feeling. But I'm just wondering what -- I mean, how the men and women, these men and women who go out every day and give their blood, their sweat, their tears, wondering if they're going to come home, I mean, I'm just wondering how you and how they are affected.

Mr. McCabe. Yeah. So if I could speak just for a minute about my personal experience over the last year. And I'll tell you it has been enormously challenging. My wife is a wonderful, brilliant, caring physician who was drawn to take a run at public life because she was committed to trying to expand health insurance coverage for

the people of the State of Virginia. That was the one and only thing that raised her interest in running for office when she was approached with the possibility of doing so.

And having started with that noble intention, to have gone through what she and my children have experienced over the last year has been -- it has been devastating.

Mr. Cummings. What have they gone through? Because I want to -- I really want to know.

Mr. McCabe. Well, I'm sure you're familiar with --

Mr. Cummings. Just give me a general idea.

Mr. McCabe. Yeah, the constant reiteration of the lies and accusations about things that she allegedly did, or I allegedly did, in support of her campaign, despite the fact that we've consistently tried to tell folks the truth about what happened, has been very, very frustrating.

Mr. Cummings. How old are your children?

Mr. McCabe. I have a 15-year-old and a 13-year-old. They're old enough to know.

Mr. Cummings. All right. I'm going to turn it over to Mr. Nadler, but let me say this before he says what he has to say. I genuinely thank you, from the depths of my heart, for your service. We need more people like you in government. We really do. And I just wanted to thank you.

Did you want to say something?

Mr. McCabe. Sir, I just want to say, despite everything, I have

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absolutely no regrets. This is the greatest institution on Earth. The men and women of the FBI do great work every single day in ways that many people will never know. It is an honor to continuously be associated with this organization and those people, and I wouldn't do anything differently in any way.

Mr. Cummings. Thank you very much.

Mr. Connolly. Mr. Chairman, just briefly.

I just want to respond to what your last observation --

Mr. Krishnamoorthi. You got to speak into the mic.

Mr. Connolly. I'm sorry. I wanted to respond to what you just said. First of all, I represent Virginia at this table and I still believe public service is an honorable calling, not something to be condemned. And it is terrible that we've arrived at this point in our polity that in order to win an argument, or try to win an argument, we engage in personal destruction of somebody's good name.

It couldn't be clearer you're an honorable human being, and you've served your country and the FBI honorably. And I just want to assure you there are many of us who will fight for your honor, and will resist any attempt to try to besmirch your good name.

Mr. McCabe. Thank you, sir.

Mr. Nadler. Thank you. Let me just second that and say one of the problems of our politics today is the casting of unwarranted aspersions on the good name and reputation of people, especially government employees, doing a well-motivated and fair job.

Mr. McCabe. Thank you, sir.

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Mr. Nadler. Now, Mr. McCabe, earlier, Mr. Gowdy indicated that he hoped that some of his Democratic colleagues would ask questions about the disparate treatment of Hillary Clinton and Donald Trump by the FBI. I am happy to oblige. In September of last year, at an oversight hearing in this room, I asked Director Comey directly, quote: "The FBI acknowledged in public statements and testimony that it was investigating Secretary Clinton's use of a private email server while the investigation was still ongoing. Is there a different standard for Secretary Clinton and Donald Trump? He responded: No. Our standard is we do not confirm or deny the existence of investigations. There is an exception for that when there is a need for the public to be reassured when it is obvious, given our activities, public activities, that the investigation is ongoing," unquote. Mr. McCabe, were you involved in the decision to make public the fact that the FBI was investigating Secretary Clinton.

Mr. McCabe. No, sir.

Mr. Nadler. And do you agree that the public actions of the FBI regarding Secretary Clinton as she was campaigning for President had a potential impact on her ability to get elected?

Mr. McCabe. It's not really my place, sir, to speculate on anyone's prospects for election.

Mr. Nadler. No, not her prospects for election, but that the FBI's actions might have affected it.

Ms. Anderson. The question -- I'm sorry, the question calls for him to speculate about something that's outside the scope of --

Mr. Nadler. Okay. When Director Comey made public statements regarding the investigation of Secretary Clinton, was the purpose ever to impact the outcome of the election?

Mr. McCabe. No, sir.

Mr. Nadler. Did Director Comey try to avoid having an impact on the election? And what steps, if any, did he take for that purpose?

Mr. McCabe. We -- I've got to stop using the word "we." I was aware, and the people that I worked with were aware, of the Justice Department guidelines that specify that we don't take overt investigative activity in the period near to an election. So we talked about things like that frequently. I think Director Comey was very interested in us completing our work in a period of time that would be far enough before the election took place so that we could take whatever steps we needed to take, and do it in a way that would not impact the election.

Mr. Nadler. So the announcement by the FBI, I think by Director Comey, of the investigation, and of the reopening of the investigation, 9 days, or 11 days, before the election, were violations of those guidelines?

Mr. McCabe. So to be clear, sir, I was not involved in the decision to reopen or --

Mr. Nadler. I didn't ask you that. I said, was Director Comey's announcing publicly 11 days before the election a violation of those guidelines.

Mr. McCabe. I was not a participant in any discussions around

that decision.

Mr. Nadler. So you can't answer that?

Mr. McCabe. I can't answer it.

Mr. Nadler. Okay. After the election in March of this year, Director Comey disclosed in public testimony that the FBI had begun an investigation into, quote, "possible coordination between Russians and the Trump campaign," close quote. We understand that that investigation actually began before the election, in July of last year. Is that accurate?

Mr. McCabe. I'm not sure if I can answer that question in this setting because it may call for a classified response.

Mr. Nadler. As to when the investigation began?

Mr. McCabe. That's correct.

Mr. Nadler. Okay. Were you aware of the investigation before the election?

Mr. McCabe. Yes.

Mr. Nadler. Was Peter Strzok aware of the investigation before the election?

Mr. McCabe. And by investigation you're referring to the one that Director Comey described in his testimony?

Mr. Nadler. Yes.

Mr. McCabe. Yes.

Mr. Nadler. Was Lisa Page aware of it?

Mr. McCabe. Yes.

Mr. Nadler. Was the chief of staff, Rybicki -- if that's how you

pronounce it -- aware of it?

Mr. McCabe. Yes.

Mr. Nadler. But no news of that investigation regarding President Trump's campaign leaked out to the press. Are you aware of any leaks before the election?

Mr. McCabe. Of that investigation?

Mr. Nadler. Yes.

Mr. McCabe. I am not.

Mr. Nadler. Okay. Why did the FBI decide not to disclose that the FBI was investigating this issue related to the Trump campaign before the election?

Mr. McCabe. Why did we -- why did we decide not to?

Mr. Nadler. Yes.

Mr. McCabe. I'm not sure that it was a matter that came up for decision. I think it was consistent with our existing policy, which is to never confirm or deny the existence of an investigation with the exception of those special circumstances that Director Comey testified to.

Mr. Nadler. With the exception of the Clinton investigation. If the FBI had disclosed before the election that it was investigating possible coordination between the Russians and the Trump campaign, would that have potentially had a negative impact on the President's ability -- on the candidate Trump's ability to get elected?

Mr. McCabe. I don't want to speculate on that, sir.

Mr. Nadler. Can't speculate.

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Did FBI officials discuss whether to make this investigation publicly known?

Mr. McCabe. I don't believe we ever considered making it publicly known. Not in my presence.

Mr. Nadler. Okay. Why did the FBI decide not to make the fact of this investigation public? Because it was --

Mr. McCabe. Well, as I've said, we never decided not to. That's the default, right? We don't make investigations public unless one of the exceptions apply, which clearly they -- Director Comey decided that they did in the Clinton case.

Mr. Nadler. Which may answer my next question. But I may ask you to be more specific then.

Mr. McCabe. Okay.

Mr. Nadler. Why would DOJ policy on elections counsel against investigative steps letting the public know that the Russian interests were attempting to infiltrate the Trump campaign, yet not block a highly public press conference about an investigation into Hillary Clinton?

Mr. McCabe. I'm sorry. Can you give me the front end of that again?

Mr. Nadler. Why would DOJ policy --

Mr. McCabe. Yes.

Mr. Nadler. -- counsel against investigative steps letting the public know that Russian interests were attempting to infiltrate the Trump campaign, yet not block a highly public press conference about an investigation into Hillary Clinton?

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Mr. McCabe. Yeah. I'm not sure I can -- I'm here to interpret DOJ policy for you. My general understanding is that DOJ policy is intended to preclude any activity that can impact an election.

Mr. Nadler. Okay. Director Comey announced by press conference that the FBI would not recommend charges against Secretary Clinton.

Mr. McCabe. That's right.

Mr. Nadler. Were you part of discussions about whether Director Comey should make that announcement publicly?

Mr. McCabe. Yes.

Mr. Nadler. When was the decision made to do it as a press conference?

Mr. McCabe. Not too long before the press conference.

Mr. Nadler. Okay. What were the reasons that Director Comey ultimately chose to make that announcement publicly?

Mr. McCabe. So, to the best of my knowledge, and also without going into classified matters, Director Comey was greatly concerned about how we would make -- just exactly how that process would take place. We discussed, over the course of many weeks, essentially, what does the end look like for this investigation. Not just what are we seeing in the evidence that we're collecting -- I mean, that was a constant topic of conversation amongst the team. We'd meet at least once a week to get a status update in terms of, what had the email exploitation told us, what had we heard back from our partners around the USIC, what were we getting from our interviews. And, ultimately, we would query the investigators and the investigative leadership over

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the team to say, where are we? What are you seeing in terms of what evidence do we have of intentional mishandling of documents? And week, after week, after week the answer was we don't have much.

So as that's progressing, we start thinking, okay, what does the end of this investigation look like? It's either going to look like we recommend and the Department chooses to pursue a charge, in which case, that's something we're very familiar with. That's what most investigations look like at the end. Although, in this case there was the possibility that we wouldn't be in a position to recommend to the Department that they pursue a charge. And how would that best be communicated. And Director Comey felt that, for several reasons, that the Department was not in a good position to be able to communicate that in a credible and effective way, in light of all of the intense interest across the country in, where were we, and what was our result going to be.

Mr. Nadler. And that's why he decided to make the announcement publicly?

Mr. McCabe. It is. He decided that, essentially, the Department was not in a position to be able to do that --

Mr. Nadler. He had --

Mr. McCabe. -- for a variety of reasons. And so he felt the best way to do it was the way he did.

Mr. Nadler. I got it. Thank you.

The documents produced by the DOJ show that Director Comey began drafting a public statement for a press conference on May 2nd. The

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tarmac meeting between Attorney General Lynch and former President Bill Clinton, which Director Comey says weighed significantly in his decision to call a press conference, did not occur until June 30th, nearly 60 days later. Why did Director Comey prepare a public statement so far in advance of any apparent reason to make a public recommendation?

Mr. McCabe. I think Director Comey, as I just mentioned, was thinking about what does the end look like. And if the end is some sort of a statement, what would he say. It is not uncommon to think through these things, to draft language, to go through a process to understand collaboratively, with the team, if we had to draw a conclusion, what would that look like, how would we say it, what sort of things would we include in that statement. It was a very iterative process.

Mr. Nadler. Thank you.

On July 19, 2016, senior FBI officials gave a high-level counterintelligence briefing to the Trump campaign. (b)(7)(E) per FBI

[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] ?

Mr. McCabe. Not that I'm aware of.

Mr. Nadler. During this meeting, did the Trump campaign disclose that in June, a month previously, senior campaign officials, including

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Donald Trump Jr. and Jared Kushner, had met with a Russian lawyer at Trump Tower in response to an email that the Russian Government hoped to help the Trump campaign?

Mr. Schools. Congressman, those are investigative details related to an ongoing investigation that we understood was outside the scope.

Mr. Nadler. No. It's with respect -- the Russian inquiry is outside the scope of this inquiry. But the contacts of the Department of Justice, among other things -- is not. Among other things, the committee is investigating the circumstances surrounding the FBI's decision to publicly announce the investigation into former Secretary Clinton's handling of classified information but not to publicly announce the investigation into campaign associates of then-candidate Donald Trump. This goes to that question, not to whether Russia colluded or whether the Trump people colluded. That is outside the scope. We are not --

Mr. Schools. Respectfully, Deputy Director McCabe has confirmed that the FBI had an investigation ongoing. People were aware of it at that time. Having confirmed that, that seems to be the relevant data point.

Mr. Nadler. No. But the relevant data point is whether the Trump campaign informed the FBI of contacts or not. That question would be within the scope of this inquiry I would think.

Chairman Goodlatte. I would agree with the gentleman from New York. It's an appropriate question.

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Mr. McCabe. Can you repeat the question?

Mr. Nadler. Yeah. During this meeting -- well, I asked you a question, and I think you answered. (b)(7)(E) per FBI

[REDACTED]

[REDACTED]. I think you said no.

Mr. McCabe. I'm not aware of any.

Mr. Nadler. Okay. During this meeting -- you're not aware of any. During this meeting, did the Trump campaign disclose that in June of 2016, senior campaign officials, including Donald Trump Jr. and Jared Kushner, had met with a Russian lawyer at Trump Tower in response to an email that the Russian Government hoped to help the Trump campaign. Did they reveal it to you?

Mr. McCabe. That would call for a response about a development in an ongoing counterintelligence investigation which would be classified. So I cannot answer that question in this setting.

Mr. Nadler. Okay. And that -- I assume that the next question will be the same. Did the fact that the Trump campaign chose not to disclose this information -- assuming you had said no -- during the meeting with FBI officials that concern you? You can't answer that, obviously.

Mr. McCabe. Again, for the same reason, I can't answer in this setting.

Mr. Nadler. When the did the FBI learn that the Trump campaign had failed -- well, okay. Let me ask you a different question. My next two questions are subject to the same problem.

My last question, really, is, allegations have been made that the FBI investigation is tainted by the fact that Mr. Strzok was -- and various other people, including yourself, are sympathetic to Democrats or to one political faction. Is it proper for the FBI to vet FBI agents for hiring, or to vet FBI agents for inclusion in a specific investigation, according to their private political persuasions?

Mr. McCabe. We do not do that, and I do not believe it would be proper for us to do that.

Mr. Nadler. So that if it turned out that in a given investigation, people were -- there were more Democrats than Republicans, this would not be known to you, and if it were known to you, you couldn't act on it?

Mr. McCabe. I have never known that in my 21 years of conducting and supervising investigations. That is not something that we discuss.

Chairman Goodlatte. The time is up. The 30 minutes are up. Let's take a 5-minute recess and we'll reconvene.

Mr. Nadler. Thank you.

[Recess.]

Chairman Goodlatte. All right. It's now 12:29, and we'll go back on the record.

Mr. Jordan. Would you care if I --

Chairman Goodlatte. Yeah. Go ahead.

Chairman Gowdy. Turn the microphone over in front of you, Jimmy.

Mr. Jordan. So, Mr. McCabe, you had said that you -- you viewed

this as a unique investigation. You gave us a list of folks at the FBI who were part of this unique team. I think the term you used, the jargon at the FBI, or the language at the FBI, is headquarters special. Who made the determination that this would be a headquarter-special type of investigation? Was that ultimately Mr. Comey's decision? Or how was that decision made?

Mr. McCabe. There is no such decision. It's not a -- it's not an official designation. It's not a significant -- not a significant term. It's just merely a way that people within the FBI talk about things that are -- would describe, refer to a case that's managed out of headquarters.

Mr. Jordan. So a case that gets managed out of headquarters, how that is decided, whether it's a headquarters managed case or the field office managed case, is that completely subjective, or are there objective elements you go through to make that determination?

Mr. McCabe. I don't know how they made that determination in this case. It's not -- I don't believe there's a -- there's a specific policy for that, if that's what you're asking.

Mr. Jordan. And is there a specific policy for who gets put on a unique investigation or headquarters special type of investigation?

Mr. McCabe. I don't believe so.

Mr. Jordan. No elements, just sort of ad hoc?

Mr. McCabe. Well, I don't -- there is certainly policies that determine which programs are responsible for which investigations. And so, this would clearly have been within the counterintelligence

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program. And so by that designation, you then kind of define some of the people that are going to be working that issue.

Mr. Jordan. Got it.

Mr. McCabe. It's more of a -- kind of an organic process.

Mr. Jordan. You mentioned this is unique, but there have been others. You mentioned I think, specifically, the Hanssen investigation. Was that team, to your knowledge, put together the same way? Was it sort of subjective, people in that area put together? Or was there some elements to determine who, in fact, made that team?

Mr. McCabe. I don't know the answer to that.

Mr. Jordan. Last question I have, Mr. Chairman.

So to have this type of investigation run out of the headquarters and not out of the field office, who ultimately makes that decision? Would that be Director Comey?

Mr. McCabe. No. It would likely be the Assistant Director with the -- in consultation with the EAD, and the Deputy Director, and ultimately, the Director. But it wouldn't be a decision that would have to come to him for approval, if that's what you're asking.

Mr. Jordan. It would have to?

Mr. McCabe. I don't believe it would. But he would, undoubtedly, be involved in the discussion around that.

Mr. Jordan. Okay.

Mr. McCabe. Or at least be made aware of it.

Mr. Jordan. Thank you, Mr. Chairman.

Chairman Goodlatte. Thank you.

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Mr. McCabe, did you ever have any discussions with anyone about the political ramifications of charging Secretary Clinton with a crime?

Mr. McCabe. The political ramifications of charging her with a crime?

Chairman Goodlatte. The political ramifications.

Mr. McCabe. I don't believe so.

Chairman Goodlatte. Never? I mean, we've seen a lot of texts and emails that have been released by other people where there's a lot of political discussion going on amongst different folks. But you never had any discussions with anyone regarding the political ramifications with charging the former Secretary of State and then-presidential-candidate Hillary Clinton with a crime?

Mr. McCabe. I mean, we were acutely aware of the fact that she was running for President, and that conducting an investigation in that environment was challenging. But we did not discuss the political ramifications on Hillary Clinton or anyone else.

Chairman Goodlatte. You never talked about whether if we did something, it would have this ramification, if we didn't do something, it would have this ramification?

Mr. McCabe. No, sir.

Chairman Goodlatte. Have you ever had any communications discussing whether it is wise to charge or not charge an individual, based on political considerations, rather than the facts, the evidence, and the law?

Mr. McCabe. I can't imagine making a decision like that

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along -- the way you described in the first part of your question.

Chairman Goodlatte. Okay. Are you aware of such conversations or discussions taking place at the FBI during the Clinton investigation, even if you were not involved?

Mr. McCabe. Could you describe the conversations that you're referring to again?

Chairman Goodlatte. I'm talking about conversations where the political ramifications, political considerations, for charging or not charging somebody took place?

Mr. McCabe. Okay. And am I aware of those conversations taking place?

Chairman Goodlatte. Yes.

Mr. McCabe. No, sir.

Chairman Goodlatte. Are you aware of any pressure from the Department of Justice or any other high-ranking Obama administration officials to arrive at a particular result in the Clinton investigation?

Mr. McCabe. No, sir.

Chairman Goodlatte. When did the FBI make the decision not to charge Secretary Clinton, before or after interviewing her?

Mr. McCabe. After, sir.

[McCabe Exhibit No. 1

Was marked for identification.]

Chairman Goodlatte. I call your attention to Department of Justice production Bates number SJC-140, which we are marking as

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Majority Exhibit 1. This document indicates that on May 2nd, 2016, Director Comey emailed a draft of his eventual Clinton investigation statement to you, to Jim Rybicki, and to Jim Baker. The penultimate paragraph of the May 2 draft reads as follows: Accordingly, although the Department of Justice makes final decisions on matters such as this, I am completing the investigation by expressing to Justice my view that no charges are appropriate in this case.

Can you see that in the document?

Mr. McCabe. Yes, sir.

Chairman Goodlatte. This paragraph is virtually identical to what Director Comey eventually said more than 2 months later on July 25, 2016, in recommending no charges against Secretary Clinton. It seems to confirm that the FBI, including the Director, had made up its mind not to charge Secretary Clinton before interviewing her. Does it not?

Mr. McCabe. It may seem that way reading it now. But I know that Director Comey had not made up his mind at that time.

Chairman Goodlatte. Why would that be written?

Mr. McCabe. I think Director Comey was working through what that conclusion would look like, and how he would articulate that conclusion if that's, in fact, where we ended up.

Chairman Goodlatte. Did he have a separate one that had exactly the opposite conclusion that he had ready to go too?

Mr. McCabe. No, sir. If we recommended charges, that's a far more conventional result, and I don't believe we would have been in

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the same position, thinking that a public statement would have been necessary.

Chairman Goodlatte. I don't see anything even-handed here, though, where it says, well, I haven't made up my mind yet, I've got this version if I make up my mind this way, and this version if I a make up my mind this way. Instead, we have one version, and that version is to not charge. You don't think that reflects that the decision had already been made?

Mr. McCabe. I know that the decision had not been made at that time.

Chairman Goodlatte. This paragraph is -- if not, doesn't it show that the Director had decided, at least as early as May 2, a full 2 months before interviewing Secretary Clinton, the subject of the investigation, not to recommend charges against her? If he hadn't made the decision, he's making some kind of decision if he writes it down like that.

Mr. McCabe. No, sir. I think it reflects that Director Comey thought that that was a possibility at that time.

Mr. Meadows. Mr. Chairman.

Chairman Goodlatte. Yes.

Mr. Meadows. So is this common practice, in normal investigations of every type, to do a memo 2 months ahead of time to lay out what you're going to say with a conclusion? So let's take it outside of this particular person. How many other times does that happen?

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Mr. McCabe. No, sir, it's not common.

Mr. Meadows. So this is a unique situation where he did it this one time?

Mr. McCabe. This is the only time I am aware of, sir.

Mr. Meadows. Okay. Yield back.

Chairman Goodlatte. So in exhibit 1, the last full paragraph on the second page, it says: "All told, we found XXX emails that were not among those produced to the State Department last year. Of those, we assess that XXX possibly contained classified information at the time they were sent or received, and so we sent them to other government agencies for classified determination. To date, agencies have concluded that XXX of those were classified at the time they were sent or received, XXX at the secret level, and XXXX at the confidential level. There were no additional top secret emails found. Finally, none of those we found have since been, quote, up-classified. How could he write all of that without having already come to the conclusion that he was not going to indict former Secretary Clinton?"

Mr. McCabe. Well, sir, you're asking me to speculate on what he was thinking when he wrote this draft. I don't think I can do that. I think that -- I do know that these were numbers that we were tracking very closely throughout the investigation. So every --

Chairman Goodlatte. Let me ask you this --

Mr. McCabe. -- every week we would get updated on the numbers that he did not include in this paragraph. And so that was a constantly shifting --

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Chairman Goodlatte. Well, I've got that. But before he even knew what those numbers were, he had written a statement that said we're not indicting. Why would he do that?

Mr. McCabe. As I said, sir, I think Director Comey was working through what that conclusion would look like were we to end up there at the conclusion of the investigation.

Chairman Goodlatte. Two months before the investigation --

Mr. McCabe. That's right, sir.

Chairman Goodlatte. -- before she had even been interviewed.

Mr. McCabe. That's right, sir.

Mr. Meadows. Mr. Chairman.

Chairman Goodlatte. Yes, sir.

Mr. Meadows. So if we had made up our mind that you were guilty 2 months before coming here of some wrongdoing, would you find that to be adequate? If I had a document that was prepared that suggested that Andrew McCabe was guilty of something 2 months ahead of time, would you find that suspicious?

Mr. McCabe. That's a hypothetical that I'm probably not in a good position to weigh in on. I'd be surprised at the fact that you were considering my guilt or innocence.

Mr. Meadows. Do you find why the uniqueness of that particular document that the chairman is just talking about, the fact that it is the only time that you're aware of, and you're a career employee of the FBI -- stellar career, by Mr. Cummings -- wouldn't you find that it is so unique that we would only find one example that you can recall,

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in this particular case, where this happened?

Mr. McCabe. Where --

Mr. Meadows. Is this case so unique that you would have a prepared document 2 months ahead of interviewing the witness? Is that normal protocol within the FBI?

Mr. McCabe. It is not normal protocol within the FBI to release a statement about a case --

Mr. Meadows. That's not the question I asked, Mr. McCabe.

Mr. McCabe. -- we believed we were going to --

Mr. Meadows. Is it normal protocol -- is it normal protocol to draft a letter by the FBI 2 months before you interviewed the witness to draw a conclusion? Is that normal protocol?

Mr. McCabe. I have not seen that before, sir.

Mr. Meadows. So your answer is no, it's not normal protocol?

Mr. McCabe. I'm not aware of that protocol. I've never seen that. I haven't been through an experience like this in the pendency of my career. So, no, I've never seen that before.

Mr. Meadows. I yield back.

Chairman Gowdy. Deputy McCabe, let me see if we can approach it from another direction. When was Secretary Clinton interviewed?

Mr. McCabe. July -- I'm not sure of the exact date. But it was shortly -- a few days before the statement, before Director Comey made a statement on the 5th.

Chairman Gowdy. So July 5, the statement was made to -- July 3, was that the when the interview took place?

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Mr. McCabe. It sounds right, but I can't confirm that. We can. I just don't have.

Chairman Gowdy. July 2. So July the 5th was what day of the week? Do you recall?

Mr. McCabe. I believe that was a Monday, to the best of my recollection.

Chairman Gowdy. All right. I guess what I'm trying to get at is that long list --

Mr. McCabe. It was the day -- I'm sorry. It was the day after the holiday weekend. So it was either a Monday or a Tuesday.

Chairman Gowdy. Right. It was a Monday or a Tuesday. So you got a holiday on July the 4th and maybe a weekend on the 3rd.

Mr. McCabe. Again, best of my recollection, Secretary Clinton was interviewed on the Saturday of that weekend.

Chairman Gowdy. Right, Saturday. And I think the press conference was Tuesday. So we've got Saturday. Then we got Sunday. Then we got Monday, which may have been a holiday. And then we've got Tuesday. That long list that you gave me of people who were part of this investigation, where did y'all meet to discuss her interview and what you got out of that interview before you made the charging decision.

Mr. McCabe. I discussed the results of the interview with members of the team over the phone. And I know that other members of the team met, I think, on Sunday. But I was not a part of that meeting.

Chairman Gowdy. Why would you not have been a part of that



meeting?

Mr. McCabe. I don't recall.

Chairman Gowdy. Was that a meeting to decide whether or not to make a charging decision?

Mr. McCabe. We were all focused on the results of the interview. The results of the interview, as I recall, were not significant. Essentially, we didn't -- we didn't gather anything in the interview that substantially changed our perception that we -- or changed -- spoke to the issue of intent.

Mr. Meadows. Mr. Chairman.

Chairman Gowdy. Yes.

Mr. Meadows. So let me make -- I'm confused. So Director Comey took all this time to draft a document to be well prepared, 2 months ahead of time, interviews the key witness on a Saturday, and your whole team did not get together to actually come up with the results before you had a press conference? How do you reconcile the two of those?

Mr. McCabe. As I have said, I recall participating in a conference call with several members of the team on Saturday, immediately after the interview. I did not participate in a meeting.

Mr. Meadows. Do you not find that -- if we're being so prepared, that 2 months ahead of time, that all of a sudden now what we're going to do is we're going to have a telephone on the most critical, unique investigation that we've had, and we're going to go ahead and spell that on a Tuesday. Would you not think that the whole team would get together and review that?

Mr. McCabe. Sir, all I can tell you is I didn't.

Mr. Meadows. I yield back.

Chairman Gowdy. There are two decisions that I'm really interested in. One is the decision that we've been referencing, which is whether or not it met the statutory elements. The other decision I'm interested in was Director Comey's decision to appropriate the decision away from the Department of Justice. When was that decision made? When was the decision made that the Bureau would handle the announcement of the decision and not the Department of Justice?

Mr. McCabe. Director Comey -- I'm sorry. What was that?

Mr. Brower. I'm sorry. I'm unclear. Excuse me, Mr. Gowdy. What decision? The recommendation decision?

Chairman Gowdy. No. The decision to appropriate the decision away from the Department of Justice. You and I have discussed it is an unusual fact pattern for the Bureau to announce charging decisions. That's typically done by the prosecutor. It wasn't done in this case. At some point, Director Comey made the decision that he was going to have a press conference and announce the decision on charging. When was the decision to take it away from the Department of Justice made?

Mr. McCabe. I don't know the exact -- I can't give you an exact date when Director Comey decided to make a public statement rather than just conferring his recommendation to the Department privately. I don't know the exact date of that. It was something that he began discussing with a -- with a group of us a few weeks before he made the statement.

Chairman Gowdy. But it had to be before May, or there would be no need to draft what's a pretty unusual press statement.

Mr. McCabe. I don't believe that Director Comey had made the decision to go forward with the statement at the time he made the draft. I think Director Comey --

Chairman Gowdy. A lot of time --

Mr. McCabe. -- was examining it as a possibility. It was something he was considering. But if you're asking me when he decided to go forward with the statement, rather than a communication to the Department, I don't know the date of that.

Chairman Gowdy. Deputy Director, it's not just a decision. It's an unprecedented decision. I cannot think of another fact pattern where a SAC appropriated the charging decision to himself and excluded the Assistant United States Attorney or the United States Attorney. So it's not unusual, it's unprecedented. So that's a lot of effort to be put into something that you haven't decided to do yet.

Mr. McCabe. Is that a question?

Chairman Gowdy. Sure.

Mr. McCabe. Well, I don't -- I don't know that I agree with your premise that Director Comey appropriated the decision to charge from the Department of Justice. Director Comey made the decision to make public his recommendation to the Department that we did not collect the evidence necessary to support a charge.

Chairman Gowdy. You and I both know that those are distinctions that don't make a difference. When the head of the world's premier

law enforcement agency tells the world, we don't have sufficient evidence on an indispensable element of the offense, there is no way to go forward. There is no prosecutor good enough to win that case, when the head of the investigatory entity has already concluded we don't have an essential element. So his press conference was the decision. And I want to know when he made the decision to have the press conference.

Mr. McCabe. I would say in the days -- as I said before, in the days immediately preceding the press conference.

Chairman Gowdy. Well, then why were you drafting a memo in May?

Mr. McCabe. I was not drafting a memo in May. Director Comey drafted and shared a memo in May. The best I can tell you, sir, is to my understanding, from my perception, at that time, Director Comey was working through, in his own way, what that conclusion would look like if that's where we ended up at the end of the case.

Mr. Ratcliffe. Mr. Chairman.

Chairman Gowdy. Yes.

Mr. Ratcliffe. Deputy Director, you just said that you believed that Director Comey made that decision in the days before the press conference was actually held. That's entirely consistent with what Attorney General Lynch testified under oath. She said she took herself out of any decision-making following the June 30th tarmac meeting. To her words, she said she cast a shadow of a doubt on the integrity of the Department of Justice. Likewise, Director Comey gave sworn testimony before various congressional committees that said that

tarmac meeting led heavily into his decision to hold the press conference and to appropriate this decision. All of that lines up.

What it doesn't line up with is his own memo of May the 2nd, where he says, more than a month before that, "If I decided to do an FBI-only press event," how do you reconcile that? How do you reconcile this with the sworn testimony, under oath, of then-Director Comey, Attorney General Lynch, and yourself?

Mr. McCabe. Sir, all I can do is point you to Director Comey's language in which he says, I've been trying to imagine what it would look like if I decided to do an FBI-only press event. And my understanding is that at that time, that's what he was doing.

Mr. Ratcliffe. You received this memo on the 2nd. And then you just testified under oath he made that decision a few days before. He testified under oath that he did as well. So did the Attorney General. It's inconsistent with that. Your own testimony today is inconsistent with it.

Mr. McCabe. I don't believe that the memo indicates that he had made the decision to go forward with the press event at the time he drafted the memo. I think the memo says, as I interpret it, that he was thinking through what that would look like and what he would say, but he hadn't made the final decision to do it.

Mr. Ratcliffe. Okay. So it sounds like you can't reconcile that.

Can you reconcile --

Mr. McCabe. That's what I said. But --

Mr. Ratcliffe. Can you reconcile for me how the language in this memo, the very specific language about Hillary Clinton not acting intentionally but only acting carelessly, or being careless with respect to the handling of classified information, and that she didn't intend to harm our national security, the language in here, in this May 2nd memo, is exactly the same language that President Obama used publicly a month before, on April the 10th?

Mr. McCabe. I'm not aware of that.

Mr. Ratcliffe. Can you reconcile that, how he would have used that exact same language publicly?

Mr. McCabe. I can't explain to you why Director Comey chose to use the language he did.

Chairman Goodlatte. Let me follow up on this. So your testimony is that this was all just speculation on the Director's part, that this would be one alternative, not just the decision, but also that it be an FBI-only decision?

Mr. McCabe. I think what I have said, sir, is that at this time, he was exploring this. As I read the document and recollect our exchanges, he was exploring this as an option. I don't believe he had made the final decision to do this at that time.

Chairman Goodlatte. Well, I guess the final decision isn't final until you get there. But all of this took place before Secretary Clinton was interviewed, correct?

Mr. McCabe. That's correct.

Chairman Goodlatte. Let me ask you this: How many other

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witnesses were interviewed by the Bureau after this memo was written?

Mr. McCabe. I don't know the answer to that, sir.

Chairman Goodlatte. Was it more than 10?

Mr. McCabe. I don't know. I wouldn't want to speculate. We can certainly find that out. I just don't know.

Chairman Goodlatte. More than 20?

Mr. McCabe. I don't know, sir.

Chairman Goodlatte. I do know. It's more than 20, in fact. Why would the Secretary do that with more than 20 witnesses ahead and the subject of the investigation?

Mr. McCabe. Why would the Secretary do that?

Chairman Goodlatte. Why would the Director do that?

Mr. McCabe. As I've said, sir, I think I've been pretty clear about my understanding of what Director Comey was trying to do with the memo.

Chairman Goodlatte. And I guess in answer to my earlier question, let me ask you again, to your knowledge, was there an alternate draft statement recommending that Secretary Clinton be charged?

Mr. McCabe. Not to my knowledge, sir.

Chairman Goodlatte. Did you edit this statement before it was finalized?

Mr. McCabe. I did not.

Chairman Goodlatte. Did you comment on it?

Mr. McCabe. I'm sure I was present when we discussed it, but I

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don't remember specific comments that I made.

Chairman Goodlatte. Did you or anyone else see a problem with drawing a conclusion about the investigation before interviewing the subject of the investigation and nearly two dozen other witnesses?

Mr. McCabe. We had many, many discussions about every aspect of the case. I don't remember discussing that specifically, but it's possible.

Chairman Goodlatte. Well, leaving aside the fact that the statement by the FBI was, as Mr. Gowdy says, unprecedented, are you familiar with any other criminal investigation where before two dozen witnesses were interviewed, and the subject of the investigation was interviewed, that you were sitting around talking about how you would say that the Secretary is not going to be indicted, or that the subject of the investigation is not going to be indicted?

Mr. McCabe. I think it's fairly common for investigators to discuss where they think they are in a case and to assess the evidence that they've collected at that point, wherever that point might be when they have that discussion. So I think that is fairly common. As I've said --

Chairman Goodlatte. But it's not common to get all the way to the conclusion or the remarks that would be used in the conclusion at that point.

Mr. McCabe. Again, I don't -- I think I've been clear that I do not believe that Director Comey had made a decision about the conclusion of the case during the draft of the memo.



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Chairman Goodlatte. Well, then who included that paragraph about no charges are appropriate? Was that the Director or was that somebody else?

Mr. McCabe. All I know, sir, is the -- the draft that the Director circulated. I assume that's his product.

Chairman Goodlatte. The paragraph that reads: "Accordingly, although the Department of Justice makes final decisions on matters such as this, I am completing the investigation by expressing to Justice my view that no charges are appropriate in this case."

Mr. McCabe. That's the draft that was --

Chairman Goodlatte. That was done by --

Mr. McCabe. -- sent to me by Director Comey.

Chairman Goodlatte. Sent to you by Director Comey.

Mr. McCabe. Yes.

[Majority Exhibit No. 2

Was marked for identification.]

Chairman Goodlatte. I called your attention to Department of Justice production Exhibit Bates number SJC-5, which we're marking as Majority Exhibit 2. This document shows that on May 6, 2016, you emailed a draft to Director Comey's statement to four individuals, William Priestap, Peter Strzok, Jonathan Moffa, and an individual whose name is redacted. Your email states that the Director asked you to share this with those four, but not any further. Who is the fourth person with whom you shared that draft?

Mr. McCabe. I don't know, sir. But it is our practice to redact

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the names of individuals who are not SES-level employees of the FBI in these sort of productions.

Chairman Goodlatte. And who would have done that redaction?

Mr. McCabe. I don't know. I mean, I'm not sure where this one came from.

Chairman Goodlatte. It's an unclassified document. I mean, I don't see any reason why that name would not be shared. It's a pretty high-level --

Mr. McCabe. As I've just stated, sir, that's just a -- as I understand it, our Bureau policy is we redact the names of non-SES-level persons.

Mr. Meadows. Mr. Chairman.

Let me be clear, we don't abide by your Bureau policy. And so let me be further clear. If it was so important to share with only a handful of people, then it is critically important we know who the other person is. And so do you have any reason, other than Department policy, to not share that information with this group? Because you can't have it both ways, Mr. McCabe.

Mr. McCabe. I'm sorry?

Mr. Meadows. You can't have it both ways. You can't say that they're so important to actually opine on the valid reason unless it's a classified individual that we need to go into a classified setting to understand.

Mr. McCabe. Sir, I don't know -- I don't know whose name is underneath the redaction. I can simply tell you our normal process

is to redact the names of people who are not SES-level officials. If you would like to know who that person is, I am happy to take that request back, discuss it with the General Counsel, and we'll get you an answer.

Mr. Ratcliffe. Chairman.

Chairman Goodlatte. Go ahead.

Mr. Ratcliffe. Deputy Director, I hope you understand why we want to find out the folks that were involved in --

Mr. McCabe. I do.

Mr. Ratcliffe. -- making these edits. Because, clearly, based on this you were being asked to edit what would be the final product from May the 2nd, Comey's first email on this. My question is -- I'm not calling for a legal conclusion here. The statute very clearly -- and, in fact, this May 2 email says, "violation of Federal statute makes it a felony to mishandle classified information either intentionally or in a grossly negligent way." But you have repeatedly said we weren't finding evidence of intent. At what point were you told that intent was the element that you were focusing on, and grossly negligent wasn't going to be enough for the team to then begin editing to that point?

Chairman Goodlatte. Before we get into that whole subject, our time is just about up. I want to ask one more question related to this redaction, if I may. After the redaction, it has OGC.

Mr. McCabe. Yes, sir.

Chairman Goodlatte. So that's the Office of General Counsel?

Mr. McCabe. That's right.

Chairman Goodlatte. So would that have been Lisa Page?

Mr. McCabe. I don't know who it is. It is possible it could be. That's certainly possible, but I don't want to confirm for you --

Chairman Goodlatte. You don't know or you don't recall?

Mr. McCabe. I don't recall. I don't know as I sit here today.

Chairman Goodlatte. Because you prepared this document.

Mr. McCabe. That's right, sir, on May 6, 2016.

Chairman Goodlatte. Got it. Okay. So you will take back to the Department our request that we find out whose name is on --

Mr. McCabe. Yes, sir.

Chairman Goodlatte. -- the redacted thing.

Our time has expired.

Mr. Johnson of Georgia. Thank you for your appearance today, sir. In your opinion, was the final statement of Director Comey that was given on July 5th factually accurate?

Mr. McCabe. Yes, sir.

Mr. Johnson of Georgia. Let me ask you about deposition exhibit no. 1. The outline of what Director Comey would say on July 5 is pretty much incorporated in this document. Is that correct?

Mr. McCabe. It is substantially similar to what he actually said on the 5th.

Mr. Johnson of Georgia. What percentage of the emails that the FBI secured from Clinton, what percentage of those emails had been reviewed prior to May 2, 2016?

Mr. McCabe. Sir, I can't give you a specific percentage. But

I can tell you it's the vast majority.

Mr. Johnson of Georgia. And so it was already known at that time what those emails would be classified as, either top secret, secret, whatever?

Mr. McCabe. Yes, sir. With the very small exception of if we were still engaged in discussion with one partner about one or two emails. I mean, the numbers were changing in very, very small ways. There was some flexibility, but it was not substantial.

Mr. Johnson of Georgia. So the email investigation had pretty much been wrapped up as of May 2. Is that correct?

Mr. McCabe. The majority of the emails we looked at had already been looked at by that point.

Mr. Johnson of Georgia. Can you explain to us why were DOJ officials not copied on the email that is Deposition Exhibit 1?

Mr. McCabe. Sir, I don't know why Director Comey didn't include anyone from the Department on that email.

Mr. Johnson of Georgia. You had already testified today that senior officials of DOJ were not involved in the day-to-day aspects of the investigation, correct?

Mr. McCabe. That's correct, sir.

Mr. Johnson of Georgia. And there were some lower-level DOJ officials who were involved.

Mr. McCabe. That's right.

Mr. Johnson of Georgia. And why was it that the higher level DOJ officials were not involved in the day-to-day investigation?

Mr. McCabe. My understanding, sir -- and I was not there when this decision was made -- but it was later explained to me that they had decided at the outset of the case that the Attorney General, and the DAG, and Mr. Carlin, because of the nature of their political positions, would not be involved in a day-to-day way on the case.

Mr. Johnson of Georgia. All right. Did you have any concerns at all with the content of deposition exhibit No. 1? Did you then and do you now?

Mr. McCabe. With the content of what he said in the email?

Mr. Johnson of Georgia. I'm sorry. The final -- the statement that Director Comey made on July 5th.

Mr. McCabe. Yes, sir.

Mr. Johnson of Georgia. Did you have any problems with its content then or now?

Mr. McCabe. No, sir.

Mr. Johnson of Georgia. Did anyone on the team express any concern or disagreement with respect to the content of that July 5th statement by Director Comey?

Mr. McCabe. Sir, we had many, many conversations about this case. We met almost on a daily basis, every couple days, certainly. We were constantly getting updated on everything from the email exploitation to what was happening in the interviews, everything else.

And we kept a very close watch over our understanding of what the case looked like and the quality of the evidence and the fact that we didn't have the, quote/unquote, smoking gun that would show intent in

a way that would have made us think differently about the case.

I can't sit here and tell you that over the course of those probably daily conversations leading up to his statement, that people didn't have conflicting views and offer alternative thoughts about it. They may have.

But by the time Director Comey went forward with his statement, I can tell you that there was complete consensus across the team about how we looked at the case, how we understood the quality of the evidence in the case, the fact that we did not believe it was appropriate to pursue charges.

Our recommendation to the Department would be that we did not think there was appropriate charges to pursue. That was the broad consensus of all the folks on the team.

So when Director Comey made that statement on the 5th, the team was fully aware of it, and I'm not aware of any disagreements with it.

Mr. Johnson of Georgia. Now, with respect to Secretary Clinton's interview on July 2nd, did it provide the FBI with any new or significant relevant information about the investigation?

Mr. McCabe. No, sir, it did not. It confirmed much of what we had learned about the Secretary during the course of the investigation. She confirmed her practices and habits with technology, with use of email, her really fairly -- I don't to characterize. She's not an IT person, if you understand what I'm saying.

And, no, she didn't -- she didn't change -- she didn't say anything in the course of that interview that changed our understanding

of her and her involvement in the use of the email system.

Mr. Johnson of Georgia. And if she had said anything that would have provided you with new or significant information, it would have changed the July 5th statement by Director Comey. Is that true or false?

Mr. McCabe. That's true, sir.

Had she said something, we would have considered what she said and been completely open to any possible path forward.

Mr. Johnson of Georgia. So how long was that interview with Hillary Clinton, by the way?

Mr. McCabe. I don't know the answer to that, sir. I don't recall.

Mr. Johnson of Georgia. All right. Did you feel that a telephone conference call after the Hillary Clinton investigation -- or, excuse me, the Hillary Clinton interview -- was the telephone consultation that you were a part of, did you feel that that was sufficient in terms of a discussion of what occurred during that interview?

Mr. McCabe. I did, sir. I felt the team very clearly articulated to me their position, their observations, and conveyed the thoughts of the Department attorneys who were present for the interview, both the results of the interview and what they thought of those results, which was that they did not come across anything significant that -- I'm sorry, am I not speaking loud enough?

Mr. Johnson of Georgia. Did you think at that time that the



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discussion on the telephone conference about what was learned during the Hillary Clinton interview established a need for a more formal meeting with the team?

Mr. McCabe. No, sir.

Mr. Johnson of Georgia. I'll yield to my colleagues.

Ms. Jayapal. Director McCabe, I want to say thank you very much for your exemplary and distinguished service.

Mr. McCabe. Thank you.

Ms. Jayapal. And I think we'll come back to this. But your passion for the work you do and for the protection of our country is truly remarkable.

Mr. McCabe. Thank you.

Ms. Jayapal. And I'm glad you are where you are.

Mr. McCabe. Thank you.

Ms. Jayapal. I want to continue on this line of questioning.

This memo, deposition exhibit No. 1, is addressed to you and two other people.

Mr. McCabe. Yes.

Ms. Jayapal. Could you tell us who those two other people are for the record so that everybody understands?

Mr. McCabe. Yes. One is James Baker, who is the general counsel of the FBI, and one is James Rybicki, who is the Director's chief of staff.

Ms. Jayapal. Would you say that these three individuals, yourself included, are at the highest levels of the FBI in terms of

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consultation to the Director?

Mr. McCabe. Yes.

Ms. Jayapal. And, Mr. McCabe, is it -- was it unusual for him to consult with his top level teams about very difficult matters that he was facing?

Mr. McCabe. No. No. That was very typical. Director Comey is a very collaborative leader and somebody who relied on the kind of give-and-take of ideas and difference of opinions. So he -- that was his practice.

Ms. Jayapal. So were you surprised to get this memo from him in terms of, you know, his questioning to the people that he trusted the most, at the highest levels of the FBI, including his legal counsel, about a very difficult investigation that the FBI was conducting?

In your words, you used "unique" earlier. I think you were trying to say that the conditions surrounding the investigation with a Presidential candidate was unique. Did it occur to you as unusual in any way, unprecedented in any way?

Mr. McCabe. The fact that he would discuss an issue like this, in a case like this, with the small group of people, was typical. That didn't surprise me.

I don't know that I expected to receive a draft of a statement on the day that I received this. But, nevertheless, Director Comey, as I stated, relied on -- you know, frequently relied on myself, Mr. Baker, Mr. Rybicki, and others when he was still working on and thinking about his path forward on any number of challenging issues.

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Ms. Jayapal. And you have said that this memo was really about that, thinking about his path forward. And I direct you to deposition 2, page 2. And you say -- this is your response as you forwarded the email on to four individuals -- you said, "The Director composed the below strawman in an effort to compose what a 'final' statement might look like. This was really more of an exercise for him to get his thoughts on the matter in order and not any kind of a decision about venue, strategy, product, et cetera."

So let me ask you, Director McCabe, again, do you stand by what you said in that email?

Mr. McCabe. I do, yes.

Ms. Jayapal. Was there a decision that had been made at that moment and then somehow Director Comey delayed it by 2 months, or was he just testing out his thinking around a very difficult case, one that involved a Presidential candidate at the time?

Mr. McCabe. Yes. If I could explain.

As I said earlier today, we spent a lot of time discussing -- thinking about and discussing that issue of, what does the end of this case look like?

There's essentially two alternatives. One of them is very traditional. That didn't require a draft statement or a lot of thought. If we were in a position to go to the Department and say, "We believe that" -- "Here's the evidence we've collected, we believe it supports the following charges," and we proceed towards prosecution, there is no public statement about that. The indictment, the

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affidavits, those things stand on their own. So you didn't need to think through what the end looked like if the decision had been to pursue charges.

On the other hand, a highly unusual, unique set of facts that we found ourselves, the Director felt, in light of the fact that the existence of the case was already public, the world was essentially focused on it, constantly speculating on what were we doing, when would we end it, what would the decision be, how would they hear about it, he felt the need to think through, if that's where we end up, how do I do that? Who best to make the statement? What would the statement say? How are we thinking about the case right now?

Ms. Jayapal. And let me ask you, because, you know, certainly people on both sides of the aisle have felt different ways about Director Comey at various times, but let me ask you if you think it is an asset for a Director to, in very difficult situations, consult with people that he trusts, a small team, so that he is sure that he is getting the best amount of information about a particular issue. Is that, in your opinion, a good quality for a Director to have?

Mr. McCabe. I think it's a good quality for any leader to have.

Ms. Jayapal. And do you do that --

Mr. McCabe. I do.

Ms. Jayapal. -- Mr. McCabe?

Mr. McCabe. I do.

Ms. Jayapal. With your top deputies in decisions that are very, very tough?

Mr. McCabe. Yes.

Ms. Jayapal. So, Mr. McCabe, do you think that there's anything in these two deposition items that is worthy of note in any way, shape, or form?

Mr. McCabe. Not to me. I mean, I -- you know, I -- as I said, I -- look, I understand that the announcement in July on this case was something that was -- has been described by Mr. Gowdy as unprecedented. It was -- it was not normal course of business for us. But we were far from normal business at that moment.

And I understand that people have very strong and very different opinions about whether or not we should have conducted our business that way. And that's, as I said, perfectly reasonable, perfectly understandable.

Ms. Jayapal. Do you think it was also unprecedented that the FBI was, in fact, investigating both Presidential candidates at the same time?

Mr. McCabe. I am not aware of that ever happening before.

Ms. Jayapal. And do you think it is -- do you think it's unprecedented that Director Comey made an announcement 11 days before the election about the reopening of an investigation into Hillary Clinton's emails and then, just a few days after that, ended up saying, actually, we've gone through the emails, and there was nothing there?

You can disagree or agree, but I'm just asking you about whether you think that was unprecedented, that 11 days before an election he would choose to comment on an open investigation into a Presidential

candidate.

Mr. McCabe. Again, I can't speak to what he thought around that decision because I was not a part of that decision. But I am not aware of any Director ever having been stuck in quite a similar situation or handling it a similar way.

Ms. Jayapal. Thank you.

And I will yield to my colleague.

Mr. Krishnamoorthi. Thank you very much. And thank you for your service to our country.

Mr. McCabe. Thank you.

Mr. Krishnamoorthi. First of all, did you harbor any bias in the handling of the investigation into Hillary Clinton's emails?

Mr. McCabe. Absolutely not, sir.

Mr. Krishnamoorthi. Do you believe that Secretary -- Director Comey harbored any bias in this particular investigation?

Mr. McCabe. No, sir.

Mr. Krishnamoorthi. Are you aware of anybody who harbored any political bias at the FBI in investigating Hillary Clinton's emails?

Mr. McCabe. I was not aware of any political bias during the course of that investigation in any way whatsoever.

Mr. Krishnamoorthi. Have you seen any evidence in your 21 years at the FBI of anybody harboring political bias in their investigation of any subject matter at the FBI?

Mr. McCabe. The short answer, sir, is no. I am aware of the work

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of the inspector general right now on two people who were formerly members of this team and part of the special counsel's team. I'm not going to weigh in on that investigation.

But putting that, the inspector general's work aside, no, sir, I am not aware of political bias playing a role in FBI decisionmaking.

Mr. Krishnamoorthi. What is -- if you did see evidence of any political bias, what would you do in that situation?

Mr. McCabe. I mean, as the supervisor, a leader of people who you suspected of having a political bias that could in any way taint the investigation they were involved in, you would remove those people from the investigation.

Mr. Krishnamoorthi. So there's a self-correcting mechanism within the FBI to remove taint of political bias in the investigation of any subject matter that comes before the FBI. Isn't that right?

Mr. McCabe. That is correct.

Mr. Krishnamoorthi. And what would you say to the charge that the FBI and this investigation of Hillary Clinton's emails are infected with bias, as one of my colleagues charged the other day?

Mr. McCabe. It is not correct, sir.

Mr. Krishnamoorthi. What would you say to the charge that you are corrupt and that the management of the FBI is corrupt in the investigation of Hillary Clinton's emails?

Mr. McCabe. That is absolutely incorrect and offensive.

Mr. Krishnamoorthi. What would you say to the charge that the FBI had lost confidence in Director Comey before he was fired by the

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President?

Mr. McCabe. That is not true, sir.

Mr. Krishnamoorthi. Thank you, sir. Thank you for your service to our country and your honesty in answering these questions.

Mr. McCabe. Thank you, sir.

Mr. Raskin. Mr. McCabe, I want to also issue my thanks for your honorable service to our country. And you bring me back to my days as an assistant attorney general working with law enforcement officers who have your kind of dedication and commitment to the rule of law.

I want to ask, have you done political corruption investigations in the course of your career?

Mr. McCabe. I have overseen political corruption investigations. I was never the case agent investigator on a political corruption case.

Mr. Raskin. Okay. And those are sensitive investigations. Would you agree?

Mr. McCabe. They are.

Mr. Raskin. The targets of them will be either Democrats or Republicans or independents. They'll have some kind of political affiliation.

Do you assign agents in a case like that based on the political party registration or affiliation of the agent?

Mr. McCabe. No, sir. We don't ask the political party or affiliation of our agents.

Mr. Raskin. Okay. And so that would be considered an



illegitimate thing to do, to assign Democrats to just investigate a Republican or Republicans to investigate a Democrat. You don't look into that?

Mr. McCabe. No, sir, not at all.

Mr. Raskin. Okay. There's been much made of these text messages that were sent by an agent named Peter Strzok --

Mr. McCabe. Yes, sir.

Mr. Raskin. -- if I'm pronouncing it correctly.

Mr. McCabe. You are.

Mr. Raskin. We had a, you know, a whole hearing that was pretty much taken over by that discussion. And there's been much in the news about Mr. Strzok, who seems to have disliked politicians across the board. He called Bernie Sanders an idiot. He called Donald Trump an idiot. He had harsh words for the former Governor of my State, Martin O'Malley.

Were you involved in the decision to remove Peter Strzok from the special counsel investigation?

Mr. McCabe. Yes.

Mr. Raskin. And how did it come to the attention of his superiors that these text messages existed?

Mr. McCabe. On July 27th of this year, as I was serving as acting director, I was contacted by the attorney -- I'm sorry -- the inspector general's office at the Department. They asked me -- they said they had a very important matter for me to review and they needed me to come across the street and talk to them that day, which was unusual.

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Mr. Raskin. You learned of it on July 27th?

Mr. McCabe. I did.

Mr. Raskin. And then at what point was he removed from the investigation and reassigned?

Mr. McCabe. I made the decision to remove him from the investigation that evening.

Mr. Raskin. That very day you decided to remove him?

Mr. McCabe. I came back from my meeting with the inspector general. I met with a very small group of my fellow leaders. We discussed Peter's reassignment, and we discussed where we would place him.

Mr. McCabe. Okay. Now, just to take the devil advocate's position, someone might have said, well, he expressed very vigorous criticism and opinions of Governor O'Malley, of Bernie Sanders, of Donald Trump, other people. Why was he not entitled to those private opinions expressed in the texts? Could he have made the argument that it didn't affect his public performance?

Mr. McCabe. He certainly could and he certainly may. What I knew at that point was that the inspector general was investigating Mr. Strzok and Ms. Page for potential political bias. And simply the existence of that investigation I felt was -- could place in jeopardy the work of the special counsel's team, and I did not -- I could not possibly take that risk.

Mr. Raskin. Did you think it created the appearance of potential bias on the part of someone working on the team?

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Mr. McCabe. It could possibly, potentially, on what -- depending on what the inspector general concluded at the end of his investigation.

So during the pendency of that investigation, I made the decision that Peter should not be involved in the work of the --

Mr. Raskin. And finally, did he in any way contaminate the entire investigation with bias because of those private texts that he sent to his --

Mr. McCabe. Not in any way that I am aware of, sir.

Mr. Raskin. Thank you very much.

I turn it over to Mr. Cicilline.

Mr. Cicilline. I want to begin, Mr. McCabe, by thanking you not only for your extraordinary service to our country, but for being here today. And I think many of us regret profoundly that you are being subjected to this set of questions and want to just reaffirm our strong confidence in the FBI and the integrity of the agency.

I want to just begin, there seems lot of discussion about the memorandum that Director Comey prepared. Based on my reading of it, it was some -- in an ongoing effort to sort of organize his thoughts and begin to think about the conclusion of the investigation. Is that a fair way to characterize it?

Mr. McCabe. I think it is.

Mr. Cicilline. And that is not -- that idea of sort of beginning to write down your thoughts as a way to help organize, both organize the evidence you've already collected, determine whether or not there's

holes in the evidence that you need to address, or if you haven't sort of thought things through in their full context, it's not an unusual exercise for an investigator, is it?

Mr. McCabe. No. And, in fact, it's a fairly common exercise for a prosecutor, which Director Comey is a prosecutor by trade, not an investigator. And typically they will draft what's known as a prosecution memo.

Mr. Cicilline. And sometimes that prosecution memo is generated and then shared with others for their kind of reaction to it, for them to identify things they think are well done in it or questions they have. Is that --

Mr. McCabe. I would assume so, yes.

Mr. Cicilline. Okay. And there's -- in fact, that kind of process of being thoughtful and deliberative and beginning to think about how you would organize your thoughts coming as you're approaching the end of an investigation is something I would expect that you would encourage investigators to do.

Mr. McCabe. Yes, sir.

Mr. Cicilline. And why is that?

Mr. McCabe. I expect my investigators to know where they are in a case. I receive updates on investigations all the time, hundreds of different investigations. And in those investigations, the investigators and their supervisors tell me, What do we have? Where do we think we are? What do we have so far? And where are we going?

Mr. Cicilline. Okay. So this excitement from some of my

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Republican colleagues about the fact that this kind of outline of his thinking was done in May and a final decision wasn't articulated until July, do you attach any significance to that other than a cause for some excitement from some political partisans?

Mr. McCabe. I don't want to speculate on others' excitement.

Mr. Cicilline. I'm sorry. I've done it. I'll withdraw that question.

Mr. McCabe. Yes, sir.

Mr. Cicilline. Not fair.

Mr. McCabe, was there any effort at the FBI to stop Donald Trump from being elected President of the United States?

Mr. McCabe. No, sir.

Mr. Cicilline. Is there any effort at the FBI currently to launch a coup against the President of the United States?

Mr. McCabe. No, sir.

Mr. Cicilline. And do you agree with the intelligence community's assessment of Russia's interference in the 2016 election?

Mr. McCabe. I do.

Chairman Goodlatte. I want to caution against getting too far into this issue of --

Mr. Cicilline. Yeah.

And one final question -- let me first yield to Mr. Raskin.

Mr. Raskin. You've come under attack in a way that you've described as having devastating consequences for you and your family.

Are you allowed publicly to respond to that under the rules of

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the FBI?

Mr. McCabe. No, sir.

Mr. Raskin. So you can't have a press conference to say that there are a bunch of falsehoods that are being uttered about you or your family.

Mr. McCabe. That's not how we do our business, sir.

Mr. Krishnamoorthi. So are there a bunch of falsehoods being uttered about you?

Mr. McCabe. Yes, sir.

Mr. Krishnamoorthi. I thought so.

Mr. Cicilline. Could you speak, Mr. McCabe, a little bit more about that.

We are seeing -- we've seen it in this committee, we've seen it on television -- what appears to be an intentional campaign to undermine the work of the FBI, the professionalism of the men and women who risk their lives to keep our country safe, and even the Department of Justice.

Would you talk a little bit about what the impact of that is on the agency and the danger you think it poses -- if you think it poses any danger -- to the rule of law in this country?

Mr. McCabe. You've asked quite a lot there.

First, as I have said before, the men and women of the FBI remain committed to the most righteous mission on earth, and that is protecting Americans wherever they are, in whatever they do, and upholding the Constitution.

I have no doubt that the men and women of the FBI will remain committed to and continue to execute that mission in an effective and professional and independent way.

So that's what we do. That's our job. No matter what anyone says or how -- what directions the winds blow around us, we will stay focused on that mission and continue doing that job.

Mr. Krishnamoorthi. How important is morale of the FBI to its effectiveness in -- as an organization?

Mr. McCabe. Morale is important everywhere.

Mr. Krishnamoorthi. And how have the recent charges against you and the FBI affected morale?

Mr. McCabe. FBI employees don't like to be the center of attention. FBI employees don't like it when they see themselves, their colleagues, or their organization discussed in inflammatory or controversial ways about anything -- about the Clinton case, about any of the allegations that are currently making their way through the media.

So that is a -- can be a distracting and disruptive thing. But nevertheless, because of their dedication and their commitment to what we do, they stay focused on the job we have to get done.

Mr. Krishnamoorthi. Do the allegations against you and the FBI enhance the FBI's ability and effectiveness as an organization?

Mr. McCabe. That's a hard question for me to answer, sir.

We will get this job done. As I said to the Senate Intelligence Committee months ago, nothing will stop the men and women of the FBI

from doing the right thing. That applies to me as much as it does to all of my 36,500 colleagues.

Mr. Johnson of Georgia. Did Director Comey have authority from DOJ to conduct his July 5th press conference and announce the findings of the FBI investigation?

Mr. McCabe. He did not.

Mr. Johnson of Georgia. Why was that?

Mr. McCabe. Director Comey made the decision to make that statement without clearing it with the Department of Justice first.

Mr. Krishnamoorthi. And that was because they were politically affiliated with Hillary Clinton, correct?

Mr. McCabe. Director Comey did not want anyone to be able to say that the Department in any way affected how we felt about the case and how we assessed the case. He very much wanted that statement to stand as the FBI's perspective on what we did and what we learned. And that would, of course, be the foundation of our recommendation to the Department of Justice.

Mr. Raskin. There was a moment, Mr. McCabe, when the FBI was truly politicized under J. Edgar Hoover, when there were attempts to disrupt the civil rights movement, Dr. King, the COINTEL program.

What was learned from that period of its history that informs what's taking place today?

Mr. McCabe. Well, I'll just say that we, like every organization, have made mistakes. And I'd like to think -- I do believe that we've learned from those mistakes.



We understand the importance of maintaining our independence from the political process. We only have one political position in the entire organization, and that is the Director. And that is just one kind of overt representation of the importance of maintaining an organization of independent professionals.

Mr. Cicilline. Can I follow up? One final question?

Chairman Goodlatte. Thirty minutes are up. We're going to recess for lunch. We'll return after the series of votes, which is coming up fairly soon.

[Recess.]

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[2:42 p.m.]

Chairman Gowdy. Welcome back, Deputy Director McCabe.

When you and I were last talking, my notes reflect -- I have the words "challenges" and "frustrations." And I think we had begun to get into, perhaps, some of those. And I think there was an acknowledgment by you that there are challenges and frustrations in every investigation, particularly between prosecutors and agents. There's nothing unusual about that.

Mr. McCabe. That's correct.

Chairman Gowdy. But I want to flesh out, if we can, whether or not there were any unique challenges with respect to this investigation.

In May of 2015, where would you have been within the Bureau?

Mr. McCabe. May of 2015, I was ADIC of the Washington field office.

Chairman Gowdy. Would you --

Mr. McCabe. I'm sorry. Assistant director in charge of the Washington field office.

Chairman Gowdy. All right. If there were a meeting called by State Department Under Secretary Patrick Kennedy with White House Counsel, CIA, FBI, DOD, ODNI, and NSC regarding the release of Secretary Clinton's emails, would you have been part of that meeting?

Mr. McCabe. No, sir.

Chairman Gowdy. Were you ever asked by Under Secretary Kennedy that the FBI classification determination be changed?

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Mr. McCabe. I was not, no.

Chairman Gowdy. Do you know whether anyone else was?

Mr. McCabe. I do not.

Chairman Gowdy. Who is (b)(6),(b)(7)(C) per FBI?

Mr. McCabe. (b)(6),(b)(7)(C) per FBI is a -- now a former FBI agent. At that time, in May of 2015, he was still with the Bureau.

Chairman Gowdy. Do you have any knowledge of whether, in May or June of 2015, Under Secretary Kennedy called Special (b)(6),(b)(7)(C) per FBI ██████████ to ask for assistance in changing the classification of email?

Mr. McCabe. I learned of an exchange. I don't know where (b)(6),(b)(7)(C) per FBI was at the time or whether it was in person or a phone call. But I learned about an exchange they had had about that much later. I did not know about it at the time.

Chairman Gowdy. What did you learn about it?

Mr. McCabe. So that came to my attention, I think, after the case was -- had been closed and we were going through documents that would be turned over in the FOIA process. And somebody brought to my attention that there was a 302 involving -- I'm not sure even at this point who the 302 -- I don't know who was interviewed in the 302, but the 302 dealt with an issue that had occurred between Mr. Kelly and (b)(6),(b)(7)(C) per FBI

Chairman Gowdy. I would defer to your expertise on classification and who determines classification. It would be greater than my own. But why would the State Department ask the FBI to change a classification? Would that be a document that the FBI had

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classified?

Mr. McCabe. I'm not going to speculate as to what they were asking. My understanding of the process is that the owner of the information is responsible for its classification. And potential declassification or what happens to that, that decision always comes back to the original classifier, which would be the owner of that information. So if it was FBI information, it would be our responsibility.

Chairman Gowdy. In any of your capacities with the Bureau, did you ever ask another agency to change a classification?

Mr. McCabe. No, sir, I have not.

Chairman Gowdy. In any of your capacities at the FBI, were you ever asked by someone to change a classification?

Mr. McCabe. I have not been asked to change a classification.

Chairman Gowdy. Who is Michael Steinbach?

Mr. McCabe. Michael Steinbach is a former FBI agent. Before he retired, he was serving as the executive assistant director of the National Security Branch.

Mr. Gowdy. Were you aware, in May of 2015, that Under Secretary Patrick Kennedy called Michael Steinbach and asked one more time that the classification be changed?

Mr. McCabe. I was not aware of that in May of 2015.

Chairman Gowdy. Were you subsequently made aware of it.

Mr. McCabe. I think the -- this entire situation came to my attention only in the context of being notified that a 302 relative

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to these exchanges was going to be released in the FOIA process. So it was much -- so that would have been the end of 2016 likely.

Chairman Gowdy. At some point, did you recuse yourself from the investigation in Secretary Clinton's email, or were you recused.

Mr. McCabe. I recused myself from the investigation, that's correct, the first week of November of 2016.

Chairman Gowdy. Would these 302s have been brought to your attention before or after that.

Mr. McCabe. Likely before.

Chairman Gowdy. Director Comey made reference to a conversation he had with then Attorney General Lynch where he was asked to refer to something as a matter as opposed to an investigation. Are you familiar with that testimony.

Mr. McCabe. Yes, I'm generally familiar with that testimony. And Director Comey related that to me sometime after that -- that exchange occurred.

Chairman Gowdy. Were you present for that conversation.

Mr. McCabe. I was not.

Chairman Gowdy. How soon after the conversation was it relayed to you.

Mr. McCabe. I don't know, because I don't know when that actually took place. My belief is that it was somehow -- it was an issue that they discussed around the time that they were considering the public acknowledgment of the case.

Chairman Gowdy. And when was the case publicly acknowledged.

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Mr. McCabe. I can't tell you for sure, sir. That happened before I came back to headquarters and certainly before I started working on the case.

Chairman Gowdy. The decision to publicly acknowledge or not publicly acknowledge an investigation, is that FBI policy or DOJ policy.

Mr. McCabe. There is both FBI policy and DOJ policy that would impact that decision.

Chairman Gowdy. As a Bureau agent, would you have to secure the permission of Main Justice before you made an investigation public.

Mr. McCabe. Yes.

Chairman Gowdy. In this case, who at Main Justice did Director Comey talk to before making the existence in the investigation public.

Mr. McCabe. It is my understanding that he discussed the issue with the Attorney General.

Chairman Gowdy. Is it your understanding that that was about the same time he was asked to refer to it as a matter and not an investigation.

Mr. McCabe. That's my belief, yes.

Chairman Gowdy. Did he say anything about the conversation he had with Attorney General Lynch, were they in one accord that it should be made publicly available.

Mr. McCabe. I'm sorry?

Chairman Gowdy. Existence of the investigation, were they in one accord? Did they agree.

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Mr. McCabe. I don't know. We didn't discuss that specifically. Director Comey never mentioned to me that he disagreed with that aspect of the decision.

Chairman Gowdy. What did he say, with as much particularity as you can recall, about the conversation with Attorney General Lynch.

Mr. McCabe. He just noted that he thought it was peculiar that she was, you know, insistent that we not refer to it as an investigation but, rather, refer to it as a matter.

Chairman Gowdy. If I have already asked you this today, forgive me. I can't remember what I asked you 2 days ago and what I asked you today. So, if it is today, just correct me. Does the FBI have a designation as a matter.

Mr. McCabe. No, sir.

Chairman Gowdy. What are the different designations that the Bureau uses.

Mr. McCabe. So we have full field investigations, preliminary investigations, and then we have a range of assessments that are lower level, a lesser degree of investigative activity that we can -- is authorized at the assessment level.

Chairman Gowdy. So there is no designation of, quote, a "matter" within the Bureau lexicon.

Mr. McCabe. No, sir. We are the Federal Bureau of Investigations.

Chairman Gowdy. Do you know whether Director Comey memorialized his conversation with Attorney General Lynch in any way, other than

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sharing it with you.

Mr. McCabe. I'm not aware of any other way that he memorialized it.

Chairman Gowdy. And to the best of your recollection what -- orient me from a time standpoint. You became the deputy director in February of 2016.

Mr. McCabe. That's correct.

Chairman Gowdy. The press conference Director Comey had was on July the 5th.

Mr. McCabe. Yes, sir.

Chairman Gowdy. The tarmac incident was in late June of 2016.

Mr. McCabe. Yeah, I think maybe the Thursday before. If the announcement was on a Tuesday, I think the tarmac was the Thursday before the end of that week previous.

Chairman Gowdy. To the best of your recollection, when did this conversation between Director Comey and Attorney General Lynch take place.

Mr. McCabe. About the investigation?

Chairman Gowdy. Versus matter.

Mr. McCabe. I don't know, sir. I wasn't there for the conversation. I only heard what Director Comey related to me some time later. My assumption is that that conversation took place before I was involved in the case.

Chairman Gowdy. So it was your assumption that it predated February.



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Mr. McCabe. That is my assumption today, yes.

Chairman Gowdy. Okay.

Mr. McCabe. I think the case had been made public before I was ever involved in it.

Chairman Gowdy. If I understood your testimony correctly, one of the reasons this case may have been a little peculiar was the lack of involvement of the Attorney General and the Deputy Attorney General.

Mr. McCabe. Yes, sir.

Chairman Gowdy. So this is at least one interaction between the Director of the FBI and the Attorney General. Do you know what the calls or the impetus for that interaction was, given what you said earlier that there was an uncharacteristically low level of interaction? Do you know why he went to talk to her.

Mr. McCabe. Why he went to talk to her about --

Chairman Gowdy. Whatever they went to talk about.

Mr. McCabe. That led to the conversation about call it a matter, not an investigation? I do not know. My assumption is that that exchange took place in a conversation that they had regarding the process or the decision to make a public acknowledgment of the case. It would have -- would have happened contemporaneous with that decision and that public acknowledgment.

Chairman Gowdy. If the Attorney General disagreed with a decision to make the existence of an investigation public does the Director of the FBI have the power to do so anyway.

Mr. McCabe. No, I believe the Attorney General would overrule

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the Director in that case.

Chairman Gowdy. So, to the extent that the existence of the investigation or matter was made public, we can assume from that that Attorney General Lynch did not object to it.

Mr. McCabe. That's my assumption.

Chairman Gowdy. All right. Did you ever have any -- if these were not your words, correct me, I wrote down "challenges," "frustrations," and I wrote down the word "friction." Did you ever have any challenges, frustration, or friction with respect to interviewing the witnesses you wanted to interview.

Mr. McCabe. We ultimately interviewed the witnesses we wanted to interview. During the course of that part of the investigation there were periodically issues about when those interviews would take place, about who would attend those interviews. And those sorts of issues were frequently the cause of maybe the subjects of disagreements between us at the FBI and our colleagues at the Department.

Chairman Gowdy. For those --

Mr. McCabe. And I use those only as two examples. There may have been other friction points, as well.

Chairman Gowdy. For those who don't know, you can -- how does the Bureau ask people to sit or stand for an interview? What is the process by which you seek to talk to someone.

Mr. McCabe. Well, we can speak to people in the course of an investigation, and we can ask them if they'll talk to us, and many do. If people aren't willing to talk to us, then we can compel their

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participation in that process we get a subpoena.

Chairman Gowdy. Would that be a grand jury subpoena.

Mr. McCabe. That's right.

Chairman Gowdy. And that requires the approval of Main Justice lawyers, or can the Bureau do that -- Bureau agents do that themselves.

Mr. McCabe. No, the Bureau cannot do that. It requires an attorney from the Department of Justice, which is typically an Assistant U.S. Attorney, as happens most often in the many cases we work out of our field offices. In this case, it was lawyers at the Department of Justice.

Chairman Gowdy. When witnesses appear before the grand jury, can counsel appear alongside them.

Mr. McCabe. I think they can, right? Yeah -- no.

Chairman Gowdy. At least one of your lawyers did not like that question, so you might want to consult with them.

Mr. McCabe. Either they don't like my response or the fact that I gave one at all. It is my recollection from my appearances in front of the grand jury, which were many years ago, that witnesses were allowed to bring attorneys to the grand jury but that they would not actually go inside.

Chairman Gowdy. In your experience with a grand jury investigation, did multiple witnesses appear simultaneously before the grand jury.

Mr. McCabe. No, sir.

Chairman Gowdy. In your experience with the grand jury

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investigations, were witnesses able to designate family or friends to attend the grand jury proceeding.

Mr. McCabe. No, sir.

Chairman Gowdy. Is it your recollection that it is the witness, it is a prosecutor from the United States Attorney's Office or Main Justice, and it is the members of the grand jury.

Mr. McCabe. That's right.

Chairman Gowdy. Maybe a court reporter.

Mr. McCabe. Yes, sir.

Chairman Gowdy. So, if you had the option of compelling witnesses to come, first option, I get it, voluntary interview. You always have the option of at least trying to compel someone to come. In this case, it appears as if there was a lot of negotiation about the parameters around these, quote, "voluntary interviews." Was that normal course for Bureau investigations or was this different.

Mr. McCabe. I don't know that I can compare it to normal Bureau investigations. I'm not sure what those are. This certainly was not one. This was the approach and the strategy that the Department of Justice chose to pursue in this case.

Chairman Gowdy. And did the Bureau agents agree with that approach.

Mr. McCabe. Many times we did not.

Chairman Gowdy. And that's what I'm getting at is, when were those times? When were the times when you thought, why are we doing this as opposed to using a compulsory piece of paper to secure the

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testimony.

Mr. McCabe. Sir, the best -- really the only example I can give you in detail was the issue that involved me personally, which was access to the laptops towards the conclusion of the investigation. I had a personal role in that so I can walk you through what my observations were.

You would be better served talking to witnesses who were more closely involved in the day-to-day staffing of those interviews and the scheduling of those interviews. They could provide to you many other examples, I'm sure, but I was not day-to-day involved in that kind of back and forth over the scheduling of interviews.

Chairman Gowdy. All right. Tell me about the one you can.

Mr. McCabe. Okay. So we had made the decision that we -- it was essential to us to at least attempt to exploit, to the best of our ability, whatever emails or remnants of emails that might be left on the laptops that were used initially to sort Secretary Clinton's email, which I think took place in response to maybe one of the initial congressional requests for documents early on, prior to my involvement in the case.

We embarked upon a long and somewhat torturous process of negotiating with the defense attorneys involved access to those laptops. There were several points during that ongoing negotiation that took place over the course of a few weeks in which we wanted to move forward more quickly and just serve subpoenas and possibly search warrants on the defendants to gain access to those computers.

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The Department of Justice felt like we would -- if we went down that course -- well, I won't try to suppose their reasoning. They thought it was better that we pursue those things through consent of -- Chairman Gowdy. Because of attorney/client privilege issues.

Mr. McCabe. There were a lot of issues complicating our access to those computers. They felt -- it is my belief that the Department felt if we pursued compulsory process, we would spend a lot of time litigating the process issues, rather than -- and they thought we could more quickly get access to the computers through negotiating their, you know, consent -- turning them over through consent.

Chairman Gowdy. Was there any disagreement between the agents and the prosecutors as to whether or not probable cause existed for you to access those computers.

Mr. McCabe. We felt that we had probable cause. I can't speak for the Department. I'm not aware of a difference of opinion on that, but --

Chairman Gowdy. Whose computers were they.

Mr. McCabe. This was the computers used by Heather Samuelson. Do I have that correct? And Heather Mills.

Chairman Gowdy. Cheryl Mills.

Mr. McCabe. I'm sorry, Cheryl Mills, during the sorting process.

Chairman Gowdy. To the best of your recollection, is that the same Cheryl Mills who served as chief of staff for Secretary Clinton when she was at the State Department.

Mr. McCabe. To the best of my recollection it is.

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Chairman Gowdy. Were you able eventually to interview everyone you wanted to interview.

Mr. McCabe. Yes, sir.

Chairman Gowdy. You have been a Bureau agent for how long.

Mr. McCabe. A little over 21 years.

Chairman Gowdy. When you were starting out, did you conduct witness interviews? Did you interview bank tellers? Did you do all that when you were starting off.

Mr. McCabe. Yes.

Chairman Gowdy. Was it your practice to interview people in groups or interview people individually.

Mr. McCabe. It is typical you interview people individually.

Chairman Gowdy. Why is that.

Mr. McCabe. Keep witnesses from hearing each other's version of events, things of that nature, keep people focused.

Chairman Gowdy. It could be suggestive if you interviewed all the witnesses to a bank robbery at the same time. It might, might prompt an objection from defense counsel at some point. Has it been your experience that the Bureau allows fact witnesses -- other fact witnesses to sit in on witness interviews.

Mr. McCabe. That's not the typical case, sir. I'm sure it happens here and there, but it is not common.

Chairman Gowdy. How many times did it happen in your career.

Mr. McCabe. I couldn't give you an answer to that.

Chairman Gowdy. You could if it were zero. Can you think of a

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time other than this investigation where fact witnesses --

Mr. McCabe. I have done a lot of interviews, sir. I can't sit here and tell you that, in every single one of them, there wasn't a person in or near the interview who couldn't potentially have become a fact witness later. I would like to say zero, but I can't confidently give you that number today.

Chairman Gowdy. Why would you interview someone in the presence of a fact witness if you had an alternative.

Mr. McCabe. I think if you had an alternative, you wouldn't.

Chairman Gowdy. Well, you always have the grand jury. That's an alternative, right.

Mr. McCabe. It can be, yes.

Chairman Gowdy. It might be the only alternative.

Mr. McCabe. It may not be if you're interviewing a witness who is not subject to the jurisdiction of the grand jury, then that's not -- in that case, it would not be an option.

Chairman Gowdy. I guess what we're trying to understand is whether or not the interviews of the witnesses in this case, whether it's Huma Abedin, whether it is -- did you interview Heather Samuelson.

Mr. McCabe. She was interviewed, yes. I didn't interview her.

Chairman Gowdy. Secretary Clinton's interview it appears as if Cheryl Mills was present for that interview.

Mr. McCabe. I think that's right.

Chairman Gowdy. Did you consider Cheryl Mills to also be a fact witness.

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Mr. McCabe. She had been interviewed before as a witness.

Chairman Gowdy. What was the thought process in allowing fact witnesses to sit in on another fact witness' interview.

Mr. McCabe. I can tell you that we did not control the attendance of attorneys or individuals at those interviews. This was a topic that caused us some frustration, not just in that interview and in others. We had several conversations with the Department over the size and scope and identity of the individuals who would be permitted to attend, but ultimately, these were consensually agreed-to voluntary interviews, and we didn't control who was in the room at the time.

Chairman Gowdy. Well, I want to try to be as open-minded as I can in trying to guess what the Department of Justice might gain from having multiple fact witnesses in a single interview. So I understand there are negotiations back and forth. What would either Main Justice or the Bureau gain from having multiple fact witnesses in another fact witness' interview.

Mr. McCabe. Well, I can't speak for what the Department of Justice thought about it or what they would gain, but from the FBI's perspective, it was not something that we would have sought out.

Chairman Gowdy. Did you voice your disagreement with the decision.

Mr. McCabe. I don't remember taking a personal role in whether or not Ms. Mills attended the interview. I just know that our team was engaged in a fairly heated back and forth with folks at the Department over who would attend interviews generally, but I don't

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remember weighing in on the subject of Ms. Mills.

Chairman Gowdy. Who in particular on your team do you remember being the most animated.

Mr. McCabe. I remember Pete Strzok being animated about it and possibly Bill Priestap. They would have been much more involved in the day-to-day issue than I would have been.

Chairman Gowdy. Were you able to interview the witnesses in the order in which you wanted to interview them.

Mr. McCabe. I don't remember us having a problem with the order that the interviews were conducted.

Chairman Gowdy. Were you able to access all of the information you felt you needed to be able to conduct the investigation.

Mr. McCabe. We were.

Chairman Gowdy. Were you part of any decisions on whether or not to grant immunity to witnesses.

Mr. McCabe. I was not.

Chairman Gowdy. Did your team bring any of those concerns to you, make you aware of them.

Mr. McCabe. They did not. They did not.

Chairman Gowdy. Did you discover any evidence that had been spoliated, deleted, whether wittingly or unwittingly during the course of your investigation.

Mr. McCabe. We did.

Chairman Gowdy. And what evidence was that, and how were you able to determine that it had been deleted.

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Mr. McCabe. We spent a great deal of time and effort trying to reconstruct emails that would previously have been held on different devices and servers, trying to reconstruct emails from the remnants of those emails and the part of the servers that they referred to as slack space, so this was a common theme in the investigation. I can't sit here and tell you exactly which device at which time, but there are better witnesses to provide that information to you.

Chairman Gowdy. I want to go back to before July 5th.

Mr. McCabe. Okay.

Chairman Gowdy. All right. So we know when the press conference was held, and we have at least some idea from the emails as to when there was a discussion of what to be said. We will litigate that later on. We'll have more conversations, but that's not where I'm headed with this. The tarmac was in late June.

Mr. McCabe. Yes.

Chairman Gowdy. The conversation with Attorney General Lynch may have predated you in February.

Mr. McCabe. Yes.

Chairman Gowdy. Were there other reasons, whether you can discuss them in this environment or not, that led Director Comey to make the decision to appropriate the charging decision away from the Department of Justice.

Mr. McCabe. Well, first, as I mentioned to you earlier, I don't know that I agree with your use of the term "appropriate the decision." We can --

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Chairman Gowdy. Your objection --

Mr. McCabe. We can argue about that later.

Chairman Gowdy. Your objection is noted.

Mr. McCabe. I know that there were a number of factors that Director Comey was considering as he thought about that decision, some of which we discussed the other evening that I cannot discuss with you here in this setting, others we have talked about a little bit. The different relationship that we had with leadership at the Justice Department or I should say the different way -- the way they were not traditionally involved in the oversight and decisionmaking on this case presented a challenge to us and an acknowledgment on some level of the fact that they were -- you know, the political nature of their positions raised a question about their ability to make decisions on the case, and so that was strange ground for us to be in.

There was the exchange between the Director and the Attorney General on not referring to it publicly as an investigation. That's something that the Director factored into his consideration, as well. There was the somewhat infamous exchange between the Attorney General and former President Clinton on the tarmac in Phoenix, so there were a number of things that caused him to doubt the ability or credibility of the Justice Department in presenting the results of the investigation.

Chairman Gowdy. Does -- is there or has there ever been a contemporaneous collection of that conversation on the tarmac.

Mr. McCabe. A contemporaneous collection.

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Chairman Gowdy. Was there ever a transcript, an audio, anything other than the witnesses' memories that you have ever had access to or heard about that captured the essence of that tarmac conversation.

Mr. McCabe. No, sir, not to my knowledge.

Chairman Gowdy. So the folklore on the internet that there is a transcript, there is an audio recording of that, you're not familiar with it.

Mr. McCabe. Absolutely not.

Chairman Gowdy. Would you be familiar with it.

Mr. McCabe. I -- if there were a recording made under FBI authorities, it is possible, possibly even likely that I would be aware of it, but I can't sit here and speculate as to how a recording might have been made. I mean, I'm not aware of a recording having been made, so I really can't speculate beyond that.

Chairman Gowdy. Well, part of what we have to do is debunk myths, too.

Mr. McCabe. Yes, sir.

Chairman Gowdy. That's why I'm asking you. You would be in a unique position maybe to know.

Mr. Meadows. Is the AG's -- is the AG's plane vehicle monitored, to your knowledge?

Mr. McCabe. Not to my knowledge, no, sir.

Chairman Gowdy. Thirty minutes is up.

Ms. Jayapal. Thank you for sticking with us. It is a long session. At the beginning, Mr. Gowdy asked if there was anything

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unusual about the Justice staffing, and I believe that you said that the Attorney General and the Deputy Attorney General made a decision to not be involved in the day-to-day I don't know if it is oversight or notification.

Can you just restate what you said, that this was an unusual decision for them to make?

Mr. McCabe. Yes. And just to be clear, that decision was made before I came back to headquarters and was involved in the case, so I was informed of it later, I was not present for it. It was an unusual position for us to be in to be investigating a high profile sensitive kind of notable case and to not have the involvement or the oversight of the Attorney General and the Deputy Attorney General.

Ms. Jayapal. And why do you think they made that decision? I think you have stated it, but I would like -- there have been a lot of questions so I want to go back and restate for the record.

Mr. McCabe. It is my understanding that they wanted to -- because of the political nature of their positions, they didn't want to take a role in the decisionmaking on the case, and they were leaving it to the professionals, the career professionals, in the Department of Justice.

Ms. Jayapal. And do you think that that was appropriate action for them to take?

Mr. McCabe. Yeah, I don't want to speculate on what they should have done and didn't do, and so I can just tell you what they did do and the impact it had on our case.

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Ms. Jayapal. Earlier I think there was a line of questioning, and you said something about there are a number of things that led Comey to doubt the credibility of the Attorney General or the leadership of the Justice Department in kind of being involved, and I guess what I was trying to get at is, given that they felt that these were political appointments and political positions, that perhaps they were trying to do the thing that they felt would be best for the American people, which is to leave the investigation to the professionals.

Do you remember that Attorney General Lynch said that she would accept the recommendations from the FBI and career prosecutors in the Clinton email case?

Mr. McCabe. I do.

Ms. Jayapal. And did she do that?

Mr. McCabe. She did. We -- I don't know if it was the day of or the day after Director Comey's announcement on the 5th, we traveled over to the Department and met with the Attorney General, the Deputy Attorney General, all the attorneys and folks who had been involved in the case.

Sorry, I thought I heard a dog.

And we basically presented how we thought about it, but most of the -- honestly most of the meeting was the line attorneys who had handled the investigation, presented to the Attorney General their view of the evidence and the law and the recommendation that no charges be pursued.

Ms. Jayapal. And she did not in that meeting indicate anything

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that said she was trying to take over those recommendations or interfere in any way?

Mr. McCabe. Not at all. Not at all. She accepted the recommendation of the career prosecutors.

Ms. Jayapal. I want to go back to some of the early questions that Mr. Cummings had asked you about the FBI.

Mr. McCabe. Okay.

Ms. Jayapal. And he asked you about the impact of some of the undermining of the FBI and some of the comments that have been made about the FBI, and I actually wanted to read a few of the comments that have been made by Republican members of this committee and just give you a chance to respond: "The text messages prove what we all suspected. High-ranking FBI officials involved in the Clinton investigation were personally invested in the outcome of the election and clearly let their strong political opinions cloud their professional judgement."

Do you believe that the FBI's professional judgment in any of the decisions that have been made were clouded by political bias?

Mr. McCabe. No, ma'am. In my experience overseeing the case, working with the leadership team involved in the case, I never observed or saw anyone's personal, political, political opinions impact their decisionmaking or their work product.

Ms. Jayapal. Thank you. Here's another one: "If you have an individual who actually had a desire to have an outcome in a political race and they decided to use the Department of Justice to investigate

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their political opponents, I think that is one of the worst crimes that has occurred in the history of the United States when it comes to politics." I could argue that that could be applied to different situations, but even actually talking about this investigation, do you believe that this was an attempt to somehow turn the election or create some sort of a political witch hunt into Donald Trump?

Mr. McCabe. I know that it was not that.

Ms. Jayapal. Thank you. Let me read you one more: The President of the United States, as the chairman mentioned, recently expressed the opinion that the FBI's reputation was in tatters. Do you think that the FBI is in tatters?

Mr. McCabe. I do not.

Ms. Jayapal. Here's another one: But you are taking an FBI Department that was weakened by Mueller's time. He got rid of thousands and thousands of years of experience, I came to believe, because he wanted younger people that were more yes-men, and so he got rid of the people that could have advised him against some of the poor decisions he made.

Do you believe you're a yes-man?

Mr. McCabe. No.

Ms. Jayapal. And do you believe that Mr. Mueller -- that is a very good answer for that question -- do you believe that Mr. Mueller got rid of thousands and thousands of people that somehow were yes-men -- or were not yes-men, so that he could hire yes men?

Mr. McCabe. I am not aware of that.

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Ms. Jayapal. Here's another one: "Unfortunately the last 2 years have not been good years for the Bureau, and they have not been good years for the Department." Would you like to tell us, Director McCabe, some of the good things the FBI has done in the last couple of years?

Mr. McCabe. Ma'am, we do great things every day all around the world. We recover children who have been kidnapped from their families. We arrest drug dealers. We put pedophiles in jail. We sometimes have to arrest politicians for engaging in corrupt behavior. We collect intelligence in ways that most people will never, thank God, know about. We do all that to protect the American people and uphold the Constitution, and we will continue doing all that work.

Ms. Jayapal. I thank you for that. You spoke very movingly about the effect that some of this had had on your family, your children, and I thank you for sharing that.

Can you talk a little bit about what these kinds of comments and the undermining of the FBI has had on the work of the employees of the FBI or the morale of the FBI?

Mr. McCabe. Ma'am, I don't want to speculate as to guessing how people individually react to comments they hear in the media. I can tell you, as I have already today, the commitment that the men and women have, the men and women of the FBI have, to our mission is remarkable, and that commitment will not -- will not diminish. It will not fail, and that is the thing that enables us to achieve our mission every day in a million different ways. It is the job of the leadership of the

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FBI -- it has been my responsibility, but it is the responsibility of other leaders, as well -- to try to keep our workforce focused on that mission and not distracted by what they hear in the news or what may be happening politically or otherwise in society but to stay focused on that important work that we do.

We spend a lot of time talking to our folks, traveling around, visiting field offices, constantly messaging, trying to provide engaged, proactive leadership to ensure that they do exactly that.

Ms. Jayapal. And if the FBI was crippled or undermined what would be the effect on the United States national security?

Mr. McCabe. This nation needs a strong, effective, and independent FBI. It is my profound belief that that is what they currently have.

Ms. Jayapal. Thank you. I have one more line of questioning, and then I'm going to turn it over to my colleague, Mr. Lieu.

Are you familiar with Director Comey's testimony before the Senate Intelligence Committee on June 8th, 2017?

Mr. McCabe. Generally.

Ms. Jayapal. And did you generally find that his descriptions of events in those written and oral testimony were consistent with the contemporaneous descriptions that he shared with you at the time of the events?

Mr. McCabe. Yes, ma'am.

Ms. Jayapal. And do you believe that Director Comey accurately shared with the Senate his memory of these interactions with the

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President to the best of his recollection?

Mr. McCabe. I mean, what he shared is consistent with what he shared with me.

Ms. Jayapal. So I would like to discuss a document that we can label interview exhibit, and it is the statement for the record to the Senate Select Committee on Intelligence of James Comey on June 8th, 2017. Are you familiar with this document?

Mr. McCabe. If I can take one second, please.

[McCabe Exhibit No. 3

Was marked for identification.]

Ms. Jayapal. Sure. I go ahead.

Ms. Anderson. The document at least suggests that the line of questioning is going to be beyond the scope of what we agreed to produce Mr. McCabe to testify to today, so if you would like to clarify.

Ms. Jayapal. And feel free if you can't -- if it feels like it is going beyond the scope, I assume you are going to let me know that that is the case.

So, on page 2 -- it describes the first meeting -- the first meeting that Director Comey described in this document takes place on January 6th. It was the first meeting with President-elect Trump at Trump Tower, and it was at this meeting that Director Comey first informed President-elect Trump about the allegations in the Fusion GPS dossier, and on page 2 of the statement he wrote that "prior to the January 6th meeting, I discussed with the FBI's leadership team whether I should be prepared to assure President-elect Trump" --

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Mr. Meadows. Let me just -- point of order. This is a document from SSCI. It goes beyond the scope of what we agreed to cover, so I would just ask if you could look at the questions that are within the scope because this is certainly beyond the scope of what we have all agreed to. Okay?

Ms. Jayapal. Okay. Even just the questions about whether you are aware of part of the leadership team?

Mr. Meadows. I think the context of what it is, is beyond the scope.

Ms. Jayapal. All right. I'll turn it over to -- I'll yield time to my colleague. Thank you.

Mr. Lieu. Thank you. Thank you, Mr. McCabe, for your dedicated service to our Nation.

Mr. McCabe. Thank you, sir.

Mr. Lieu. Earlier, FBI Director Christopher Wray testified before this committee and said: No one is above the law. You would agree with that statement, right?

Mr. McCabe. Absolutely.

Mr. Lieu. All right. The issue of political contributions has come up. So, as you know, political contributions are a matter of open record.

Mr. McCabe. Yes, sir.

Mr. Lieu. And we looked at the political contributions of FBI Director Christopher Wray. He has made over \$39,000 in political contributions exclusively to Republicans. I trust he can continue to

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do a fair and impartial job. Do you?

Mr. McCabe. I have always found Director Wray to be fair and impartial.

Mr. Lieu. We looked at the political contributions of Associate Attorney General Rachel Brand. She has made over \$37,000 in contributions exclusively to Republicans. I trust she can do a fair and impartial job. I don't demean or try to cast aspersions on her for exercising her First Amendment rights. Do you agree Rachel Brand can do a fair and impartial job?

Mr. McCabe. I have no reason to doubt her fairness or impartiality.

Mr. Lieu. Attorney General Jeff Sessions has made multiple contributions to the Republican Party in Alabama. I believe, when it comes to a criminal investigation, he can assess the facts fairly. Do you believe Attorney General Sessions, when it comes to criminal investigations, can assess the facts fairly?

Mr. McCabe. I do.

Mr. Lieu. Okay. In the FBI, you don't say someone can't investigate a person because they exercise their First Amendment right to make political contributions, correct?

Mr. McCabe. We do not.

Mr. Lieu. When FBI agents go after people in investigations they also don't care the political party of the person they're investigating, correct?

Mr. McCabe. We do not.

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Mr. Lieu. Okay. Earlier, the issue of the tarmac incident was brought up. You don't know what was said there?

Mr. McCabe. I do not.

Mr. Lieu. Had Bill Clinton said something about the investigation of Hillary Clinton, that would be highly inappropriate, correct?

Mr. McCabe. Yes.

Mr. Lieu. To the Attorney General.

Mr. McCabe. Yes.

Mr. Lieu. Because we shouldn't be talking to Department of Justice officials about ongoing investigations and trying to influence them. Isn't that right?

Mr. McCabe. That's right.

Mr. Lieu. So, when the President of the United States talks to FBI Director Comey about Michael Flynn, that would be highly inappropriate, correct? Okay. You don't have to answer that. I didn't realize it was out of scope. I'm not sure what the scope is, but that's fine. I'll go on.

Earlier, it was brought up that there may have been some fact witnesses in some of the interviews of the Hillary Clinton investigation. I just wanted to understand it is because these were voluntary interviews so you had to negotiate with the other side who would be in the room. Isn't that right?

Mr. McCabe. It is correct that they were all voluntary interviews that happened because we were able to negotiate an agreement

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that got us to the interview. I can't sit here and tell you exactly which -- what aspects of the interview were included in the agreement or not because that took place by others, but, yes, there was an entirely voluntary appearance. It was -- they, the interviews were conducted because the witness and the witnesses' attorneys and whoever else were involved ultimately agreed to move forward with it.

Mr. Lieu. Great. Thank you. I'll yield to my colleague Mr. Raskin.

Mr. Raskin. Thank you very much.

Mr. McCabe, it was reported in February 2017 that White House Chief of Staff Reince Priebus asked Director Comey and asked you to, quote, "publicly knock down media reports about communications between Donald Trump's associates and Russians known to U.S. intelligence during the 2016 Presidential campaign."

Mr. Meadows. Again, it is beyond the scope.

Mr. Raskin. Okay. All right. Well, then, if that's beyond the scope, I'm going to stick then --

Mr. Meadows. You're not a constitutional lawyer, but you know that's beyond the scope.

Mr. Raskin. I guess I never saw a written definition of what the scope was, but all right. Clearly, the scope is one that's been defined by a series of statements that have been made in this committee over the last few weeks, so I am going to quote those and try to get your response to it.

Representative Matt Gaetz, who is with us today, stated: "I'm

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proud to be joined by my fellow conservatives in the House to call for an investigation into the FBI's procedures that allowed Hillary Clinton to receive special treatment. We'll also investigate the unprecedented bias against President Trump that exists when we allow people who hate the President to participate in the investigations against him. Each day, we learn more information that reflects the double standard that unfortunately seems to be pervasive at the FBI."

So let me start with this: Do you agree with Representative Gaetz' statement that Hillary Clinton received special treatment?

Mr. McCabe. I do not.

Mr. Raskin. Do you agree with his characterization that the FBI investigation has been compromised by unprecedented bias against President Trump?

Mr. McCabe. No. As I have said --

Chairman Gowdy. I don't know how he can answer that because we're not discussing the investigation of President Trump.

Ms. Jayapal. Wait a second.

Mr. Raskin. I understood it to be about whether the investigation was somehow infected with bias.

Mr. Cicilline. Will you yield for a moment?

Mr. Raskin. Yes.

Mr. Cicilline. Actually, it says, in your very communication -- this is, again, a communication from Mr. Gowdy and Mr. Goodlatte purporting to describe the investigation -- says: "Among other things, the committees are investigating the

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circumstances surrounding the FBI's decision to publicly announce the investigation into former Secretary Hillary Clinton's handling of classified information but not to publicly announce the investigation into campaign associates of then candidate Donald Trump, the FBI's decision to notify Congress by letter of the status of the investigation both in October and November of 2016, and the FBI's decision to appropriate from DOJ the decisionmaking authority with respect to charging or not charging the former Secretary, and the FBI's time limit with respect to this charging decision."

So, in that paragraph, you reference, in fact, the failure to publicly announce the investigation into the campaign associates of then candidate Donald Trump, and it seems to me that, in that context, questions surrounding that are appropriate and within the scope of this investigation, unless that was just a, you know --

Chairman Gowdy. It is absolutely appropriate to ask about the DOJ, FBI policy about whether to make an investigation public. In fact, we have done that, also. That is fair game. But issues factcentric to the Russia investigation, and what he just said, and, number two, that's not what we're doing.

Mr. Raskin. Okay. Let me repeat the question because we may be differing as to what I was asking.

Do you believe that the decisions made about this investigation were infected by an unprecedented bias against President Trump?

Mr. McCabe. Absolutely not.

Mr. Raskin. Do you believe that there is a, quote, "pervasive

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double standard" at the FBI that has governed decisionmaking as to this investigation?

Mr. McCabe. There is no double standard at the FBI.

Mr. Raskin. Okay. It has also been stated by our esteemed colleague, Representative Jordan, that if everyone was dismissed from the Mueller team who was anti-Trump, you wouldn't have anybody left. Assuming that's a serious statement, do you agree with Representative Jordan's statement that the FBI team working on the special counsel investigation are all anti-Trump?

Chairman Gowdy. First of all, I want to assiduously avoid any conversation about Mueller's probe. And I don't think there's any setting to discuss that, so the Mueller probe, first of all, was 2017. This is 2016, and it relates to Russia.

Mr. Raskin. Okay. Okay. Fair enough. Fair enough. Well, let's go back then. A year before that. Was the decisionmaking that too took place and the various things you were being asked about infected with anti-Trump bias?

Mr. McCabe. The decisionmaking in the Clinton investigation? No, sir, or any --

Mr. Raskin. Or I'll put it more broadly because I think the Chairman Gowdy's point is well put. Are your decisions about any criminal investigations infected with partisan bias or animus?

Mr. McCabe. No, sir, and if I could expand on that just for a minute and particularly in the context of this case, which I think is a good example: FBI agents or FBI personnel are not in a position to

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be making individualized politically biased decisions on their cases and particularly not in this case, which, as I have tried to describe today, was run very closely with a small team of the senior most leadership in the FBI.

So the decisionmaking was conducted in a collaborative environment that was discussed repeatedly day after day and constant updates, constant meetings, constant briefings on what had happened, so there wasn't room for an individual who was politically biased to start making decisions on their own and impacting the direction of the investigation. It would not have happened. It could not have happened without being seen and perceived by myself and the other leaders involved.

Mr. Raskin. Okay. I have got one final question for you, and I for one feel very sorry that we have dragged you through this process given everything that we have learned today, but I want to ask you this: As someone who has spent his life committed to the rule of law, to the Department of Justice, what do you think it does to the rule of law when public officials so politicize the public's understanding of the rule of law that we attack prosecutors or investigators simply because we don't like some of the results of a public investigation?

Mr. McCabe. Sir, respectfully, I'll comment on what's important to the work of the FBI. And our ability to interact with the public, to receive information from the public, to conduct the investigative work that we are authorized to do depends in large part on our reputation for integrity, for independence, for professionalism and competence,

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so anything that cuts against that reputation is damaging to the FBI, damaging to the work we do, and damaging to our ability to protect this Nation.

Mr. Raskin. Thank you very much.

Mr. Johnson of Georgia. Thank you. Mr. McCabe, last week, we received a batch of text messages between Peter Strzok and Lisa Page. There was one text that was issued or that was dated August 8th of 2015, which states, quote: "I want to believe the path you threw out for consideration in Andy's office that there's no way he gets elected, but I'm afraid we can't take that risk. It is like an insurance policy in the unlikely event you die before you're 40," end quote. That's a text message from Strzok to Page. Are you familiar with that text message.

Mr. McCabe. I am only familiar with that text message because it has been -- it has been brought to my attention in this process and through the media.

Mr. Johnson of Georgia. Do you know the identity of the "Andy" who is mentioned in that text message?

Mr. McCabe. I do not.

Mr. Johnson of Georgia. Were there any other Andys who were working on this email investigation employed by the FBI or DOJ?

Mr. McCabe. I mean, not at my level and not that I'm aware of, sir, but I can't vouch for how many Andys we have.

Mr. Johnson of Georgia. Thank you. Thank you. I yield back.

Ms. Jayapal. I have a couple more questions. You mentioned that

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the FBI agents and the DOJ's career prosecutors had some disagreements at times during the Clinton investigation.

Mr. McCabe. Yes.

Ms. Jayapal. Regarding process issues, such as whether to issue a grand jury subpoena or negotiate for consensual access to the computers or what counsel were permitted to represent Secretary Clinton. Is that correct?

Mr. McCabe. Yes. I don't know that we -- I don't know that we conflicted on what counsel was able to represent Secretary Clinton.

Ms. Jayapal. Oh, okay. I'll take that out. I thought I heard that, but I'll take that out. And so, in those discussions with career Department of Justice counsel over the process issues in the investigations, were the discussions based on substantive disagreements?

Mr. McCabe. I would say the discussions were based on strategic disagreements, differences of opinion about which path to take. We all knew where we needed to get to, and there were differences of opinion as to the path we should take.

Ms. Jayapal. And so you said that Department attorneys did not want to litigate the issue regarding attorney/client privilege, thought it would be faster to negotiate a resolution to get access to the computers. Is that correct?

Mr. McCabe. That's correct.

Ms. Jayapal. And you ended up in the end getting access to all the computers that you wanted, the two laptops?

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Mr. McCabe. Yes.

Ms. Jayapal. Correct?

Mr. McCabe. Yes, we did.

Ms. Jayapal. And did you end up getting access to all the witnesses that you wanted to question?

Mr. McCabe. We did.

Ms. Jayapal. And did you ever think that those disagreements were based on improper political bias on behalf of the career Department of Justice counsel?

Mr. McCabe. I did not.

Ms. Jayapal. Mr. McCabe, the most senior person you listed at the DOJ in the day-to-day work of the Clinton investigation was George Toscas. Is that right?

Mr. McCabe. That's correct.

Ms. Jayapal. And is George Toscas a career attorney?

Mr. McCabe. He is.

Ms. Jayapal. So, in other words, he does not -- he is not there because of any political appointment?

Mr. McCabe. No, ma'am.

Ms. Jayapal. And how long has he been there as a career attorney?

Mr. McCabe. A very long time.

Ms. Jayapal. A very long time. So lots of experience --

Mr. McCabe. Yes.

Ms. Jayapal. -- in the FBI.

Mr. McCabe. Yes.

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Ms. Jayapal. So, just going back to political bias, there are political affiliations of FBI agents. They're allowed to have those personal political affiliations. Is that correct?

Mr. McCabe. Of course, yes.

Ms. Jayapal. And you're aware of news reports that have quoted over the years FBI as Trumpland unfavorable opinions of Secretary Clinton as the anti-Christ, I mean, there are a lot of opinions that seem to leak out into the public, some lambasting President Trump, some lambasting Secretary Clinton.

Mr. McCabe. We are full of opinions, and sometimes they leak out.

Ms. Jayapal. Very right. And Robert Mueller, Rod Rosenstein, James Comey, all Republicans?

Mr. McCabe. That's what I have been told.

Ms. Jayapal. We have, too. And so what's the standard for FBI agents to ensure political bias does not affect their professional work? How do you deal with that?

Mr. McCabe. I mean, FBI agents know based on their training and experience that that's not part of their job. That's not what we do. We go out, we conduct investigations. We find the truth. We mitigate threats.

Ms. Jayapal. And you don't ask about political affiliations?

Mr. McCabe. We don't ask each other about our political affiliation, and we don't allow those issues to get in the way of the work that we do.

Ms. Jayapal. And when you put together a team of investigators,

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do you think about, "Oh, I need a couple of Republicans, and I need a couple of Democrats"? Is that ever part of your thinking?

Mr. McCabe. No, ma'am. We don't think that way.

Ms. Jayapal. And when you have a team, is there any one individual that could bring their political bias to such a strong force that they would actually impact the direction of a decision that's made in an investigation?

Mr. McCabe. I have never seen that happen. In my opinion, it would be highly unlikely. There are layers of approval and oversight and leadership that are involved, particularly in large, complicated investigations, and that would be -- that would seem to me to be a very hard thing to do.

Ms. Jayapal. So let me ask you one more time: Did you think there was political bias that somehow influenced the Clinton investigation in your opinion?

Mr. McCabe. I did not think that during the investigation. I do not think that now. I never had any reason to suspect that any of the members of that team were being motivated or impacting their work based on their political position.

Ms. Jayapal. Thank you. I'm going yield to Mr. Cicilline.

Mr. Cicilline. May I just ask, did you -- a decision was made at the FBI not to publicly announce the investigation of Trump associates in connection with Russian collusion and interfering in our Presidential election, correct?

Mr. McCabe. No. I wouldn't characterize it as a decision made

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not to publicize the case because we don't publicly acknowledge cases. That's kind of the default rule.

Mr. Cicilline. I mean, you made a public statement about the conclusion of the Clinton investigation.

Mr. McCabe. We did. And that was an exception to normal practice.

Mr. Cicilline. So, while there was an ongoing investigation of associates of the Trump campaign by the FBI, that was not shared with the American people before the election as a matter of practice, not as a result of an express decision. Is that right?

Mr. McCabe. That's my understanding, yes. That's my recollection, although -- hold on. Can I have that 1 second?

Mr. Cicilline. Sure.

Mr. McCabe. Okay. I'm sorry.

Mr. Cicilline. And --

Mr. McCabe. We did ultimately reveal that the Director revealed that in his testimony here on the Hill, but not until much later.

Mr. Cicilline. That there was an ongoing criminal investigation?

Mr. McCabe. That's correct.

Mr. Cicilline. That's all I have.

Ms. Jackson Lee. May I have -- I understand that we may be out of town -- not out of town. That might be a happy thing, but I'm going to make one comment and lead off in the next session, but I want to get this back on the record. Next time I speak, I'm going to speak

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about your service, and so please forgive me for not doing that now.

Mr. McCabe. Okay.

Ms. Jackson Lee. I'm going to read this again: I want to believe that the path you throughout for consideration in Andy's office and there's -- that there's no way he gets elected, but I'm afraid we can't take that risk. It is like an insurance policy in the unlikely event you die before you're 40.

That's a text that was issued on August 8th, 2015, at 10:29. Here is the question: There have been outside political suggestions that this insurance policy reference is evidence of some nefarious plot. Two questions. In your experience and service to the Nation, have you run upon the normal standard for the highest law enforcement officer of the Nation to be involved in nefarious plots, and was there a nefarious plot against this Presidential candidate who became President of the United States?

Mr. McCabe. I have not seen that across the course of my career. I am not aware of any plot targeting either political candidate during the 2016 election, and I can also tell you that I don't have any idea what those two individuals were referring to in that text.

Ms. Jackson Lee. I will yield back and pursue this when we start up again for the Democrats. Thank you very much.

Chairman Gowdy. We're back on the record. Deputy Director McCabe, you were asked a question at the end that the question assumed the existence of a criminal investigation into Trump campaign or associates. I believe the question used the word "criminal." Would

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you like in any way to change the answer that you provided.

Mr. McCabe. Yes. I was referring in the answer to the announcement that Director Comey made during his testimony, which revealed the existence of a counterintelligence investigation, not a criminal investigation.

Chairman Gowdy. All right. Thank you. I want to make one observation. Then my colleague is going to handle the rest of it. Reasonable minds are free to disagree about whether or not this is a productive use of your time. It wasn't anybody on this side of the table that was cross-examining FBI agents for a living before they got to Congress. Some of us aren't Johnny-come-latelys to appreciating and respecting the work of law enforcement, and it sure as hell wasn't any Republicans that asked for Jim Comey to be prosecuted for a Hatch Act violation about this time last year. So we are free to disagree over whether or not this is a productive use of your time and whether or not these are areas in which Congress ought to be inquiring. I happen to think the Department of Justice and the FBI are big enough to withstand even tough questions and their work can withstand scrutiny. I have said from day one difficult fact patterns make for tough conclusions, but that doesn't mean the conclusions should not be analyzed. So I just want the record to be really, really clear: Not a single damn one of us made a living cross-examining FBI agents before we got to Congress. Some of the folks who are now in love with the FBI did.

Chairman Gowdy. You'll have 30 minutes. You'll have 30

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minutes, and you can spend your 30 minutes however you want to.

Mr. Buck. Good afternoon, Mr. McCabe.

Mr. McCabe. Good afternoon.

Mr. Buck. Thank you for being here. I wanted to go back on some of the questions that Chairman Gowdy has asked you. I want to talk about the Director's office and the personnel in the Director's office, if I can.

Mr. McCabe. Okay.

Mr. Buck. Can you describe that for me? I'm assuming that there is a chief of staff in the Director's office.

Mr. McCabe. There is.

Mr. Buck. During this timeframe, who was that chief of staff?

Mr. McCabe. James Rybicki, R-y-b-i-c-k-i.

Mr. Buck. And approximately how many employees were there in the Director's office?

Mr. McCabe. That's a tough question to answer, because there are different kind of units and groups that work that may come administratively under the Director's office. But I assume --

Mr. Buck. I'm not trying to catch you in a -- in a tough question here. What I'm trying to figure out is the different functions.

Mr. McCabe. Yep.

Mr. Buck. In my office, I have a scheduler.

Mr. McCabe. Sure.

Mr. Buck. I'm assuming the Director has a scheduler.

Mr. McCabe. He does. He has an administrative assistant, or

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secretary, that handles the scheduling duty. He, of course, has his chief of staff, who I've noted to you.

Mr. Buck. And who was the administrative assistant during that timeframe?

Mr. McCabe. (b)(6),(b)(7)(C) per FBI

Mr. Buck. Is that (b)(6),(b)(7)(C) per FBI?

Mr. McCabe. Yes, sir.

Mr. Buck. Okay. And, again, who else would have worked on a daily basis with the Director in his office? And I'm, again, not --

Mr. McCabe. Right. Right.

Mr. Buck. -- outside groups, but --

Mr. Buck. Me? You can't hear me?

Ms. Jackson Lee. Yes.

Mr. Buck. I can hear me.

Mr. Cicilline. -- insisting on it.

Mr. Buck. It's not important. Don't worry about it. Go back to sleep.

Mr. McCabe. He has a deputy chief of staff.

Mr. Buck. Okay. And who was that during this timeframe?

Mr. McCabe. (b)(6),(b)(7)(C) per FBI And then there's, you know, a number of other, like, security detail personnel, administrative personnel, things like that. But then the Director works very closely with myself, the Deputy Director. I have a special assistant who's kind of like a chief of staff. I could keep going and going.

Mr. Buck. I appreciate that. So one of the things I'm trying

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to understand is if the Director was going to make a trip to a field office --

Mr. McCabe. Yes.

Mr. Buck. -- what would be the process for arranging that trip? Certainly security has got to be notified.

Mr. McCabe. Yep.

Mr. Buck. And there has to be transportation for that trip.

Mr. McCabe. Yes.

Mr. Buck. Who arranges those things?

Mr. McCabe. His chief of staff really begins that process. He may delegate some of those responsibilities out to lower-level staffers. But he's the person who really has visibility over the Director's schedule. He would -- you know, if the Director was traveling -- this is just an example. If the Director was traveling to New York to make a speech, he might reach out to the head of the New York office and say, we're in town, should we plan a visit to the field office while we're there, that sort of thing.

Mr. Buck. And who would handle press if the Director made a trip to New York?

Mr. McCabe. All the press issues would be handled by the national press office, which is currently, and at the time, was under the leadership of Michael Kortan, K-o-r-t-a-n.

Mr. Buck. K-a-o-r-c-a-n?

Mr. McCabe. K-o-r-t as in Thomas -a-n as in Nancy.

Mr. Buck. Okay. Thank you.

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I want to talk a little bit about the process that your team was going through in analyzing this case. What was the statute that you were contemplating in this case?

Mr. McCabe. Well, the case was predicated on the allegation that -- that classified material may have been -- you know, may have traversed an unclassified system. So it was essentially a mishandling inquiry, but that could go in many different directions.

Mr. Buck. Sure. But at one point in time, the Director held a news conference and said no reasonable prosecutor would prosecute this case. What statute would no reasonable prosecutor prosecute?

Mr. McCabe. The mishandling, mishandling classified information.

Mr. Buck. You wouldn't happen to know off the top of your head --

Mr. McCabe. I don't.

Mr. Buck. -- I'm guessing Title 18.

Mr. McCabe. Yes. I couldn't tell you the cite. I don't remember.

Mr. Buck. What were the elements of that crime?

Mr. McCabe. The intentional dissemination of classified material on an unclassified network, or to a person not authorized to --

Mr. Buck. So --

Mr. McCabe. -- different --

Mr. Buck. So I think we can agree that Secretary Clinton received, and always contemplated receiving classified information.

Mr. McCabe. I don't follow.

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Mr. Buck. You what?

Mr. McCabe. I'm not sure I understand the question. You're asking me to say what Secretary Clinton expected to do?

Mr. Buck. Did Secretary Clinton receive classified information as Secretary of State?

Mr. McCabe. In her position, absolutely, she would typically receive classified information.

Mr. Buck. And was there any doubt about the fact that she had received seven streams, or whatever the number was, of classified material, classified at top secret or otherwise?

Mr. McCabe. Are you referring to the -- the emails that we found that were classified that had -- that had been on the system?

Mr. Buck. Yes.

Mr. McCabe. Is there a debate as to whether or not they were on that system?

Mr. Buck. And whether she had received those, whether she was -- whether they were being sent to her system.

Mr. McCabe. No, sir, not that I'm aware of.

Mr. Buck. Okay. And was there any question about the fact that her personal system was not a secured system?

Mr. McCabe. No, sir.

Mr. Buck. There is no doubt about that?

Mr. McCabe. That's correct.

Mr. Buck. Okay. So the question then is, the question that the FBI was investigating then, was the intent?

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Mr. McCabe. That's correct. That was the -- maybe the key issue that we were looking at.

Mr. Buck. Right. So did she have the intent to receive classified information on an unsecured server?

Mr. McCabe. Yes, sir. I mean, that's my -- right.

Mr. Buck. I mean, that's ultimately the question.

Mr. McCabe. That's what we were looking at, right.

Mr. Brower. I want to make sure the answer is clear.

Mr. McCabe. So, to be clear, that's what we were looking into.

Mr. Buck. Okay. And you have been with the FBI for how many years?

Mr. McCabe. Twenty-one.

Mr. Buck. And you have received training throughout most of those years?

Mr. McCabe. Yes.

Mr. Buck. And you have 21 years of experience in criminal matters. How would you determine intent in a criminal case?

Mr. McCabe. Many different ways.

Mr. Buck. Give us some examples.

Mr. McCabe. The things that people say, the things that people admit to, the documents or other pieces of evidence that would indicate what they were thinking or their intention at a time in the past. All kinds of ways.

Mr. Buck. Would destruction of evidence be one indicia of intent?

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Mr. McCabe. It could be, depending on the facts.

Mr. Buck. Would a false statement about the case be -- you just mentioned a confession. But a false statement about the facts of the case, could that be an indicia of intent?

Mr. McCabe. You're calling on me to speculate about a hypothetical, which I'm not comfortable doing.

Mr. Buck. Have you ever been involved in a prosecution or investigation of a case where a witness gave you a false statement, and you believed that that false statement was an indicia of intent?

Mr. McCabe. I mean, that's a pretty big category. I've certainly been involved in cases where witnesses have not told the truth, and people have many, many different reasons for not telling the truth. It might be indicative of their intent to mislead. But without more facts, I couldn't --

Mr. Buck. Okay. Well, let me give you a fact. The statement by Secretary Clinton that she had turned over all of her emails, did that turn out to be true?

Mr. McCabe. Yeah, I'm not -- I'm not familiar with that statement specifically, sir.

Mr. Buck. You're not familiar with that statement?

Mr. McCabe. Yeah.

Mr. Buck. Okay.

Mr. McCabe. That's right.

Mr. Buck. Did Secretary Clinton, in fact, turn over all of her emails when she was first requested to turn over her emails to your

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investigation?

Mr. McCabe. I don't know if I can answer that, sir. I don't have the -- I don't have the details of exactly what we asked her for initially and what she gave us. I know we spent a lot of time trying to collect emails that were not turned over to us, but which we were trying to essentially restore from devices and systems that had been used in the past.

Mr. Buck. Is that your answer? I don't know after you conferred whether you wanted to --

Mr. McCabe. No, I'm good.

Mr. Buck. So are you familiar with the term false exculpatory statements?

Mr. McCabe. Yes.

Mr. Buck. And did you find that Secretary Clinton made any false exculpatory statements?

Mr. McCabe. I'm not aware of any that we could prove were false exculpatory statements.

Mr. Buck. Are you aware of any that you investigated as being false exculpatory statements?

Mr. McCabe. I mean, we investigated the entire matter to include interviewing Secretary Clinton. And we considered the statements she made in that interview very carefully. I'm not aware of us investigating the Secretary for making a false exculpatory statement in the course of that interview.

Mr. Buck. Either during the interview or during the timeframe

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of your investigation in public statements?

Mr. McCabe. That's correct.

Mr. Buck. I want to talk a little bit about your relationship with Director Comey. You were called in, not just on this case, but on many cases, to give Director Comey advice on matters. Were you not?

Mr. McCabe. We worked very closely together.

Mr. Buck. And did you ever consider your relationship with Director Comey to be one of attorney and client?

Mr. McCabe. No.

Mr. Buck. Okay. When it came to the work of Cheryl Mills with Secretary Clinton, did, at any point in time, Cheryl Mills assert an attorney-client privilege during your interviews or agents' interviews with Cheryl Mills?

Mr. McCabe. I'm not aware of that, sir.

Mr. Buck. So you are unaware of any assertion of attorney-client privilege by either Secretary Clinton regarding Cheryl Mills, or Cheryl Mills regarding Secretary Clinton?

Mr. McCabe. That's right.

Mr. Buck. You have mentioned on a number of occasions in your questioning that you have -- that you were frustrated with some of the avenues that you were going down, either in your relationship with the Department of Justice, or in other areas. The ability to investigate this criminal intent, is that an area of frustration? Or was that an area of frustration?

Mr. McCabe. No, sir. I wouldn't cite that as an area generally.

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That was kind of the -- one of the central points of what we were doing across the scope of the investigation. Points of, as I refer to them, friction points or points of frustration, typically came up over kind of strategic decisions. I don't want to say logistical, because that makes it sound not important, but more of the nuts and bolts of what's the next step forward, are we going to go this way or are we going to go that way? Are we going to pursue compulsory process? Or are we going to talk to try and get people to show up places voluntarily? That sort of thing.

Mr. Buck. So in my past, and in talking to other prosecutors and special agents, certainly trying to figure out what is in someone's mind at the time they take an action is a challenge.

Mr. McCabe. It is.

Mr. Buck. And that is the essence of intent. And to try to figure out just what state of mind Secretary Clinton had when she received classified material on an unsecured server had to be an area that was a preoccupation of this investigation.

Mr. McCabe. Yes, sir.

Mr. Buck. And did you -- what would it have taken for you to draw a conclusion that Secretary Clinton had the criminal intent necessary to prosecute a case?

Mr. McCabe. Well, sir, I think it would have required not just an understanding, or an idea, about what her intent was, but actual evidence in which we could prove what her intent was at a particular time.

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Mr. Buck. So if she had come in on that Saturday in her interview and said, I really screwed up, I -- I --

Mr. McCabe. I'm sorry. Go ahead.

Mr. Buck. If she had made a statement in that interview on Saturday that indicated that she knew that she was receiving classified material, that she was receiving it on an unsecured server, and that she did this knowingly and intentionally, would that have convinced you, or would that have caused you pause, at least, in your deliberations?

Mr. McCabe. Sir, I don't want to speculate on things that the Secretary might have done had she done them differently. I will say that we went into that interview open to the fact that we might learn something in the course of that interview that changed our current assessment of what that case looked like, and what the potential for prosecution looked like, which going into that interview, had been the same as it had for many, many months, which was not particularly strong.

I mean, as you know, I'm sure, in no investigation that I've ever been involved in do we wait until the absolute last interview is done to say, okay, let's start thinking about, what do we have. I mean, we met on this case almost daily. We had comprehensive briefings on the status of the case at least once a week. But, in reality, we met, as issues came up, much more frequently than that. And in each one of these we would develop an understanding of what we had seen of the evidence so far. And that picture was consistent over the last several months of the investigation. The assessment of the investigators and

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the analysts who were looking at this stuff, who were going through the mails, reconstructing these servers, was consistent over the course of that period.

So, yes, we had an understanding of what the case looked like. But as we went into all of those interviews, to include the Secretary's, we did it with open eyes, open ears, and an open mind as to what we might get. If we got anything significant -- if we got something that changed the way that we thought about the case, we were open to that.

Mr. Buck. And you were open at the time that you -- by the way, I'm not sure that I interviewed many targets, or that the agents had an opportunity to interview many targets. So this was somewhat unusual. And what was the label that you placed on Secretary Clinton? I don't want to use the term target if she was a subject.

Mr. McCabe. She was a subject.

Mr. Buck. Okay.

Mr. McCabe. And we do subject interviews fairly frequently.

Mr. Buck. Okay. I take it you were prepared, then, at the time of Secretary Clinton's interview, to follow up on any leads that you may have received from Secretary Clinton's interview.

Mr. McCabe. Of course. And were there any leads that she gave you?

Mr. McCabe. No, sir. Not that I remember.

Mr. Jordan. Thank you.

Director, do you go by any other -- do you go by Andrew, Andy, Drew, any other nickname or --

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Mr. McCabe. Not Drew. I'm Andrew or Andy.

Mr. Jordan. Andrew or Andy.

Okay. I think earlier today when the minority party was questioning, you indicated on July 27th of this summer, you were contacted by Mr. Horowitz, the Inspector General, about an issue that you needed to -- needed to be dealt with promptly.

Mr. McCabe. That's correct.

Mr. Jordan. Peter Strzok.

And you had that meeting, and I think you indicated earlier today that you made the decision to remove Peter Strzok from the special counsel's team.

Mr. McCabe. I discussed it with my -- with a few other -- a small number of leaders, and I instructed Bill Priestap to contact the special counsel's office and tell them that we felt we needed to move Peter off the team.

Mr. Jordan. Did anyone instruct you to remove Peter Strzok from the special counsel's team?

Mr. McCabe. No, sir.

Mr. Jordan. You made that decision?

Mr. McCabe. That's right. Well, we made it in concert with the special counsel's office.

Mr. Jordan. Okay. And why was he removed?

Mr. McCabe. He was removed because -- understanding what the IG was looking into, we felt that even the possibility of the appearance of bias could potentially undermine the work of the special counsel's

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team, and I didn't want to take that chance.

Mr. Jordan. Just last round of questioning from the minority party, you said political opinions don't affect your work product. So that's where I'm having trouble, is, if political opinions don't affect work product, why did you feel it was necessary to remove Peter Strzok from the team?

Mr. McCabe. I've never observed political opinions by Peter Strzok or anyone else affecting their work product.

Mr. Jordan. But, nevertheless, you decided to remove him from the team?

Mr. McCabe. I did.

Mr. Jordan. And that was, again, you said in consultation -- Mr. Rosenstein just testified in front of this committee last week, and he said the decision to remove Mr. Strzok from the case was made by Director Mueller based upon the circumstances known to him. So was it you or was it Director Mueller?

Mr. McCabe. As I said, I instructed Bill Priestap to reach out to the special counsel's team and let them know what we wanted to do. And, ultimately -- I can't speak to the process that they were going through. I think they became aware of the email at the same time, or the text messages at the same time.

Mr. Jordan. Yeah.

Mr. McCabe. But I can tell you what we were thinking in the FBI Building.

Mr. Jordan. Did you weigh in on the front end? In other words,

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did you decide on the front end that Mr. Strzok should be a part of the special counsel team? Or was that solely done by Mr. Mueller?

Mr. McCabe. Mr. Mueller was definite -- should -- am I supposed to go down this road?

Excuse me one second.

Mr. Jordan. Mr. McCabe, I didn't plan to bring it up. The minority party raised it. You indicated you fired him. We saw -- it rang a bell with us that that was contrary to what Mr. Rosenstein testified to just last week. That's why I'm bringing it up. And it seems to me if you're making a decision on the back end to kick someone off because of what's been reported as political bias, even though you've indicated that political opinions don't affect work product, I kind of want to know what happened on the front end, and who decided he was going to be on the team in the first place?

Mr. Schools. That's, I think, our assessment is outside the scope, outside the investigation, assignment of personnel to the investigation.

Mr. Jordan. Okay. Earlier, Mr. McCabe, with Chairman Gowdy, you were talking about some of the difficulties you felt that you had in witnesses who were there. You even referenced Mr. Strzok objecting to folks being in the room when you, I think, conducted the interview of Secretary Clinton. Who at DOJ was making those decisions that -- in that example, for instance, that other people could be there for the questioning of Secretary Clinton? What was the person at Justice Department who was in charge of saying, Here's the immunity deals we're

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doing, here's who is going to be in the room, making those decisions?

Mr. McCabe. My understanding is George Toscas.

Mr. Jordan. George Toscas?

Mr. McCabe. Yep.

Mr. Jordan. Okay. Last thing to, one other -- and I know Mr. Ratcliffe is anxiously awaiting.

Oh, do you think the Washington field office could have handled this investigation? You said it was a headquarters special type of investigation. But do you think they're competent enough? I mean, you ran that agency. Could they have handled the investigation there?

Mr. McCabe. I don't want to go back and speculate on how that decision was made at headquarters, which I was not a part of. But I have great confidence in the program at the Washington field office.

Mr. Jordan. And I think there's an email that you sent to the Washington field office indicating that it wouldn't be handled there, but would, instead, be handled at the headquarters?

Mr. McCabe. There may be. I would have to look at the email.

Mr. Jordan. Forgive me, if you would, Mr. Ratcliffe. I want to find --

Sent an email notifying the Washington field office that the Clinton investigation would be handled as a headquarter special. Did anyone tell you to send that notice to the Washington field office?

Mr. McCabe. Again, I'd have to take a look at the email to try to remember what was behind it.

Mr. Jordan. Okay.

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Mr. Ratcliffe. Deputy Director, I want to make sure that I'm catching all the different things that made this case unique. We talked about this, and, you know, a lot of us, as Chairman Gowdy mentioned, have had prior experience with some of these matters. And I will tell you I also find them unique. But it seems like a long list that we've been talking about. I want to make sure I've captured them all.

You talked about one of the things being the change of classifications, or the requests for change of classifications, referring to this as a matter instead of an investigation, the lack of the Attorney General or the Deputy Attorney General being involved in a case of this nature.

You talked about frustration with the Department of Justice not wanting to use the compulsory process with regard to interviewing witnesses. Talking about multiple witnesses being present for grand jury proceedings.

And let me ask you one question. Was a grand jury ever convened?

Mr. Schools. We can't talk about grand jury proceedings.

Mr. Ratcliffe. Well, you're right. You can't talk about grand jury proceedings, 6(c) would prevent that. But you can talk about whether or not one existed?

Mr. Schools. I don't think that's appropriate.

Mr. Ratcliffe. Okay. Unusual, though, in a case like this.

Talked about immunity agreements. One thing that had been out there, at least was reported, was that the FBI was barred from asking

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Cheryl Mills questions that went to the heart of the email investigation. Specifically, I think you made reference to about the process by which Secretary Clinton decided which of her 60,000 emails to surrender to the Department, which would be withheld. Was there some frustration about that?

Mr. McCabe. I'm not aware of that.

Mr. Ratcliffe. Okay. Were there key areas of inquiry, to your mind, that were cut off where the FBI was not allowed to go?

Mr. McCabe. Not that I'm aware of.

Mr. Ratcliffe. Okay. Was there some agreement regarding the destruction of evidence after the FBI had it?

Mr. McCabe. I have a general recollection that that was one of the items that was discussed with the attorneys in the course of negotiating access to evidence.

Mr. Ratcliffe. Okay. And would that be typical? I haven't seen it, the reason I'm asking.

Mr. McCabe. I'm sorry. Hold on. Can I ask her a question?

Mr. Ratcliffe. Sure.

Mr. McCabe. I'm not aware -- I'm not aware of that happening.

Mr. Ratcliffe. Okay. One of the things that was mentioned was immunity agreements. And I know you said you didn't recall a whole bunch of specific information about that. But do you remember one for a guy named **(b)(6),(b)(7)(C) per FBI**

Mr. McCabe. I remember **(b)(6),(b)(7)(C) per FBI**.

Mr. Ratcliffe. Okay. And he was the Platte River Network. He

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was the one that used BleachBit, and was the one that former Director Comey testified lied to the FBI before getting the immunity agreement.

Do you remember any discussion about that?

Mr. McCabe. Generally.

Mr. Ratcliffe. And that would be unusual.

Mr. McCabe. I don't think that would be unusual.

Mr. Ratcliffe. It wouldn't be unusual for someone to lie to the FBI, and get an immunity agreement?

Mr. McCabe. No.

Mr. Ratcliffe. Okay. The reason it seemed unusual, as you know, recently folks that have lied to the FBI have gotten 18 U.S.C. 1001 charges brought against them. That's what we would bring when I was at the Justice Department. I don't ever recall rewarding someone for lying to the FBI with an immunity agreement. But you're saying that's not unusual?

Mr. McCabe. I'm saying that the use of immunity agreements to obtain the testimony of a witness is not unusual.

Mr. Ratcliffe. Okay. Did that immunity agreement lead to any useful information that resulted in prosecution?

Mr. McCabe. I don't remember, sir.

Mr. Ratcliffe. Well, did any of the immunity agreements lead to the useful information that lead to the prosecution of any individuals?

Mr. McCabe. I'd have to go back and look at the 302's of the individuals from those interviews and, I have not done that.

Mr. Ratcliffe. So it's possible that there are people that have

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been charged in connection with this matter?

Mr. McCabe. I'm sorry, I'm not following you.

Mr. Ratcliffe. I'm asking whether, in connection with this, the immunity agreements, whether it yielded information that led to charges being brought in connection with the Hillary Clinton email investigation.

Mr. McCabe. I'm sorry. I thought you said whether they led to information being generated. Charges, no. No, sir.

Mr. Ratcliffe. Okay. Anyway, it's a very long list, a lot of unusual, unique things.

You know, I guess the FBI, as I recall it, being sort of an -- aggressively trying to make a case. Can you see why, in light of all of these things, many of which have been in the public view, there are folks that think that maybe the FBI or the Department of Justice was trying not to make a case here?

Chairman Gowdy. You're going to answer that question, then we're out of time.

Mr. McCabe. I'm not going to speculate, sir, on how -- what the public view might have been.

Mr. Ratcliffe. Okay. My time is up. I'm just getting into the questioning. But if I can lead off the next round.

Chairman Gowdy. You can lead off and finish the next round.

Mr. Ratcliffe. Okay.

Mr. Buck. Thank you.

Mr. McCabe. Thank you.

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Ms. Jackson Lee. Deputy Director, I'm going to reintroduce myself. Sheila Jackson Lee. Thank you very much for your time.

And before I start, let me -- as I said at the beginning, I noted your commitment to the values of the FBI which drove you, as a lawyer, to become a member of the FBI. And I want to bring these cases out. And I have a general question. And that is, what role the FBI -- very briefly -- in fact, I will ask a question, what role was the FBI intimately involved in these cases in solving them?

Mr. McCabe. Okay.

Ms. Jackson Lee. Timothy McVeigh, domestic terrorist who killed 168 Americans in the Oklahoma City bombing.

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. And some of these are historical. Klansmen --

Mr. Meadows. Sheila, we're trying to keep the scope -- we defined the scope of what it is. I mean, and -- and so --

Ms. Jackson Lee. I am laying a groundwork to questions that -- comments that he made about his commitment to the FBI. I'll be finished with this in just a moment.

Mr. Meadows. Well, as long as it's within the scope.

Ms. Jackson Lee. It's within the scope.

Klansmen who murdered civil rights workers Goodman, Chaney, and Schwerner.

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. Intimately involved.

The murderer who assassinated Medgar Evers.

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Mr. McCabe. Yes, ma'am, I believe so.

Ms. Jackson Lee. And the Klansmen who killed four little girls in the 16th Street Baptist Church.

Mr. McCabe. That's my understanding.

Ms. Jackson Lee. So when we speak of the role of the FBI, and your willingness to join the FBI, was it that basis of integrity and service to solving heinous crimes, for example?

Mr. McCabe. That's exactly right.

Ms. Jackson Lee. And does the work of the FBI and the men and women of the FBI continue to make you proud?

Mr. McCabe. It does, ma'am, every day.

Ms. Jackson Lee. And as the Deputy Director, do you continue to try and emphasize that to those who work for you?

Mr. McCabe. I do.

Ms. Jackson Lee. So as I pursue the line of questioning that I had earlier, and this may just be a yes or no, I asked you the question whether the insurance policy reference was nefarious, and you answered that. But now I will follow up. To your knowledge, was there any plot at the FBI against Donald Trump to prevent his election?

Mr. McCabe. No, ma'am.

Ms. Jackson Lee. Was there any plot against Donald Trump in the event of his election?

Mr. McCabe. No, ma'am.

Ms. Jackson Lee. Was there any plan or a plan to conduct a coup against President Trump?

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Mr. McCabe. Absolutely not.

Ms. Jackson Lee. And, of course, this was by the FBI. To your knowledge, have you known of any other actors who may wish to do that?

Mr. McCabe. I would be required to reveal that, ma'am.

Ms. Jackson Lee. Was there ever a discussion about official action to harm President Trump?

Mr. McCabe. Absolutely not.

Ms. Jackson Lee. Were you involved in any discussion that the FBI should move quickly on the Russian investigation because Mr. Trump might, in fact, win the election, even though the odds are against him, and that he might put some individuals under investigation into key positions in the administration?

Ms. Anderson. This seems to go beyond the scope.

Ms. Jackson Lee. I will yield to that interpretation because the word Russia is in there, though I think that it could be answered. But I can appreciate the comment.

Let me pursue this line of questioning that may have come about. But as I do that, let me, again, lay sort of a predicate for it. A metaphor of smoke, looking for a smoking gun. We are still looking for emails. Some would call it a witch hunt. I'd call it smoldering smoke. But I do think it's important for our members to get facts. And so the issue around the grossly negligent and -- which deals with Clinton's emails, and the question of extremely careless. When you -- when I heard you discussing this point before, you were indicating that you don't wait until the last minute to sort of surmise

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how this investigation may come out.

Mr. McCabe. That's right.

Ms. Jackson Lee. So how long did the FBI previously conduct an investigation into Clinton emails, as you were getting toward that timeframe where a decision was going to be made, had this been an ongoing investigation?

Mr. McCabe. How long had the investigation been underway?

Ms. Jackson Lee. How long it had been ongoing, yes.

Mr. McCabe. As I wasn't there when they initiated the investigation, my best recollection is that we opened the case late summer, early fall of 2015.

Ms. Jackson Lee. Were you in New York?

Mr. McCabe. I was in the Washington field office.

Ms. Jackson Lee. Washington field office. Okay.

Let me just continue on. We'll take that framework. Was there an ultimate decision made at the end of such investigation?

Mr. McCabe. At the end of the Clinton email investigation --

Ms. Jackson Lee. Yep.

Mr. McCabe. -- did we make a decision?

Ms. Jackson Lee. Yes.

Mr. McCabe. We did, ma'am. The statement that Director Comey made on July 5 captured that.

Ms. Jackson Lee. And, obviously, there was a scratching out or some earlier discussions of grossly negligent and some discussions about extremely careless. Do you know when you might have come upon

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the final wording of extremely careless?

Mr. McCabe. I don't know the answer to that, ma'am.

Ms. Jackson Lee. Do you know what the thinking was that went into that?

Mr. McCabe. Ma'am, all I can tell you was I'm familiar -- I know what Director Comey was thinking when he went forward with his statement in July.

Ms. Jackson Lee. And what was that?

Mr. McCabe. Exactly what he expressed in his statement on July 5.

Ms. Jackson Lee. Which was?

Mr. McCabe. Which was --

Ms. Jackson Lee. If you can recall. I know it's a recollection.

Mr. McCabe. Yeah. Which was that we're not in a position to recommend charging the Secretary.

Ms. Jackson Lee. And why did Director Comey make that statement? We all know. We've all been prosecutors or judges. We're on the Judiciary Committee.

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. We typically look to the Attorney General to do that.

Mr. McCabe. So Director Comey felt that the extremely high level of public interest in this case, the extremely high level of public interest in how we were doing this work, and what we were doing, and when and how we would conclude it, put him in a position where he felt

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like he needed to -- someone needed to explain to the American people exactly what we had done and what we had found. And he did not believe that the Department of Justice was best positioned to give that explanation at that time.

Ms. Jackson Lee. This, however, I hope, would not be an ongoing impact on the Department of Justice and its integrity. Was that the statement he was trying to make?

Mr. McCabe. No, ma'am. In fact, Director Comey was acutely aware of the danger and did not want to set a precedent by doing this. But he also felt that the facts and the circumstances around this case were, as we've discussed already this morning, or this afternoon, unique and called for an uncommonly public statement.

Ms. Jackson Lee. And you came on afterwards. But was there any second-guessing around the non prosecution of, at that time, Mrs. Clinton?

Mr. McCabe. No, ma'am. The team was consistent in their assessment of the evidence in the many months leading up to July 5.

Ms. Jackson Lee. With no reference to, or no alluding to individuals in the FBI were bias one way or the other, meaning, you didn't have to run away from FBI agents that you thought were biased, let's get this done, or those who didn't want it to get done. And when I say that, the prosecution of Mrs. Clinton.

Mr. McCabe. That's right, ma'am. The team was committed to getting our work done and being in a position to have a confident understanding of what we had seen.

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Ms. Jackson Lee. So no one, to your knowledge, was saying that the scoundrel got away with, I'll put in quotes, "a heinous act," and we made the wrong decision?

Mr. McCabe. No, ma'am.

Ms. Jackson Lee. You felt, or what you perceived was a thorough investigation, as it would be in any other of your investigations, you end it, you make a determination, and you are satisfied with that?

Mr. McCabe. That's right.

Ms. Jackson Lee. No one called you to alter any thinking that you might have had to prosecute Mrs. Clinton?

Mr. McCabe. No, ma'am. We, as I said, presented -- you know, went over the ground again with the Attorney General, either that day or the next day. Prosecutors chimed in with their opinion of the evidence and the prospects for prosecution, which were that there weren't any. And the Attorney General accepted that recommendation.

Ms. Jackson Lee. Forgive me --

Mr. McCabe. I should say, ma'am, that this is not -- our view of the evidence was not just our view. We were in daily contact with the Department of Justice, at many levels, even occasionally at my level, speaking to Mr. Toscas, or on some occasions with Mr. Carlin. And it was their consistent view over that period of time that we were not finding the evidence that we needed to base a charge upon.

Ms. Jackson Lee. I am very glad you, as we would say sometimes, went there. And I'm just going to ask a brief repetition --

Mr. McCabe. Sure.

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Ms. Jackson Lee. -- because that is crucial.

Mr. McCabe. Yes.

Ms. Jackson Lee. You indicated, and you used the term "prosecutors." Those are individuals, lawyers, that prosecute cases.

Mr. McCabe. That's correct.

Ms. Jackson Lee. And I'd like you to restate again that Mr. Comey did not walk from his office out to the place of announcement singularly. You all, during the period of investigation, meaning the FBI officers, under the FBI, were engaged with prosecutors who were looking at the same facts.

Mr. McCabe. Absolutely.

Ms. Jackson Lee. Could you repeat again, out of that, what happened.

Mr. McCabe. So that process had been going on before I was involved in the case, and it continued during the course of my involvement. We were interacting with the prosecutive team, and the Department of Justice, and the National Security division on a daily basis. Their view of the facts and the evidence that we had managed to collect mirrored ours. There was no disagreement between us about the substance of the evidence. We had our disagreements and our friction points about strategy, and process, and things like that. But we were in agreement on our assessment of the case.

Now, the Department was taken by surprise on the morning of the announcement, because Director Comey did not share, until about an hour before the announcement, with them that he was going to take that step.

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So they were certainly surprised by that. But the substance of the case was not -- that was not a surprise to them.

Ms. Jackson Lee. And their surprise did not compel them to speak contrary to his statement, because the non-prosecution aspect of the statement -- I think many of us were surprised -- but the non-prosecution aspects of the statement they agreed with, the lawyers, the DOJ --

Mr. McCabe. They did. The people who had actually seen the evidence, who were down in the weeds on this case, all came to the same conclusion. That is the conclusion the lawyers, and we recommended to the Attorney General and she accepted that conclusion.

Ms. Jackson Lee. Could you say in confidence that these individuals were not biased? I had that line of reasoning before. But not biased. We're not called, we're not forced, we're not afraid, intimidated in making that decision.

Mr. McCabe. I am not aware of any bias that played a role in that decision.

Ms. Jackson Lee. I have just a few more questions that I would like to pursue on the line of these emails.

Former New York Mayor Rudy Giuliani had repeatedly claimed on Fox News and other conservative outlets that active FBI agents were surprised and disappointed by Comey's announcement not to charge Hillary Clinton. Is this true as characterized in the public sphere? Are you aware of such sentiments within the FBI or your team? Is this true?

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Mr. McCabe. I am not aware of those sentiments within the team. But I am aware that the outcome of the case was surprising, and maybe frustrating to many people, including some of the people who work for the FBI.

Ms. Jackson Lee. Was it that -- what was their surprise?

Mr. McCabe. I think, like many people around the country, they were surprised by the result in the case and the fact that we were not recommending pursuing charges.

Ms. Jackson Lee. But in contrast to their surprise --

Mr. McCabe. These are --

Ms. Jackson Lee. The individuals investigating, lawyers and otherwise, remain solid on the fact --

Mr. McCabe. Absolutely.

Ms. Jackson Lee. -- there was nothing there there?

Mr. McCabe. Absolutely. When I say surprise, I'm talking about people who heard the Director's statement on July 5 and were frustrated with that result, not people who were engaged in the investigation or the prosecutors across the street at the Department of Justice.

Ms. Jackson Lee. And, therefore, continuing his comments, Mr. Giuliani, he said there was a revolution going on inside the FBI about the original conclusion. Are you aware of such a revolution? Do you hear concerns from agents both on and off the team expressing dissatisfaction?

Mr. McCabe. I am not aware of a revolution. As I said, there was certainly FBI personnel who were surprised and maybe frustrated

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by that result. Director Comey spent a lot of time, in the months following his announcement, you know, in visits to field offices and interactions with retired agents' groups, and things like that, answering a lot of questions about why we had done what we had done.

Ms. Jackson Lee. Continuing that line of reasoning, Mr. Comey subsequently, in short order, or near the fall -- October surprise, subsequently had letters sent to the Congress about reopening the investigation.

Mr. McCabe. Uh-huh.

Ms. Jackson Lee. It was said by Giuliani that this was from pressure from FBI agents. Is that true?

Mr. McCabe. Not to my knowledge, ma'am, no.

Ms. Jackson Lee. Do you have any facts about the decision-making on those letters?

Mr. McCabe. I do not. I am aware of the facts that led up to the meeting in which Director Comey was briefed on and started the process to make that decision that ultimately led to the letter that you've referred to. But I was not a participant in that meeting. And shortly after that meeting, I was no longer involved in the case.

Ms. Jackson Lee. Let me jump quickly to a gentleman by the name of Mr. Kallstrom. First of all, we know that I think Mr. Strzok and Ms. Page previously on -- let me just make it general, and then I'll get to him.

Mr. McCabe. Uh-huh.

Ms. Jackson Lee. When FBI agents have personal opinions or

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political opinions, if it's just a general case, and they have a personal opinion, or they have a religious opinion about a case, would you make the point that, again, that is an example that their personal opinions, you have confidence, would not impact them investigating, you know, a case that's dealing with interstate abortions that may come into the criminal element, for example, and there are people who have religious beliefs on that. You have confidence that the FBI generally are taught, learned, and understand that they keep their personal opinions out of investigations?

Mr. McCabe. I am confident that FBI -- the men and women of the FBI keep their personal opinions out of their work.

Mr. Meadows. We're going to stop the clock there, Sheila. They've called votes. And so we'll resume, and certainly it's up to you how you want to resume right after that. But we're going to go ahead and take a break right now. There's about 6 minutes left.

For planning purposes, we're going to take a break. I don't see us reconvening before about 5:15. So you can take a break for everybody. So if we could do that.

Mr. Johnson of Georgia. Is this the last round?

Mr. Meadows. I think we have two more rounds.

Mr. Brower. Two more rounds.

Mr. Meadows. We'll try to so speed it up as best we can. Thank you for your patience. But 5:15 at the earliest.

[Recess.]

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[5:27 p.m.]

Mr. Meadows. So we're going to go back on the record. And just so the record reflects the accuracy, there was about 14 minutes left for the minority to continue to ask questions. Their members are not here. So, in the interest of getting everybody out of here, they've agreed to let our 30-minute block go now, and then we'll pick up and let them finish up their 14 minutes, if that's okay with everybody else.

And so the gentleman from Texas, Mr. Ratcliffe.

Mr. Ratcliffe. All right.

Mr. Deputy Director, when I left off my questioning before, I kind of went through this long list of things that were unique or different about this case, challenging, frustrating, and kind of went through that. I'm not going to go through that list again.

But the reason I was going through it was, early on in Mr. Gowdy's questioning, he'd asked you a question, and you said -- his question was, had her last name not been "Clinton," would you have handled the investigation the same way, and your answer was "yes." Is that still your answer?

Mr. McCabe. Yes. I mean, I took from his question that he meant if it had been anybody other than Ms. Clinton, would we have handled it -- it's hard to imagine a fact scenario that would have been someone other -- so, theoretically, if we had been investigating a different former Secretary of State who was not Ms. Clinton, would we have approached it the same way? And, yes, I think we would have.

Mr. Ratcliffe. Okay. I appreciate that clarification.

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But what I also didn't understand was, when you said that, were you talking about the FBI or were you talking about the FBI and Main Justice? Do you think the Department of Justice would have handled this investigation the same way had it not been Hillary Clinton?

Mr. McCabe. I was speaking for the FBI. I can't speak for the Department of Justice.

Mr. Ratcliffe. Okay.

I want to go back very quickly through the timeline. We've gone through the different events as they happened and the tarmac meeting, the highly unusual tarmac meeting, between Loretta Lynch, the Attorney General, and Bill Clinton. It was late June. Then July 2nd was the interview of Hillary Clinton, and July 5th was the press conference, correct?

Mr. McCabe. That sounds right.

Mr. Ratcliffe. Okay. In between that, in between the interview, you said on the interview that you were open to her changing her mind. Congressman Buck asked you some questions about that. That if her testimony had been different, you may have changed your opinions in the case, correct?

Mr. McCabe. I don't think I said we were open to her changing her mind. I think what -- or at least what I meant to say was we were open to -- we kept our minds open as to what -- whatever might happen in the interview, we would handle accordingly and react accordingly.

Mr. Ratcliffe. Was there any discussion there that, had her testimony been different than what you anticipated, that there would

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been a problem, given the fact that central witnesses to proving the case against her, her lawyers, were in the room at that point?

Mr. McCabe. I don't remember discussing that.

Mr. Ratcliffe. Okay.

So, after that, you mentioned that somewhere between Secretary Clinton's interview and the press conference that there was a meeting with the Attorney General.

Mr. McCabe. There was a meeting with the Attorney General. It was either the day of Director Comey's announcement on the 5th or the day after. I don't remember.

Mr. Ratcliffe. The day of or the day after his announcement?

Mr. McCabe. That's correct.

Mr. Ratcliffe. Okay. That's what I'm trying to figure out. Was she briefed about Hillary Clinton's interview and the results of that before the press conference?

Mr. McCabe. I'm not aware of that.

Mr. Ratcliffe. Okay.

One of the things that we've talked about a lot is this May 2nd memo or email that contains Director Comey's draft opinions that later were stated during the July 5th press conference. And you've answered a number of questions today talking about the issue of intent, and I asked you a question you didn't get a chance to answer, which was: The focus had been on intent. I think you gave testimony earlier that there was no smoking-gun evidence of intent.

The statute very clearly says and the memo very clearly relates

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to the fact that what the FBI was looking at was a potential violation of a Federal statute that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way.

And so my question to you is, when were you advised that evidence of gross negligence was not what you were looking for, you had to find evidence of intent?

Mr. McCabe. I don't believe I was ever advised in that way.

Mr. Ratcliffe. Okay. So was the FBI looking for evidence of gross negligence?

Mr. McCabe. Of course.

Mr. Ratcliffe. Because it would satisfy the elements of the statute.

Mr. McCabe. Yeah. We were looking for any indicators of what Ms. Clinton or anybody else involved, what their state of mind would have been around those events.

Mr. Ratcliffe. Okay.

So the draft statement on May 2nd, which became the actual statement in large part on July the 5th -- and I say "in large part" because the conclusions remain the same but there were parts of it that changed. And I want to ask you about that, about anything you can recall about the discussion and the reason that parts of this draft statement were changed.

Do you have any recollection as to why this statement on May 2nd -- "There's evidence to support a conclusion that Secretary Clinton and others used the private email server in a manner that was grossly

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negligent with respect to the handling of classified information" -- that was changed in the press conference and in subsequent testimony by Director Comey to be "extremely careless." Do you know why that change was made?

Mr. McCabe. I do not. I don't know if you're referring to the change suggested in the draft that's been discussed widely?

Mr. Ratcliffe. Yeah.

Mr. McCabe. I do not. I don't know who made the --

Mr. Ratcliffe. You don't remember a discussion about, well, we need to change this from "grossly negligent" to just "extremely careless" because there's a reason for that or a significance behind that?

Mr. McCabe. I don't. What I remember is having many conversations with Director Comey and the rest of the team around, as I said before, what we thought of the case, what we thought of the evidence. We had conversations about the statement, and so I remember generally how those conversations went. I don't remember the specific change of that language.

Mr. Ratcliffe. Okay.

One of the other things in the draft statement was, "The sheer volume of information that was properly classified as Secret at the time it was discussed on the email -- that is, excluding the up-classified emails -- supports an inference that the participants were grossly negligent in their handling of that information." That was changed.

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Mr. McCabe. Can you show me where you are?

Mr. Ratcliffe. Yeah. It's on -- have you got the document?

Mr. McCabe. I do. Is that it? Exhibit 1?

Mr. Ratcliffe. Yeah, it's marked as exhibit 1.

Mr. McCabe. Yes.

Mr. Ratcliffe. So, on the third page, under the subheading "That's what we have done. Now let me tell you what --

Mr. McCabe. Okay.

Mr. Ratcliffe. -- we found." And so the first question was in that first paragraph below that. And the next question that I've just asked you about is referring to "the sheer volume of information supports an inference that the participants were grossly negligent." Do you see that?

Mr. McCabe. I'm reading it just now, if you'll give me a second. Yes, I see it.

Mr. Ratcliffe. Director Comey testified before this committee that the volume of classified emails was not great enough to support that finding. Do you know why that was changed from this draft to what his testimony under oath was?

Mr. McCabe. I do not.

Mr. Ratcliffe. Okay.

The next page, top of the next page, in that paragraph, third line down, it says -- or the start of the fourth line down: "We do assess that hostile actors gained access to the private email accounts of individuals with whom Secretary Clinton was in regular contact from

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her private account. We also assess that Secretary Clinton's use of a private email domain was both known by a large number of people and readily apparent. Given that combination of factors, we assess it is reasonably likely that hostile actors gained access to Secretary Clinton's private email account."

In his subsequent statements on July the 5th at the press conference and in his sworn testimony, that was changed to say not that it was reasonably likely but that it was possible. Do you know what precipitated that change?

Mr. McCabe. I remember discussing that topic with our cyber folks to get an understanding of essentially what sort of activity we had seen, and they made it clear that we didn't have --

Mr. Ratcliffe. I'm sorry.

Mr. McCabe. That's okay. I'll back up.

So our cyber folks discussed with us, to the best of my recollection, that they could not say for a fact that hostile actors had been on the system.

Mr. Ratcliffe. Okay. In the course of changing all this, do you recall discussions about the difference between gross negligence and extreme carelessness?

Mr. McCabe. I do not.

Mr. Ratcliffe. Okay.

And I asked you before about (b)(6),(b)(7)(C) per FBI. You didn't seem to have much recollection other than he was a witness. And if that's the case, that's fine. I was just wondering something about the

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circumstances under which he was granted immunity. That was unusual to me. That didn't make sense, as a former prosecutor. And I wondered if you have enough of a recollection to answer those questions.

Mr. McCabe. I remember generally (b)(6),(b)(7)(C) per FBI role in -- was it PRN? Platte River Networks?

Mr. Ratcliffe. Yeah.

Mr. McCabe. And that he had some -- to the best of my recollection, he explained that he had not taken some action that he had been ordered or hired to do until sometime later, and that was something that he was concerned about becoming exposed, or something along those lines.

Mr. Ratcliffe. Okay.

Mr. McCabe. He ultimately explained to us kind of the process that he used on the computers, which was --

Mr. Ratcliffe. And did that make sense do you? Do you have a recollection that it made sense?

Mr. McCabe. What he did?

Mr. Ratcliffe. Yeah.

Mr. McCabe. I couldn't tell you off the top of my head right now. I can't remember with clarity what he said he did.

Mr. Ratcliffe. Well, let me just, real quickly --

Mr. McCabe. If you'd like me to review the document, I'm happy to do it.

Mr. Ratcliffe. Well, let me -- so I'll just relate it, and maybe you can answer it or you can't.

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Mr. McCabe. Okay.

Mr. Ratcliffe. In his first interview with the FBI, he told FBI agents that he had no knowledge about the preservation order or subpoenas from Congress or from Chairman Gowdy relating to the Clinton emails.

Mr. McCabe. Okay.

Mr. Ratcliffe. Three months later, he came in and he did a 180-degree turn. He admitted, in fact, that he was aware of that, of the preservation order, and that it meant that he should not disturb the Clinton emails.

And former Director Comey testified as much and acknowledged that he had lied to the FBI. And that was the premise for which I asked, well, why would he be granted immunity, having lied to the FBI? And I gave you those questions as well.

But what hasn't made sense to me, and I've gone back and looked at this, and maybe you have a recollection, but he's the individual that used BleachBit to delete those emails. Do you recall that?

Mr. McCabe. I do.

Mr. Ratcliffe. Okay. But what the records show is that -- what he told the FBI was that he used BleachBit to destroy the email records right after being told in a March 2015 conference call with Cheryl Mills and David Kendall, Ms. Clinton's lawyers at the time, about the need to preserve the emails because of the subpoena and the preservation order.

And so that's what doesn't make any sense to me, why a contractor,

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being expressly told by a client to preserve the emails, would disobey the client's wishes, risk not just his job and his reputation and the reputation of his company but also risk going to prison, risk his own personal liability, without any financial motive for gain whatsoever and would do that.

Do you recall any discussion at the FBI about that set of facts and those actions b (b)(6),(b)(7)(C) per FBI?

Mr. McCabe. Not specifically, sir. As I mentioned, I remember very generally discussing the fact tha (b)(6),(b)(7)(C) per FBI was someone who was important to us to know kind of technically what he had done on the system, be it the server or the laptops. I remember some discrepancy with what he told us initially and then ultimately admitted to. And I remember very generally that the reason for that was he was concerned about not having followed an earlier direction by the folks who had hired him.

Mr. Ratcliffe. Fair enough.

Mr. McCabe. That's my recollection.

Mr. Ratcliffe. I appreciate that.

Mr. McCabe. Yes, sir.

Mr. Meadows. So let me follow up a little bit with some of John's questioning. And I guess, just for the record, because there's a whole lot that gets intimated in terms of motives and where they are, there is no one who holds law enforcement in higher regard in Congress than me. I've got dear friends who truly are sheriffs, Democrat sheriffs, that I trust implicitly, that actually -- other than campaign time,

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we actually have lunch. We don't let any pictures be taken together, because it would hurt them more than it would hurt me. And so I want you to know that.

And so it's getting to the bottom of this, which I think is indeed a black eye at times on the Department of Justice or the FBI. And I do believe that there are people within your agency who believe things should have been done differently. And that's an informed decision.

And so I share that not to cast a large blanket across "all of the FBI feels this way." In fact, many of your agents came to me early on when President Trump put the freeze on and shared with me how that was going to actually hurt their ability to recruit new agents, and I personally went to the President to say that we needed to lift that.

And so I just want the context -- and the other part of it is campaign contributions does not necessarily make you biased. And you can follow the video from 5 years of me asking questions of witnesses. That's not one area that I believe that we should focus on, because it's not an indication of character.

I do want some clarification on several things that seem to be inconsistent. So, to follow up on what John said, you know, when we look at "extremely careless" versus "grossly negligent," tell me, from your point of view, what's the bright line? How do we go from "extremely careless" to "grossly negligent" and back and forth?

And I guess you said that you didn't have any conversations with Director Comey about that. Is that correct?

Mr. McCabe. I don't remember having a specific conversation with

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Director Comey.

Mr. Meadows. So who would have? Who would have? Because, obviously, he valued your opinion.

Mr. McCabe. Yep.

Mr. Meadows. You say you're his closest confidant.

Mr. McCabe. I don't know that I would say that. I'm one of his closest --

Mr. Meadows. One of his closest. So if it's not you, then who would he have had that discussion with to change that, to help me understand the bright line?

Mr. McCabe. Yeah. I mean --

Mr. Meadows. Okay. You don't know.

What would be the pool of the three or four people that he would seek advice? Is it the three or four people on the email?

Mr. McCabe. It's the people on this team. Those people who the email was shared with, those are the people you should talk to.

Mr. Meadows. All right. And, for the record, who would those be? If you were me and you were -- you're saying that you don't recall talking to him about it. Who would be the other two most likely people for me to talk to?

Mr. McCabe. And, to be clear, sir, I will tell you the names of the people who I think were among that group that discussed all sorts of these issues. We had many, many discussions. I just can't sit here years later --

Mr. Meadows. I'm talking about the drafting of a memo. You know

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where I'm going with this, so --

Mr. McCabe. About this particular change in language.

Mr. Meadows. Right.

Mr. McCabe. All of these things were discussed with that group that I think I identified earlier this morning. So that would be myself, Jim Rybicki --

Mr. Meadows. But you said you didn't talk to him about the change from --

Mr. McCabe. I didn't say I didn't talk to him about it. I said I don't remember talking to him about it. I don't have a specific recollection of the Director and I discussing the difference between "grossly negligent" --

Mr. Meadows. Okay. Do you have a recollection of anybody else talking to him about that?

Mr. McCabe. About that specific change? I do not.

Mr. Meadows. All right. So what's the bright line?

Mr. McCabe. The difference between those two concepts?

Mr. Meadows. Yeah. Since you're charged with investigating, what's the bright line?

Mr. McCabe. Yeah. I don't think there's a huge difference between them.

Mr. Meadows. So if you're before the Supreme Court, you can't answer what the bright line is? Because they would ask the same question, what's the bright line between "extremely careless" and "grossly negligent"?

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Mr. McCabe. I don't think there's a bright line between the two.

Mr. Meadows. So it's a judgment call.

Mr. McCabe. That's correct.

Mr. Meadows. So you're saying Director Comey made a judgment call to put it in the memo, to change it.

Mr. McCabe. I think he did.

Mr. Meadows. Okay.

So you mention that you didn't talk to anybody about the "extremely careless" and "grossly negligent," but you did go and talk about the cyber side of that. So why would you talk to cyber experts about the changes there and what John just talked about and not the "extremely careless" to "grossly negligent"? Why do you recall one and not the other?

Mr. McCabe. To be clear, I did not say that I did not discuss this with Director Comey. I participated in many discussions about many things --

Mr. Meadows. So you did discuss it?

Mr. McCabe. I don't have a clear recollection of discussing --

Mr. Meadows. Okay. Do you have any recollection of discussing it?

Mr. McCabe. That edit?

Mr. Meadows. "Grossly negligent" between "extremely careless."  
Any recollection?

Mr. McCabe. I do not. I do not.

Mr. Meadows. Because you said not clear.

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Ms. Anderson. I think we're covered this ground.

Mr. Meadows. Well, we haven't covered it yet. So let's go on a little bit further.

You're saying -- so why did you talk to the cyber expert on that issue within the memo and not this?

Mr. McCabe. I talked to many people about many issues during the course of this investigation.

Mr. Meadows. And you can recall those, but you can't recall this one?

Mr. McCabe. That's correct.

Mr. Meadows. Okay.

All right. So let me go on a little bit further, because I think probably the other issue that I have is we have a redaction. And it's obviously that the person redacted. It was the Office of General Counsel. According to your testimony earlier, it would probably be a rank-and-file attorney. Is that correct? That that may be part of the policy? Is that what you said?

Mr. McCabe. I'm not sure I know what redaction you're referring to.

Mr. Meadows. Okay. When we talked about the memo originally, and there was a redacted name on there --

Mr. McCabe. Oh --

Mr. Meadows. -- and you said who was --

Ms. Anderson. You're talking about Deposition Exhibit 2?

Mr. Meadows. Yeah. Yeah.

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So would that be somebody of your counsel's level that we would typically redact on there?

Mr. McCabe. Not of this counsel's. Of somebody beneath her level.

Mr. Meadows. Okay. I assumed that was the answer. It was a softball. So at what level would you redact it?

Mr. McCabe. I don't do these redactions. My understanding of our approach to these redactions is anybody beneath the SES level, we typically redact their names.

Mr. Meadows. All right. So let me go on a little bit further, because we talked about the -- you gave the exact testimony of where you talked about laptops and the frustration. And you gave the example of that frustration, because you were personally involved in that.

Mr. McCabe. Yes.

Mr. Meadows. You said at that particular time there were other witnesses that were frustrated with the inability to actually either gather information or compel a witness that would probably be better to talk to with that frustration level, I think was your exact quote.

Mr. McCabe. Yes.

Mr. Meadows. Who would those witnesses be?

Mr. McCabe. Bill Priestap.

Mr. Meadows. Okay. Who else?

Mr. McCabe. Peter Strzok. Probably the two best people for you to talk to on that. Possibly John Moffa. But Peter Strzok would have had the majority of the interaction with DOJ at that line level where

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those things were happening.

Mr. Meadows. Okay. And Peter Strzok was bought in to the investigative team as lead investigator? I've read reports. I don't know if that's the case.

Mr. McCabe. Yeah. That's not really a term --

Mr. Meadows. You can't believe everything you read in the paper.

Mr. McCabe. I'm aware of that. That's not really --

Mr. Meadows. So was he the lead investigator or not?

Mr. McCabe. That's not really a term that we use. He was in a supervisory --

Mr. Meadows. Was he the go-to person, the supervisory person over the investigation?

Mr. McCabe. He was instrumental to the investigation. He was involved in --

Mr. Meadows. So what term do you use?

Mr. McCabe. Well, he came over as a temporarily deployed ASAC from the Washington field office. While on the investigation, he was promoted to a section chief. So he was responsible for a section of --

Mr. Meadows. And he was the lead investigator why? Because I thought he had counterintelligence --

Mr. McCabe. Experience.

Mr. Meadows. -- expertise.

Mr. McCabe. Yes, sir.

Mr. Meadows. That he's a Russia expert.

Mr. McCabe. He's a counterintelligence expert.

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Mr. Meadows. Yeah. And so the reports of him being a Russian expert are not accurate?

Mr. McCabe. I mean, he certainly knows a lot about Russia. He knows a lot about --

Mr. Meadows. So he was bought in because of that. That's why he was picked.

Mr. McCabe. He was doing counterintelligence work at the Washington field office and had a good reputation for doing that work.

Mr. Meadows. Okay.

And you mentioned just a few minutes ago that you were not aware of the Attorney General being briefed on the Hillary Rodham Clinton interview prior to Director Comey making his press statement. Is that correct?

Mr. McCabe. I was not present for that -- for a briefing --

Mr. Meadows. No, but you said you were not aware of her being briefed.

Mr. McCabe. I don't know if she was briefed or not.

Mr. Meadows. So who would know that?

Mr. McCabe. Somebody at the Department of Justice. George Toscas --

Mr. Meadows. So there's no one within the FBI -- you know, you're Director Comey's closest person.

Mr. McCabe. Yes.

Mr. Meadows. And you are not sure whether Director Comey briefed the Attorney General prior to a press conference.

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Mr. McCabe. I do not -- no. Hold on just a second.

Director Comey did have contact with the Department prior to the press conference, immediately prior, within an hour before the press conference took place. I don't know if Attorney General Lynch received a briefing of the results of the Clinton interview.

Mr. Meadows. All right. Fair enough.

So when the original investigation -- when did it conclude? The Clinton investigation. Let me be clear about it. The Clinton email investigation, when did it conclude?

Mr. McCabe. I would say with the Attorney General's acceptance of the recommendation, not --

Mr. Meadows. So sometime in July? Is that --

Mr. McCabe. Yeah, although we were --

Mr. Meadows. Of what year?

Mr. McCabe. We continued to do kind of -- the team continued to work on administrative work on the file, things of that nature, but no more investigative activity.

Mr. Meadows. Administrative work in what sense? Characterize that for me, if you could.

Mr. McCabe. So we began to receive a number of FOIA requests. We --

Mr. Meadows. Oh, so no further investigation.

Mr. McCabe. No, sir.

Mr. Meadows. All right. So no further investigation, and yet something came forward that reopened the investigation, I guess, in

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October, according --

Mr. McCabe. That's correct.

Mr. Meadows. And so that came from the New York field office, I guess is where the report came from?

Mr. McCabe. That's correct.

Mr. Meadows. All right. And then we closed it out a few days later after the emails were reviewed. Is that correct? So we had an investigation, it closed, we opened it back up, and it closed again within a few days.

Mr. McCabe. Yeah. That's --

Mr. Meadows. Do you know how many days?

Mr. McCabe. No, because that's at the point that I was no longer involved in the investigation.

Mr. Meadows. Well, so tell me about your recusal. When did you recuse yourself?

Mr. McCabe. That first week in November.

Mr. Meadows. November 1st is --

Mr. McCabe. I don't know if it was the 1st or the 2nd, but it's a few days --

Mr. Meadows. Okay. And your earlier testimony said it was a voluntarily recusal. Is that correct?

Mr. McCabe. It was voluntary, but I did it at Director Comey's request.

Mr. Meadows. Okay. Why would Director Comey ask you to recuse yourself?

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Mr. McCabe. Director Comey thought that it would be best for me to recuse myself from the case at that point because of the public interest or the -- I don't know if that's the right way to describe it -- because of all the interest that had been created by two Wall Street Journal articles about me that had appeared in the week or two prior.

Mr. Meadows. But your earlier testimony said that the FBI does not make decisions based on political ramifications. I mean, that was your testimony. And so --

Mr. McCabe. Yes.

Mr. Meadows. -- now you're saying that you recused yourself because of politics.

Mr. McCabe. No, sir, that is what I'm saying.

Mr. Meadows. So Director Comey asked you to recuse yourself because of politics.

Mr. McCabe. Director Comey was concerned that the focus on the allegations that the Wall Street Journal published about my wife and her run for State senate created a distraction or an appearance that he thought would be negative for the case.

I did not agree with that assessment. I did not agree with --

Mr. Meadows. So you didn't have a conflict.

Mr. McCabe. No, sir. I did not have a conflict.

Mr. Meadows. And so why would he ask you to recuse yourself after an investigation is over?

Mr. McCabe. I think Director Comey did not feel it was necessary

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for me to participate in the decisions that he was making about reopening the case --

Mr. Meadows. But those decisions had already been made on --

Mr. McCabe. Am I going to have an opportunity to answer your question?

Mr. Meadows. Yes, you will. But when did the decision to open the case happen? What day?

Mr. McCabe. I don't know, sir.

Mr. Meadows. Okay.

Mr. McCabe. You mean the reopen in October?

Mr. Meadows. Right, the reopen in October.

Mr. McCabe. I was not a part of that decision.

Mr. Meadows. Okay. So it was the reopening of the case that he felt like he needed to recuse yourself then? I'm just trying to get some clarity. I mean --

Mr. McCabe. I would love to give you clarity, sir, but it's going to take a few more words than the ones you've allowed me.

Mr. Meadows. I'm from North Carolina. My humble apologies for interrupting you.

Mr. McCabe. Thank you.

On the Wednesday of the last week in October, the situation with the information coming out of New York came back to my attention. I told Director Comey we needed to convene a meeting to discuss the way forward with the potential evidence that had come to our attention out of the Anthony Weiner investigation.

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I set up that meeting to take place on the next day, which was a Thursday. I was traveling at the time. I called in to the meeting. And after the group assembled and I was connected to the meeting, I was quickly dropped from the call on the concern, as I was told at that time, that the meeting might go into classified matters which they didn't want discussed over an open line.

I later talked to -- I talked to Director Comey later that day. He told me, "I don't need you in this decision. I have decided what I'm going to do, and I think it would be better if you stayed out of it."

Mr. Meadows. So you were part of the decision -- because he had already made up his mind at that point. So he wanted you to recuse yourself so it looked like you weren't involved?

Mr. McCabe. No, sir. We didn't even discuss recusal until I returned to the office the following Monday. I thereafter had a series of meetings with James Baker and other people and ultimately sat down and talked to the Director. I made my argument that I did not think recusal was a good idea -- I didn't think it was necessary under the law or the facts. I didn't think it was a good idea for the case. He disagreed with me, asked me -- he said he thought that I should recuse, and I did so at his request.

Mr. Meadows. Okay. Thank you.

Mr. Chairman, I'll yield to you.

Chairman Goodlatte. We have a minute, so I think we'll just go ahead and switch. When we recessed for votes, you had, I think,

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14 minutes remaining, and you would also have another 30 minutes following our having just taken 30 minutes. So for the next 44 minutes, you and any other member of the minority can ask questions. And we'll switch places with you.

Ms. Jackson Lee. Thank you.

I was in the middle of my questioning, so I'd like to continue.

When I first started, I gave a series of incidents that I think were major historic incidents in the United States, criminal incidents, terrorist incidents, civil rights incidents is where I think you said, yes, that the FBI was --

Chairman Goodlatte. Ms. Jackson Lee, could you talk a little bit more closely to the microphone so we can hear you back here?

Ms. Jackson Lee. Thank you.

At the beginning of my first round of questioning, I gave a series of historic events in the United States, criminal events, terrorist events, where I mentioned them with the question, was the FBI instrumental in the solving of these particular heinous acts, including some involving the civil rights era, and I think concluded with your comments this these are incidents that may have inspired you or reflect on your thoughts about the FBI.

So I'm going to do a series of questions, but I did not get a chance to finish my thought, which was to thank the FBI for its service and, in particular, thank you for the service that you've given as well.

Mr. McCabe. Thank you, ma'am.

Ms. Jackson Lee. That is the FBI that many of us know and care

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about.

Mr. McCabe. Thank you.

Ms. Jackson Lee. I was in the middle of the question about, we are here regarding the Clinton emails, but the underlying premise is a bias one way or the other.

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. In this instance, a bias against Mr. Trump. I had some other questions about that. So I'm going to pursue this line of questioning.

Are you familiar or have you worked with Jim Kallstrom, former head of the New York FBI field office and assistant director until 2016? Have you worked with him?

Mr. McCabe. Mr. Kallstrom was the assistant director in charge the New York city field office when I showed up as a brand-new agent in 1996. I didn't know him. We didn't work closely together. But I worked under him for that period of time.

Ms. Jackson Lee. Were you aware he stated publicly that the Clintons are a crime family?

Mr. McCabe. I was not aware of that specific statement.

Ms. Jackson Lee. Do you believe his strong feelings or apparent bias toward the Clintons would have infected the work of the New York field office in its entirety?

Mr. McCabe. I don't -- first of all, I'm not sure -- I think you said that he left in 2016. He actually, I think, left long before then.

Ms. Jackson Lee. I have here until 2016 he was assistant

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director.

Mr. McCabe. Jim Kallstrom?

Ms. Jackson Lee. Former head of the NY FBI?

Mr. McCabe. Yeah, he was head the New York field office, but he left the FBI probably --

Ms. Jackson Lee. Before 2016?

Mr. McCabe. Long before 9/11.

Ms. Jackson Lee. Okay. Well, I will -- but he came -- you came in 1996.

Mr. McCabe. I did.

Ms. Jackson Lee. And you were in the field office.

Mr. McCabe. That's right. He was in there in 1996 when I was there. He retired a few years after I got there. I left in 2006. We had had many ADICs by then, so--

Ms. Jackson Lee. So let me take his comments both as an FBI agent and possibly a former FBI agent.

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. That if he had these strong feelings or apparent bias toward the Clintons, would that have infected the entire office?

Mr. McCabe. You know, you're asking me to speculate on something that I don't know happened, and I'm not comfortable with that.

Ms. Jackson Lee. Were you, by any chance, aware that Mr. Kallstrom leads a charity to which the Trump Foundation had contributed more than \$230,000?

Mr. McCabe. I was not aware of that.

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Ms. Jackson Lee. Were you aware the charity's vice president is also the regional vice president for Trump Hotels in New York?

Mr. McCabe. I did not know that.

Ms. Jackson Lee. Were you aware Mr. Kallstrom himself was a single --

Mr. Meadows. Excuse me. Again, that's beyond of scope of where we are.

Ms. Sachsman Grooms. The discussions about whether there were leaks out of the New York field office is critically important to exactly the scope of this issue.

Mr. Meadows. We can certainly look at leaks, but --

Ms. Sachsman Grooms. Well, so Mr. Kallstrom is the leak. So --

Mr. Meadows. But the point of Sheila's questioning -- and we can get back and forth and debate this -- is not the source of leaks. It is to make inflammatory statements that go beyond the scope of what we're talking about.

So let's all just abide by the rules. I actually chastised Mr. Jordan for going beyond the scope as well. Let's keep this fair and balanced, okay?

Ms. Jackson Lee. Mr. Meadows, I will not accept this as a chastise. You're making a comment, and it's not chastising.

But you wearing your legal hat and my counsel being, I think, very correct, last week, one member of, I believe, the committee that you are on indicated that this gentleman should be fired. And, therefore -- I've obviously said the gentleman should not be fired in

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no way, shape, form, or fashion. But the idea was that this gentleman comes with a biased perspective. Now, we're finding out today that that is zero truth.

Mr. Meadows. You mean the deputy director --

Ms. Jackson Lee. This is the gentleman that I'm speaking of.

So you have additionally -- and the inference of this particular set of investigations is the bias in the FBI leaning more toward, in this particular instance, Mrs. Clinton. This shows that, whether this director was there up until 2016, the bias in the New York office, in particular, to the present President of the United States.

So let me summarize --

Mr. Meadows. Just with the scope, let's make sure that --

Ms. Jackson Lee. I will stay in the scope --

Mr. Meadows. -- we keep within the scope, Sheila. And as a friend, I mean, I am coming in a gentle way to say let's bring it back to the track that we need to do it.

Ms. Sachsman Grooms. Just for the record, my understanding of the scope of this committee's investigation includes the investigation being conducted -- includes the topics being investigated by the inspector general.

The inspector general is specifically including in its investigation of the FBI's decisions surrounding Clinton's emails decisions related to our members, Mr. Cummings and Mr. Conyers at the time, concerns surrounding leaks that were potentially coming from the New York field office to Rudy Giuliani and how that could have impacted.

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And so this line of inquiry is following that and so well within the scope.

Mr. Meadows. So what timeframe? Are you talking about leaks during what timeframe?

Ms. Sachsman Grooms. So the leaks would have occurred from people within the FBI field office to Mr. Kallstrom. Mr. Kallstrom would have been outside of the FBI field office.

Chairman Goodlatte. What timeframe?

Ms. Sachsman Grooms. During the timeframe of the leaks. The leaks would be the summer of 2016. We're well within.

Chairman Goodlatte. Go ahead with the questions, and if we think you're going astray, we'll indicate.

Ms. Jackson Lee. Thank you. And thank you and Mr. Meadows for your seeking a clarification.

Mr. Kallstrom, like Mayor Giuliani, repeatedly cited exchanges with active agents about ongoing cases, including the Clinton investigation.

What is the FBI's policy on agents engaging in such contacts with outside parties or former agents specifically about ongoing cases?

Mr. McCabe. Agents are not supposed to discuss their work with people outside the organization, whether or not they're former agents.

Ms. Jackson Lee. So any actions like that certainly would have been against FBI policy, whether you're in the field office, in headquarters, or in Washington.

Mr. McCabe. That's correct.

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Ms. Jackson Lee. Are you aware of any agents involved in the Clinton case communicating with Mr. Kallstrom, Mayor Giuliani, or other outside parties?

Mr. McCabe. I am not. I'm not aware of a specific agent communicating with Mr. Kallstrom or others.

Ms. Jackson Lee. Are you aware or do you recall comments made about -- well, let me continue this line of reasoning.

And so you're not aware of any agents involved in the Clinton case communicating with Mr. Kallstrom, with Mayor Giuliani, or outside parties?

Mr. McCabe. I am very familiar with the concern, a formidable concern that we had, about agents discussing this case and other matters outside the organization. There was a lot of that activity going on at this time. And so that was something that we discussed, that was a topic that I discussed with the current head and the then-head of our FBI field office in New York, Assistant Director in Charge Bill Sweeney.

Ms. Jackson Lee. So it may be a possibility that they communicated to Mr. Kallstrom or Mayor Giuliani.

Mr. McCabe. It's certainly possible, yes.

Ms. Jackson Lee. I think you recall Mayor Giuliani being on an interview or -- let me just say, do you recall Mr. Giuliani being on an interview saying, "You're going to hear something soon"?

Mr. McCabe. I remember coming across that. I don't know whether I read a report of that or saw the interview, but I remember hearing

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about those comments.

Ms. Jackson Lee. But it still goes against the grain of FBI agents communicating about active cases to outsiders?

Mr. McCabe. That is contrary to FBI policy.

Ms. Jackson Lee. On one specific Fox appearance, Mr. Kallstrom stated, "Who knows? Maybe the locals would have done it," referencing to law enforcement leaks during 2016 regarding Hillary Clinton -- again, he is outside. He is not an FBI agent, but stated, "Who knows? Maybe the locals would have done it," referencing to law enforcement leaks during the 2016 Hillary Clinton matter.

Did the New York office or any other field office threaten to leak information in an attempt to influence you, your team, or Director Comey's decisionmaking related to any part of the Clinton or Trump investigation? Did it trickle down to where you were, which was Washington, D.C., I guess, at that time?

Mr. McCabe. So you're asking me did the field office threaten us with leaking information?

Ms. Jackson Lee. Did the field office threaten to leak information in an attempt to influence you, your team, or Director Comey's decision related to Clinton or Trump investigations?

Mr. McCabe. Not that I'm aware of.

Ms. Jackson Lee. You don't remember that chain of activity.

Mr. McCabe. I do not.

Ms. Jackson Lee. Are you aware of any investigations into leaks related to the Clinton investigation coming from the New York field

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office?

Mr. McCabe. What was the question again?

Ms. Jackson Lee. Are you aware of any investigations into leaks related to the Clinton investigation coming from the New York field office?

Mr. McCabe. To the extent that your question could call for me to confirm or deny the existence of an investigation, I cannot do so.

Ms. Jackson Lee. I understand.

Are there any investigations into leaks related to the 2016 Presidential election, such --

Mr. McCabe. Once again, I can neither confirm or deny the existence of an ongoing investigation.

Ms. Jackson Lee. Let me conclude this so I can yield to my friend from Maryland.

As I said before, the underlying premise was bias. And I may have an opportunity to reassess the questions and then address them again. But the underlying premise is bias.

You did answer that the idea of communicating by active duty FBI agents to outside entities is forbidden.

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. And so do you conclude, as we are at the end of the day, somewhat, that you still maintain that the idea of bias permeating any actions dealing with the final decision on Mrs. Clinton, whether you are biased in one way or another as an active FBI agent, that that is, one, forbidden but, two, had no impact on your ultimate

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decision dealing with either filing charges against Mrs. Clinton regarding emails or not filing charges?

Mr. McCabe. I am not aware and I was not aware at that time, in July of 2016, of the personal biases of any member of that team that worked on this case impacting the decisions or the work that we did in any way.

Ms. Jackson Lee. Including your own.

Mr. McCabe. Very much including my own. I do not have political biases.

Ms. Jackson Lee. Mr. Raskin?

Mr. Raskin. Thank you so much.

Mr. McCabe, again, thank you for your endurance and your patience with us today. I just have a few clean-up questions here.

One is, I think I'd be extremely careless, if not grossly negligent, not to ask this question about an exchange you had with Representative Gowdy. The chairman invited you to clarify that, in the time before the election, the FBI's investigation of Trump campaign associates and their connections with Russia was a counterintelligence investigation and not a criminal investigation. Is that right? He asked you to clarify that.

Mr. McCabe. He asked me to clarify it. What I was trying to clarify -- I'm not sure that I did -- was that his original question was focused on the statements that Director Comey made during his testimony. And in those statements, Director Comey, for the first time, publicly acknowledged the existence of a counterintelligence

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investigation.

Mr. Raskin. Well, what does it mean to have a counterintelligence investigation?

Mr. McCabe. It essentially means an investigation that is conducted by our counterintelligence agents and managed or overseen by our counterintelligence program. It is possible and oftentimes counterintelligence investigations result in criminal charges. But it's more of a reflection of who's working the issue within the FBI.

Mr. Raskin. And it is triggered by a potential national security issue?

Mr. McCabe. Yes.

Mr. Raskin. Okay.

I wanted to ask you -- just go back to the question of recusal for a moment. Is there one general DOJ standard for recusal, or is there a separate one for the FBI?

Mr. McCabe. That's a bit complicated. I don't know that there is one singular DOJ standard. There's a number of statutes and policies that impact on those sorts of decisions, and I think they apply equally to the Department and the FBI.

Mr. Raskin. Okay. And in the first instance, it's up to the prosecutor or the agent himself or herself as to whether or not to recuse? And then --

Mr. McCabe. I think, as a provisional matter, we rely on employees to determine when they have conflicts or potential conflicts or the appearance of a conflict with a matter that they have been

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assigned or are involved with.

Mr. Raskin. Okay. And certainly there are cases where people recuse themselves where they don't think they have a conflict of interest, where they don't think they would be biased in terms of their work, but they are being extra sensitive to the possibility of public perception of bias. Is that right?

Mr. McCabe. That's correct.

Mr. Raskin. And you're aware of a lot of cases like that, where people recuse in that situation?

Mr. McCabe. I am aware of some, yes.

Mr. Raskin. Yeah. Okay.

And let me just ask you finally about prosecutorial discretion. Because I was listening to a lot of the questions today; it seemed that a lot of them were asking reasonable questions about the exercise of prosecutorial discretion. Certainly, a lot of people on our side of the aisle asked the same kinds of questions about Mr. Comey's decision to have the press conference about the Clinton emails and so on.

Mr. McCabe. Yes.

Mr. Raskin. And the whole idea of prosecutorial discretion suggests that there might be a range of professionally reasonable decisions that could be made at any particular juncture in an investigation. Would you agree that that's right?

Mr. McCabe. I would.

Mr. Raskin. So it's not as if there's one straight line that every prosecutor follows in every case. They're a series of judgment

calls, as people were saying before.

Mr. McCabe. Of course.

Mr. Raskin. Now I'm just asking for your opinion, for the benefit of the committee, in looking back at all of these things that have been within the scope of the discussion today.

Is it helpful for us to transform every difference over exercises of prosecutorial discretion into allegations of partisan bias or a political agenda? In other words, is that the most helpful way of thinking about prosecutorial discretion?

Mr. McCabe. I don't know that I can -- I don't know that I can say what the most helpful way of thinking about it is. I can say that, in this case, the decisions that we made were not made based on political bias. They were made in that realm that you, I think, accurately described as one where reasonable judgments could differ, but they were professional judgments, nonetheless, based on our understanding of the facts at the time.

Mr. Raskin. And the problem, of course, is that, when people are watching, they don't like the particular real or apparent implications of a particular decision. It's easy enough in a pluralistic, democratic society for people to attribute a partisan motive or a political bias to something that takes place which they think cuts the wrong way.

And certainly I remember back to Mr. Comey's famous press conference, and a lot of my Democratic friends were very upset about it and said that they thought that this was an outrageous interference



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in the campaign and him stepping out of his role. And as a former State assistant attorney general, I tried, best I could, to state that there was a set of criteria that he may have been operating under that had nothing to do with a partisan agenda despite the fact that he was Republican and so on.

All right. Well, I just want to thank you for your patience today. And if you have else to respond to that?

Mr. McCabe. If I could.

Mr. Raskin. Yeah.

Mr. McCabe. Director Comey and I discussed at length the reaction of some of our own employees to the results of the decision. We were concerned about, you know, how that was rippling through the workforce, because there were people, as I've said earlier, who were frustrated.

And Director Comey would typically characterize it by saying that some people had a hard time seeing the results, the decisions in the case, in any way other than through the lens of their own personal beliefs and that sometimes colored the way people reacted to things.

But, nevertheless, it didn't change the facts upon which we based our decision and the fact that he did so in the way that he felt was best.

Mr. Raskin. Great.

Well, you've got a tough job, and I want to thank you for doing it.

And I will yield back. I don't know if Ms. Lee had any further

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questions.

Ms. Jackson Lee. I do. Thank you.

I want the record to be clear that Mr. Meadows is a fine colleague, and I know that he accepts my premise that his comments were not chastising. And I thank him for bringing some issues to our attention. And I want to thank our counsel for clarifying them on the record. Certainly I want to thank my colleagues very much for the astute questions that they have had.

I want to clarify something else. As I was reading the comments of Mr. Kallstrom, I do want to indicate that they certainly were shocking to me. And for me, on the record, let me be very clear, I do not think the Clintons are a crime family. I'm saddened of the terminology. But that is just my statement on the record as I proceed in questioning.

Let me again thank you for your service. And I'm going to have a line of questioning, because you started out by indicating that when you're in public service and you have family members they get seemingly wrapped up in your commitment to public service. They have a commitment to public service, and, therefore, it is misinterpreted.

I think it's important to say thank you to a family that has two individuals that are committed to making their community better.

Mr. McCabe. Thank you.

Ms. Jackson Lee. So I do want to acknowledge that, and I want to also acknowledge, again, my appreciation for that commitment.

Mr. McCabe. Thank you, ma'am.

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Ms. Jackson Lee. But you told us today about damaging statements that have been about you and your alleged conflicts of interest. I'd like to discuss that issue with you in some more depth.

I'd like to introduce --

Ms. Sachsman Grooms. The following document is exhibit 4.

[McCabe Exhibit No. 4

Was marked for identification.]

Ms. Jackson Lee. -- a letter dated December 14, 2016, letter from Jason Herring, Acting Assistant Director, Office of Congressional Affairs, FBI, to Chairman Jason Chaffetz.

Have you reviewed the letter before?

Mr. McCabe. I have seen it before, ma'am, yes.

Ms. Jackson Lee. Are the factual assertions in this letter accurate?

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. When did your wife, Dr. Jill McCabe, first start considering running for a seat in the Virginia State Senate?

Mr. McCabe. She was first approached about the prospect in -- the date is February 24th, 2015.

Ms. Jackson Lee. 2015. I just want to reemphasize, 2015.

Mr. McCabe. 2015, yes.

Ms. Jackson Lee. And we were dealing with the emails in question in the year 2016.

Mr. McCabe. I was. Yes, ma'am.

Ms. Jackson Lee. At least you were.

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Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. Because you were not dealing with them preceding that.

Mr. McCabe. No, ma'am.

Ms. Jackson Lee. So you were not dealing with that as your wife was being recruited or asked to run for office?

Mr. McCabe. That's right. She was contacted by an individual who was then the chief of staff for then, maybe still, Lieutenant Governor Ralph Northam.

Ms. Jackson Lee. Thank you.

And please, though we all know, explain the doctor that your wife is. Ph.D. or Ed.D.? What kind of doctor?

Mr. McCabe. She's an M.D. She's a pediatrician. She runs the pediatric ER at Loudoun Inova Hospital in Leesburg, Virginia.

Ms. Jackson Lee. And I imagine she has a lot of passion about her practice.

Mr. McCabe. She does, ma'am.

Ms. Jackson Lee. The letter states that you accompanied Dr. McCabe on a trip to meet with Virginia State officials the weekend of March 7th, 2015.

Mr. McCabe. That's correct.

Ms. Jackson Lee. Have you met or spoken with Terry McAuliffe since that visit on March 7th, 2015?

Mr. McCabe. No, ma'am.

Ms. Jackson Lee. The letter goes on to state that on that March

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11, 2015, the Wednesday after your weekend trip, you met with a lengthy list of FBI lawyers and ethics officials: the FBI's deputy designated agency ethics official -- I'm listing the persons -- the assistant director of the Office of Integrity and Compliance, the general counsel of the FBI, and a Washington field office lawyer.

Why did you meet with these individuals?

Mr. McCabe. Because I knew that if my wife chose to run for office it would raise issues that I needed to be very careful about, like the Hatch Act and things of that nature. So I wanted to get guidance from our chief ethics official and our general counsel and my field office attorney as to the best way to handle those matters professionally and responsibly.

Ms. Jackson Lee. So you didn't hesitate, didn't wait 2 months or 6 --

Mr. McCabe. No, ma'am.

Ms. Jackson Lee. -- months. You immediately engaged with these principals.

Mr. McCabe. And, in fact, on the day or two before that meeting, I met with my then-supervisor, Deputy Director Mark Giuliano, and explained the situation to him as well, and he advised that I meet with those folks.

Ms. Jackson Lee. And I'm sorry, you were in the --

Mr. McCabe. I was the assistant director in charge of the Washington field office at the time.

Ms. Jackson Lee. Washington office.

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So I think I already asked what you discussed. It was just to get a framework of what you needed to do --

Mr. McCabe. Right.

Ms. Jackson Lee. -- having had those meetings, if she decided to run.

Mr. McCabe. How to handle the requirements of the Hatch Act and how to think about what actions I should potentially take with respect to the possibility of cases in the Washington field office that might provoke recusal responses.

Ms. Jackson Lee. In these meetings, did you disclose that you had accompanied your wife to meet with Governor McAuliffe and that she had the Governor's support?

Mr. McCabe. I did. But just to clarify, ma'am, we traveled to Richmond on that Saturday, March 7th, for the purpose of meeting with a different State legislator who my wife had been talking to who was trying to convince my wife to run for office. He was going to be at a meeting of other State Democratic politicians, and he said that the Governor might be at the meeting to deliver a speech.

When we got to the hotel to meet with that individual -- his name is Don McEachin -- he informed us that the plans had changed and that the Governor did want to meet with us and would we meet with the Governor at his mansion in Richmond. And so we did that.

So we didn't go that Saturday with the intention or understanding that we would definitely be meeting with the Governor. That's just how it worked out.

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Ms. Jackson Lee. And so, when you met with these individuals, you ultimately met with the Governor, not intentionally, but it just worked out that way. Were you able to discuss with these individuals ethics that your wife may have had or would have the Governor's support?

Mr. McCabe. Yeah, that was the purpose of the meeting. They were -- they were trying to find a candidate to run in the 13th District for state senate, and they were interested in having my wife do that. We went down there to talk to some folks to better understand what this all meant. We are not political people.

Ms. Jackson Lee. But when you had this discussion with the ethics lawyers, you laid everything out for them?

Mr. McCabe. I did. I laid the entire situation out for them. I explained who we had met with, what they had told us, and we discussed the whole matter.

Ms. Jackson Lee. You might have indicated that she had his support.

Mr. McCabe. Yes, absolutely, I did.

Ms. Jackson Lee. And this is -- I think what steps you took following these meetings were those meetings, the meetings with the ethics -- I don't want to lead you, but the meetings that you that you -- steps you took after those meetings were again to come back to the office and meet with these individuals.

Mr. McCabe. That's right. I met with my supervisor first, and then I met with my attorney in the field office, and then we all gathered in the ethics officer's office in headquarters on the 11th.

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Ms. Jackson Lee. And when did she declare -- when did Dr. McCabe declare her candidacy?

Mr. McCabe. She was probably the next day, I think the 12th. We also -- during that period of time, I also reached out for the Director of the FBI to ensure that the Director didn't have any misgivings or concerns about my wife running for office.

Ms. Jackson Lee. Did the Director have any concerns?

Mr. McCabe. He did not.

Ms. Jackson Lee. Were you involved in your wife's campaign?

Mr. McCabe. Not at all.

Ms. Jackson Lee. It sounds like your involvement was extremely limited. Were these activities approved by ethics officials if you had any involvement?

Mr. McCabe. Yes. I spoke to Pat Kelly on a number of occasions during the course of the campaign. I would ask him questions, like they wanted to include a family photograph in some sort of literature, was it permissible for me to show up and appear in a photograph? He advised me that it was, as long as my affiliation was not identified. Other things like that, we talked about. You know, he explained to me that it was permissible to wear a button or a T-shirt, but you couldn't wear those things in the office. You could have a sticker on your car, but then you couldn't park the car in the office parking lot, all the kind of day-to-day mechanics of the Hatch Act.

Ms. Jackson Lee. Did you feel, as you were getting all of these answers or making all of these inquiries, did you feel yourself becoming

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more biased in anything that you might be doing because you were affiliated with someone who was affiliated with or had the support of Governor McAuliffe?

Mr. McCabe. No, ma'am.

Ms. Jackson Lee. When the election for the Senate seat -- when was the election for the Senate seat?

Mr. McCabe. It was November of 2015.

Ms. Jackson Lee. And that was way before 2016?

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. And your wife's success or --

Mr. McCabe. She did not -- she lost her race, ma'am.

Ms. Jackson Lee. Between when Dr. McCabe first started considering running for the state senate seat to the day that the election occurred, did you have any oversight or supervisory role in the Clinton email investigation?

Mr. McCabe. I'm sorry. For what time period?

Ms. Jackson Lee. From the timeframe when your wife started considering --

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. -- running until that race was over --

Mr. McCabe. Yes.

Ms. Jackson Lee. -- did you have any involvement and any oversight or supervisory role in the Clinton email investigation?

Mr. McCabe. No, ma'am, none whatsoever.

Ms. Jackson Lee. So, during that timeframe, you could not have

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impacted, raised questions, given your thoughts on the Clinton email investigation --

Mr. McCabe. No, ma'am.

Ms. Jackson Lee. -- at that time?

Mr. McCabe. That's correct.

Ms. Jackson Lee. And you don't recall doing that?

Mr. McCabe. I did not.

Ms. Jackson Lee. I'm asking the question.

Mr. McCabe. I did not.

Ms. Jackson Lee. During that time period, while your wife was considering running for state senate until the day that the election occurred, did you personally take any actions to influence or impact the Clinton email investigation during that timeframe?

Mr. McCabe. No, ma'am. The Washington field office contributed some personnel to the investigation. I did not make the decisions of who we would send or how many people we would send. I was aware of the fact that we had some folks working at headquarters on a headquarters special.

Ms. Jackson Lee. This is my final question.

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. It is repeating, but please allow me to make sure that we have heard it more than once. Just to be very clear: Did you or your wife ever solicit or receive any funds as a quid pro quo for any action that you might have taken running or running any quid pro quo for that -- her running, you being her husband?

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Mr. McCabe. No, ma'am, never.

Ms. Jackson Lee. So, finally, as I indicated, it was brought to my attention that your name was raised with firing.

Mr. McCabe. Yes, ma'am.

Ms. Jackson Lee. Do you have a commitment to the Federal Bureau of Investigation for its purpose, its mission, and its service to the Nation? You have an ongoing commitment.

Mr. McCabe. I swore an oath on July 7th, 1996, to protect and defend the Constitution of the United States and to do that through my service at the FBI. That is my commitment.

Ms. Jackson Lee. And most of us don't like to speak about ourselves. Do you see any reason in terms of the context of the questioning that we have given today -- and, obviously, it has not been completed -- that would -- your knowledge, your supervisory knowledge, your knowledge of the work that you're doing, that you would be a candidate for being fired?

Mr. McCabe. No, ma'am.

Ms. Jackson Lee. Let me thank you very much. I'm not sure if you'll see me again in the questioning series since my colleagues will start, but I do believe what has been put on the record is crucial regarding your service and the facts that we are trying to secure, which is the issue of bias or wrong decisions being made with respect to Mrs. Clinton's emails, and you have clarified them from the perspective of my questioning, and I may have another series, but I will conclude by being redundant: I do not believe you should be fired, as well.

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Mr. McCabe. Thank you, ma'am. I don't either. Thank you.

Ms. Jackson Lee. Thank you for your service.

Ms. Sachsman Grooms. Can we go off the record?

[Discussion off the record.]

Chairman Goodlatte. We do have a lot more questions on our side, so, Mr. McCabe, would you like to take a break for 5 minutes?

Mr. McCabe. No, sir, I'm good.

Chairman Goodlatte. Okay.

Mr. McCabe. Thank you.

Chairman Goodlatte. All right. Let's go back on the record.

Mr. McCabe. Sir.

Chairman Goodlatte. Mr. McCabe, did you or anyone in upper level management ever ask lower level management and agents inside the Bureau to scrub or review FISA collection that has anything to do with political candidates, including candidates in the 2016 election?

Mr. McCabe. Did I or anyone -- I'm sorry. Can you repeat that?

Chairman Goodlatte. Did you or anyone in upper level management ever ask lower level management and agents inside the Bureau to scrub or review FISA collection that has anything to do with political candidates, including candidates in the 2016 election?

Mr. McCabe. No.

Chairman Goodlatte. Are you aware whether the FBI ever provided defensive briefings to anyone connected to the 2016 election concerning threats from foreign adversaries?

Mr. Schools. How is that within the scope, Chairman?

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Chairman Goodlatte. It is within the scope because it relates to the investigation into Mrs. Clinton.

Ms. Anderson. I'm sorry. How is it related to the investigation of Mrs. Clinton?

Mr. Schools. It is not clear to me how that is.

Chairman Goodlatte. If you're relating to anything related to Mrs. Clinton, including a defensive briefing, it is part of this investigation.

Mr. Schools. Even if it occurred after the Clinton investigation was announced closed?

Chairman Goodlatte. Yes. Any time related to 2016 political candidates.

Mr. Brower. If I can try again, Mr. Chairman, how does a defensive briefing of Mrs. Clinton subsequent to the closing of the email investigation relate to the Clinton email investigation?

Chairman Goodlatte. Because, obviously, at one point, the Clinton email investigation was reopened. It could be reopened at any time, and therefore, I think it is very pertinent to the -- it could be reopened at any time. At any time.

Mr. McCabe. So are you asking me if we provided defensive briefings to any candidate?

Chairman Goodlatte. Yes, for the 2016 election.

Mr. Schools. Mr. Chairman, your original question may have been confined to the Clinton campaign. Is that correct?

Chairman Goodlatte. I can confine it to that.

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Mr. Schools. Let's do that because I think it makes it closer to within the scope.

Mr. McCabe. I'm aware that we participated in a defensive briefing for both candidates after they were designated their parties' nominees, as is the normal course of business. We did defensive briefings for the nominees and for the nominees for Vice President and also a third defensive briefing for I think the small staff of the nominee.

Chairman Goodlatte. And do you know roughly when those occurred?

Mr. McCabe. I don't remember off the top of my head. I want to say October. There would have been six different, you know, different engagements. Those briefings are actually coordinated by and scheduled by the Director of National Intelligence. The DNI's office sets the whole thing up. The FBI is given a small, you know, part of -- if it is a 2-hour briefing, we're given some small period of time, maybe 15, 20 minutes, to do a defensive briefing of the nominee.

Chairman Goodlatte. Was the code name for the Clinton investigation "midyear exam"?

Mr. McCabe. It was.

Chairman Goodlatte. Does the FBI usually give each case a code name, or is this specifically a practice with counterintelligence investigations?

Mr. McCabe. It is a fairly common practice across all the programs.

Chairman Goodlatte. Was the Clinton investigation a

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counterintelligence investigation or a criminal investigation?

Mr. McCabe. It began as a counterintelligence investigation. It was conducted by the Counterintelligence Division.

Chairman Goodlatte. Do you have any idea why this investigation was code name "midyear exam"?

Mr. McCabe. I do not.

Mr. Somers. You said it began as a counterintelligence investigation. Did it then switch to a criminal investigation?

Mr. McCabe. No, it began and stayed in the Counterintelligence Division.

Mr. Somers. Okay.

Chairman Goodlatte. I understand that Jim Baker informed the General Counsel's Office recently that he is stepping down as general counsel. Are you aware why he has made this decision?

Mr. Schools. Mr. Chairman, I believe that is clearly beyond the scope.

Chairman Goodlatte. Does it relate to the Clinton investigation?

Mr. Schools. It is a personnel decision with the FBI. I just don't think that's -- your letter talks about the relevant components of the Clinton investigation, which is February -- the July press conference, the October letter, the November letter. Mr. Baker's status as of today has no relevance to that.

Chairman Goodlatte. Well, he certainly can answer with regard to the Clinton investigation.

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Mr. Schools. I'm not sure he knows, but it is -- that's a personnel matter that I really think is outside the scope. We have tried to be very patient here. We have been here 8-1/2 hours. We really want to be cooperative, but I think a personnel decision with respect to general counsel of the FBI was not contemplated within the scope of the parameters of the letter we got from you.

Chairman Goodlatte. Let me ask you this then, did Jim Baker ever advise you on the Clinton email investigation?

Mr. McCabe. Did he advise? Yes, he was an active participant in the meetings of the Clinton investigation.

Chairman Goodlatte. How often did you discuss the investigation?

Mr. McCabe. Very often.

Chairman Goodlatte. And did you, Director Comey, or anyone in FBI management ever consult General Counsel Baker on the language change from "grossly negligent" to "extremely careless"?

Mr. McCabe. I don't know if Jim was specifically consulted on that change or not. It is certainly possible. Jim was present for many of our discussions.

Chairman Goodlatte. So you do not know what his opinion of that was, or do you?

Mr. McCabe. I don't.

Chairman Goodlatte. Did Jim Baker have any opinion on drafting a conclusion of the Clinton email investigation before the investigation had concluded?

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Mr. McCabe. I don't remember Jim talking about that. Sorry?  
Oh, okay.

Chairman Goodlatte. You were assistant in charge of the Washington field office. Is that correct?

Mr. McCabe. Much happier times, I was.

Chairman Goodlatte. You answered today that the Washington field office was the lead field office on the Clinton email investigation?

Mr. McCabe. No, sir, that's not been my response. The Clinton email investigation was run and conducted from headquarters. It was not assigned to the Washington field office or any other field office.

Chairman Goodlatte. So, regardless of that, I think you testified earlier today that the Washington field office was the office that provided the support for this investigation. Is that --

Mr. McCabe. We contributed personnel in the form of what we call TDYs, temporary duty assignments. That is something that the Washington field office --

Chairman Goodlatte. They were out of the field office not from working within field office?

Mr. McCabe. That's correct. So some folks left WFO and worked out of headquarters on the team for the duration of the investigation, which is a very common occurrence at the Washington field office.

Chairman Goodlatte. In your capacity as assistant director in charge of the Washington field office, were you aware of, did you know of the Clinton email investigation before you were promoted to Deputy

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Director?

Mr. McCabe. I wasn't involved in it. I don't have a specific recollection. I certainly wasn't involved in it, made no decisions on it. Did I know it existed? I likely knew it existed when it was publicly announced. I wasn't involved day-to-day.

Chairman Goodlatte. Hang on just a minute.

Mr. Meadows. Mr. Chairman, let me ask one question from one of our other members just in the interest of time while you're looking at that.

At what point did you become aware that this investigation was a headquarters special or this term that you use internally? When did you become aware of that when you were actually in the field office --

Mr. McCabe. When I was in the field office. At some point --

Mr. Meadows. Who made you aware of that?

Mr. McCabe. At some point, I became aware of the fact that we had contributed some people to this effort and that would have --

Mr. Meadows. So who made you aware of that?

Mr. McCabe. That would have come to me from the special agent in charge of our Counterintelligence Division in the field office, and that individual was Greg Cox.

Mr. Meadows. And Greg made you aware of it for what purpose? Why did he make you aware of it?

Mr. McCabe. I don't remember specifically. It may have been simply because in this case in ASAC, fairly high ranking in the field office was no longer around so typically I would meet with the ASACs

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of each of the divisions like every other week or so, and they would explain to me the significant cases. Peter Strzok was no longer there for those sorts of meetings, and it is likely that led to the exchange, but Mr. Cox had the authority to send his people to headquarters.

Mr. Meadows. Okay. And you answered this in a different way, so I want to just get a clarification. The investigation versus a matter. At what point -- I guess is there any FBI definition of what a matter is versus what an investigation is.

Mr. McCabe. No, sir. There's no such thing.

Mr. Meadows. So who would have made the recommendation, and it may have been asked and answered, but just who would have made the recommendation that we use -- refer to the investigation as a matter?

Mr. McCabe. It is my understanding, having been told about this after the fact, that Attorney General Lynch had that exchange with Director Comey, and she said that she preferred -- I don't know whether she preferred that he or that she refer to it as a matter instead of an investigation.

Mr. Meadows. And you would do that for what reason? I mean -- and, well, that's a speculation. Because your counsel was getting there. So let me ask you, can you think of any investigative reason why you would do that?

Mr. McCabe. No, sir.

Mr. Meadows. I yield back to the chairman.

Chairman Goodlatte. Thank you. Okay. Let me introduce into the record deposition exhibit No. 3, which is a letter.

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Ms. Sachsman Grooms. We're on 5.

Chairman Goodlatte. Oh, you don't have your own set, and we have our own set?

Ms. Sachsman Grooms. No, we just introduced them as --

Chairman Goodlatte. So we will call this exhibit 6.

Ms. Sachsman Grooms. No, this is 5, sorry.

Chairman Goodlatte. This is exhibit 5 now.

[McCabe Exhibit No. 5

Was marked for identification.]

Mr. McCabe. We all agree.

Chairman Goodlatte. It is a letter to me from Stephen Boyd, dated December 12, 2017. Specifically, I want you to look at page 43 of this document. On August 15, 2016, less than 3 months before the Presidential election FBI agent Peter Strzok sent the following text message to FBI lawyer Lisa Page, quote: I want to believe the path you threw out for getting for consideration in Andy's office that there is no way he gets elected, but I'm afraid we can't take that risk. It is like an insurance policy in the unlikely event you die before you're 40.

And it continues. Do you see that?

Mr. McCabe. I do.

Chairman Goodlatte. Okay. Besides Strzok and Page, who was at the meeting in your office?

Mr. McCabe. I don't know, sir.

Chairman Goodlatte. Do you recall this meeting?

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Mr. McCabe. I do not.

Chairman Goodlatte. So you don't recall what was discussed in the meeting?

Mr. McCabe. I don't have any idea what they are referring to in this text. I don't remember a meeting with Pete Strzok and Lisa Page that fits the description of what they have discussed here.

Chairman Goodlatte. Is there anyone else that they could be referring to as "Andy," other than you?

Mr. McCabe. I am not aware of anyone. I don't know who they were referring to.

Chairman Goodlatte. But you don't recall a discussion that involved Peter Strzok and Lisa Page regarding this matter, which they obviously exchanged between them and neither one disputed the other about the existence of a meeting in Andy's office.

Mr. McCabe. I mean, certainly I had many, many interactions and meetings with Peter Strzok and Lisa Page. I do not remember in any meeting with the two of them discussing what he has described in this text, and it is not clear to me that I was present for this conversation between the two of them.

Chairman Goodlatte. Do you recall any conversation that you had with Lisa Page in which she threw out for consideration a path?

Mr. McCabe. I do not.

Chairman Goodlatte. Do you know what risk Peter Strzok is alluding to in that text?

Mr. McCabe. I do not.

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Chairman Goodlatte. Do you know what the insurance policy that's referred to in that text?

Mr. McCabe. I do not.

Chairman Goodlatte. Have you had any conversations with Peter Strzok or Lisa Page since this document was made available to the Congress?

Mr. McCabe. No, sir.

Chairman Goodlatte. None whatsoever, not just about this but any conversation?

Mr. McCabe. Since you're talking about since December 12th?

Chairman Goodlatte. No, since it was made available to Congress, which is in the last few weeks.

Mr. McCabe. I don't believe I have spoken to either of them in the last few weeks.

Chairman Goodlatte. Okay.

Mr. Meadows. Mr. Chairman, one quick question.

Mr. McCabe. Yes, sir.

Mr. Meadows. Does your calendar typically identify the participants at meetings? I mean, on my calendar, I have normally --

Mr. McCabe. Yes, yes.

Mr. Meadows. And so can you give this committee --

Mr. McCabe. My calendar for that day?

Mr. Meadows. Well, not just for the day, but if you would just -- I think Senator Grassley is asking for a range of documents.

Mr. McCabe. I'm sure he has.

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Mr. Meadows. And he has -- if we could focus on the calendar because maybe it will help us narrow who was there, other than just Lisa and Peter Strzok.

Mr. McCabe. Yes.

Mr. Meadows. That would be helpful.

Mr. Brower. Mr. Chairman, if we could have the committee send over a request form.

Mr. Meadows. Formal request.

Mr. McCabe. But I should say, sir, that I do have the same sort of notations on my calendar, but I'm also engaged in many meetings that don't end up on the calendar as people drift in and out of the office.

Mr. Meadows. You're preaching to the choir, and I get that.

Mr. McCabe. Very good. Thank you.

Chairman Goodlatte. Now I would like to direct your attention to page 47 of that same DOJ production, which we're marking as majority exhibit 6 now.

[McCabe Exhibit No. 6

Was marked for identification.]

Chairman Goodlatte. In another text message to Peter Strzok, Lisa Page wrote: Re the case, Jim Baker honks you should have it. But I'm sure Andy would defer to Bill. I won't mention.

Strzok's response, which came 2 minutes later, was completely redacted. What is this text about?

Mr. McCabe. I have no idea. "Re the case Jim Baker honks you should have it." I don't know, sir.

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Chairman Goodlatte. Do you know who Bill is?

Mr. McCabe. I mean, I don't know who the Bill is they're referring to here. I could start guessing, but I don't think that would be helpful.

Chairman Goodlatte. So "I'm sure Andy would defer to Bill." You have indicated you don't know of any other Andys that would be involved with this. What Bills might be involved with this?

Mr. McCabe. Bill Priestap.

Chairman Goodlatte. Bill Riestap?

Mr. McCabe. Priestap.

Chairman Goodlatte. Oh, Priestap.

Mr. McCabe. He was Peter's boss at the time.

Chairman Goodlatte. Do you know why Mr. Strzok's reply is redacted?

Mr. McCabe. I do not.

Chairman Goodlatte. And do you know what is contained in the redacted portion of that text?

Mr. McCabe. I do not, sir.

Chairman Goodlatte. We would ask -- and we'll put this in writing as well -- we would ask we be provided with the redacted portion of that text. Were the text messages sent and received on Peter Strzok's FBI-issued phone?

Mr. McCabe. That is my assumption, sir, and that is based on the fact that the IG was able to get the text messages. They were produced to him in the course of his investigation. It is my assumption that

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he was able to get those texts because they are collected on our FBI phones.

Chairman Goodlatte. How about Page?

Mr. McCabe. But I don't know -- I can't see the phone number, so I can't confirm that for you.

Chairman Goodlatte. All right.

Mr. McCabe. I have the same understanding with respect to Ms. Page's texts.

Chairman Goodlatte. Has the FBI's Office of Professional Responsibility received a referral on the actions of Strzok and Page?

Mr. McCabe. Not to my knowledge because the matters are under investigation by the IG, and typically the IG concludes their work, they produce a report with recommendations, and at that point, it goes to come back to FBI OPR for adjudication. That's the normal process.

Chairman Goodlatte. Are there divisions at FBI headquarters that refuse to display a photograph of Donald Trump that formerly displayed photographs of President Obama?

Mr. McCabe. Not to my knowledge, sir.

Chairman Goodlatte. How about FBI field offices?

Mr. McCabe. None that I'm aware of.

Chairman Goodlatte. All right. That's all the questions we have. Do you have more questions?

Ms. Sachsman Grooms. Yes, sir, but just a couple.

Ms. Anderson. Mr. Chairman, before we leave your line of questioning, I just wondered if we might be able to clear up your request

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with respect to the redactions of one of the text messages. My understanding is that the information that was redacted was redacted for two reasons. One is as indicated in our cover letter it reflects sensitive law enforcement information, and it was also irrelevant to the matter at hand. It has no relevance to the Clinton email investigation that we could discern or the Russian matter.

Chairman Goodlatte. Do you have a reason why the -- we cannot see that and conclude for ourselves that it is not relevant?

Ms. Anderson. It reflects sensitive operational equities of the FBI that are unrelated to anything that is --

Mr. Meadows. So we're going to need -- counselor, we're going to need -- one of the issues, and I will acknowledge a cooperative spirit here today, but in part of the documents that have been produced to this -- both committees the redactions have been in my characterization overzealous, and so, in doing that, what we really need is really what statute. You know, agencies typically will redact a lot more sometimes for embarrassment sometimes for sensitivity, but we need these committees need to make their own conclusions. Now we'll work with you in terms of anything that is of a sensitive nature, but at the same time, we need to be the ones making those determinations, not the agency.

Chairman Goodlatte. We can do that in a couple of manners that might help you. One would be to do it in a classified setting. Another would be to do it in an in camera setting where we examine the document but don't keep the document. So we would ask you to take that back

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and consider that request.

Mr. Meadows. And I guess in my reviewing of the documents that you have produced today -- and we appreciate that; we know that you're working on another set of documents, and I want to acknowledge that -- is the more unredacted they can be, the less perhaps precise we need to be with some of these. I guess we have gotten full pages of redactions that quite frankly don't have footnotes or the reasons why they were redacted on some of the submissions made to date, and so, if we can work with you on that for further clarification and still understand that we want to keep the integrity of the FBI intact.

Mr. Schools. I understand that, Congressman, and I think, with respect to this document, it should be clear we're not redacting information that is embarrassing, so we'll take it back, but I can assure you Ms. Anderson and I --

Mr. Meadows. Having dealt with oversight of the Secret Service I understand that very clearly in a highly sensitive manner where there was all kinds of things in the press and The Washington Post that had one guideline and one particular narrative that was not necessarily accurate, I get that, and I guess what I'm wanting to do is work with your counsel and so forth as we can do that, and I think we all have a spirit of making sure that the truth comes out, and in doing that, we would just like to work with you a little bit more closely on that.

Ms. Sachsman Grooms. I know it has been a really long day, so thank you very much for your patience.

Mr. McCabe. Certainly.

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Ms. Sachsman Grooms. I just wanted to clarify a couple different things that came up earlier today. Earlier today, a couple rounds ago, Representative Rutherford listed out a list of things that he described that you had previously said were unique about the Clinton investigation. He didn't ask you a question specific to that and --

Mr. Brower. I don't think Mr. Rutherford has been here today. Are you thinking of someone else?

Ms. Sachsman Grooms. Mr. Ratcliffe. I'm sorry.

Mr. Brower. Thank you very much.

Ms. Sachsman Grooms. And I'm not sure that that list was an accurate portrayal of what you had said earlier, but regardless, I think I'm interested in you just repeating for us, can you just tell us exactly what you meant when you said that the Clinton investigation and the case had unique aspects to it?

Mr. McCabe. Sure. So there were -- I mean, every case is different, and they all have their own challenges. There were challenges associated with this investigation that I don't think it is inaccurate to think of them as being unique. The fact that we were conducting an extensive kind of forensic reconstruction of a personal email system and servers and IT systems that had been lost or no longer in service or had been moved changed, those were unique challenges. The fact that we were doing it out of headquarters in an effort to keep it to a very small, close, tight group of folks to work together to limit the possibility of, you know, information from the case leaking out in a way that would be damaging, that was unique. I mean,

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headquarters-managed cases are not -- are definitely not our normal kind of -- it is not the common way of doing business, but called for under some circumstances like these. The fact that we were doing an investigation of a candidate who was currently in the middle of a very high-profile political campaign was unique and presented not challenges but sensitivities, things to be aware of in a heightened kind of media-focused environment, a media that was aware basically of our involvement in this investigation from its inception, and the case had been publicly acknowledged not long into it. So there were all kinds of factors that made this tough. There were challenging issues of attorney/client privilege attached to almost every piece of evidence we had to get our hands on. There were many, many lawyers involved in every discussion of access and interviews and things of that nature, so there were all kinds of things that made the decisions in this case tough.

Ms. Sachsman Grooms. So I understand you're saying there are things that made it challenging and difficult and that every case is different, and therefore, every case is unique. But when you described this case was unique, do you mean like one of a kind, there's none other, or are we talking about something that is distinctively different than everything else?

Mr. McCabe. I am not aware of a similar fact pattern. I have never encountered this same combination of factors where we're, you know, investigating a former Secretary of State for using a personal email service and that person is now running for President of the United

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States, I'm not aware of that fact pattern ever coming up again. I hope it never comes up again, so I'm hoping for unique.

Ms. Anderson. Respectfully, this is territory that Deputy Director McCabe has well covered in the 9 hours that he has been here, and so we would ask that you move on to new territory.

Ms. Sachsman Grooms. Would you describe a counterintelligence investigation into a candidate's campaign and its contacts with Russia during the time period before the election to be also a unique circumstance?

Mr. McCabe. Can you give me that again?

Ms. Sachsman Grooms. Yes. Would you describe a counterintelligence investigation into a candidate for President and his campaign's contacts with Russia as being unique?

Mr. Schools. That's outside the scope, as well.

Ms. Sachsman Grooms. It is fully inside of the scope.

Mr. Schools. I don't think it is. The scope of the letter we got indicated questions with respect to the Russian investigation pertained to whether or not the discussion you had public disclosure or not.

Ms. Sachsman Grooms. Yes, and the decision surrounding the distinctions between the FBI's treatment of Donald Trump's investigation and Hillary Clinton's investigation are centered around the disparate treatment of the two, and my question is, was that also a unique circumstance?

Mr. McCabe. Yes.

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Ms. Sachsman Grooms. I believe you, on that same topic, right, which is the FBI's decision not to publicly announce the investigation into campaign associates of then-candidate Donald Trump and their contacts with Russia before the election, I believe that you said earlier, and just correct me if I am wrong, that that was an issue that -- the decision itself was never made to not make it public because you were following the Department policy to not speak about an open investigation. Is that right?

Mr. McCabe. Yes. It is normal practice, particularly at the initiation of something like a counterintelligence investigation, not to discuss it publicly.

Ms. Sachsman Grooms. And Director Comey, when he came in and testified before the Judiciary Committee in September of 2016, explained that that was the standard, but that there were exceptions to that, and the Hillary Clinton case met those exceptions. One of those exceptions was, and I am quoting, "There's an exception for that," quote, "when there's a need for the public to be reassured, when it is obvious, it is apparent, given our activities, public activities that the investigation is ongoing." Were you ever in a meeting or in a discussion where you thoughtfully analyzed whether those exceptions applied to the Donald Trump investigation?

Mr. McCabe. I don't remember being in a meeting that fits that description.

Ms. Sachsman Grooms. So is it fair to say that the FBI, and certainly yourself never considered whether those exceptions applied

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to the Donald Trump investigation?

Mr. Schools. Can I interject one thing? You are characterizing it as the Donald Trump investigation. Director Comey announced the investigation publicly in March of 2016. I am fine with you using that as shorthand for what he said the investigation was, but apart from that, I don't want to mischaracterize or --

Chairman Goodlatte. I would like you to clarify, March of 2016 or 2017?

Mr. Schools. 2017, thank you.

Ms. Sachsman Grooms. I will rephrase. I am happy to.

Mr. Schools. Thanks.

Ms. Sachsman Grooms. Is it fair to say that you, and as far as you know no one at the FBI, ever thoughtfully considered whether the investigation that was the counterintelligence investigation into then-candidate Donald Trump's campaign's contacts with Russians met the exceptions to the general rule not to make information public?

Mr. McCabe. Well, I think eventually, we had that discussion, because eventually we made that decision. And the Director sought and received the Department's authorization to make that investigation public in March of '17.

Ms. Sachsman Grooms. Is it fair to say that that consideration did not occur before the election?

Mr. McCabe. I think that's fair. Well, no. I want to be perfectly clear, we initiated -- I don't want to get too far into this, but we don't typically -- we wouldn't, under really any circumstances,

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consider discussing publicly a case that we had just opened. Does that make sense?

Ms. Sachsman Grooms. Yes.

Mr. Meadows. Let's be cautious in terms of a classified setting and what would be there. To the extent that you can do it in a nonclassified setting, certainly.

Mr. McCabe. Our normal practice is to not discuss publicly the existence of a case. And there are exceptional circumstances under which you would do that. It would be very hard to justify those circumstances at the very beginning of a case, because you don't know what you have. I know there are other situations where, like, if we show up at the site of a terrorist attack, and it's perfectly obvious to the public that what we're doing, picking up evidence off the ground, we are investigating. There are times when you publicly admit, even at the beginning of a case. But in the example that you are referring to, we did not.

Ms. Sachsman Grooms. So I hear you saying, and correct me if I am wrong, that now thinking back on it, you would have decided it didn't meet the exceptions. But my question is, at the time, before the election, did you think about whether it met the exceptions?

Mr. McCabe. I am not saying that thinking back on it, it did or did not meet the exceptions. What I will say is I do not recall going through that process about the case you have referenced before the election, because it would not have been our normal practice to do so.

Ms. Sachsman Grooms. So I think it's probably fair to say that

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today's questioning has been somewhat repetitive. Were some of the questions asked today and answered by you today also addressed at your previous interview with the House Permanent Select Committee on Intelligence?

Mr. Brower. Let me just object. That interview, I think as you know, was in a classified setting, and the witness is simply not going to address anything that happened in that setting.

Mr. Meadows. Yeah. I think that's well beyond the scope. I mean to suggest that you got one set of questions and compare that to what we are doing here. Obviously, what we've tried to do is ask and answer questions within the scope of what was defined. To compare it to other questions and answers that were handled in a classified setting would not be appropriate.

Ms. Sachsman Grooms. Well, certainly, none of the questions asked or answered today called for classified information. So I can't imagine that it would be classified --

Chairman Goodlatte. If you will, there were a few answers that were not answered because they were classified questions. Not many, but there were a few. And while I understand your objective here, I think the solution to that is to work through the HPSCI Committee and look at that --

Ms. Sachsman Grooms. My objective is not to find out what HPSCI asked you, or to get the answers to that. My point was just that today's interview with was somewhat repetitive of previous interviews that you have had with Congress. Is that accurate?

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Chairman Goodlatte. That's definitely outside the scope.

Mr. Meadows. Again, that would have cause the witness to have to characterize what he said in a classified setting to give an opinion on that. And I think that's well beyond the scope of what is there.

Ms. Anderson. I think we have been very patient.

Ms. Sachsman Grooms. So you are refusing to answer that?

Ms. Anderson. He is not refusing to answer that.

Mr. Meadows. It's beyond the scope. And let the record reflect that.

Mr. McCabe. I have been informed that it's beyond the scope.

Chairman Goodlatte. Good answer.

Mr. Hiller. Thank you for going the distance with us, sir. I am going to try a new topic. True Pundit is a website that began publication on June 9, 2016. I know. Have you ever heard of True Pundit?

Mr. McCabe. I have.

Mr. Hiller. In the past, it has claimed to have "unique insight," that's a quote, into FBI operations. There is an article posted on June 12, 2016, 3 days after it went up, that says quote, "True Pundit has folks who work for the FBI and other agencies on staff. We are not your usual conglomerate of media has-been's or never-were's," unquote. Are you aware of any current or former employee of the FBI on staff at True Pundit?

Mr. McCabe. I am not.

[McCabe Exhibit No. 7

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Was marked for identification.]

Mr. Hiller. I am going to introduce Deposition Exhibit 7, please. So on October 24, 2016, True Pundit published an article contained in this email chain titled "FBI Director Lobbied Against Criminal Charges For Hillary After Clinton Insider Paid His Wife \$700,000." I am not going to ask you to comment on the veracity of this article.

Mr. McCabe. Thank you.

Mr. Hiller. But are you familiar with this article?

Mr. McCabe. I am.

Mr. Hiller. On October 24, you forwarded this article in an email to Director Comey, and in that email, you said "FYI, heavyweight source." By "heavyweight source," did you mean to say that the source cited in this article could actually be a senior official at the FBI?

Mr. McCabe. It's going to take me a minute to refresh my recollection. Okay. I see it. What was your question again?

Mr. Hiller. The question was when you said "heavyweight source," did you mean to say that the source cited in that article could actually be a senior official at the FBI?

Mr. McCabe. Honestly, I don't -- I don't remember what exact -- I may have been referring to the fact that it was a True Pundit article in a sarcastic way. I don't remember exactly what I was referring to by the characterization "heavyweight." I was concerned about the sourcing and who might be sharing these wildly inaccurate and just ridiculous claims with an online journalist. And, of course,

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Director Comey's response to me talked about John Giacalone, who is mentioned in the piece.

Mr. Hiller. Right. I suspected it might be sarcastic. So in Director Comey's response he says, quote, "This still reads to me like someone not involved in the investigation at all, maybe somebody who heard rumors, inaccurate, about why John left. There is no way John would say he left because of the investigation, both because he agreed with the way we were handling it, and because so many of us know he was redacted. This strikes me as lower-level folks who admire John, which is fine, because I do, telling yarns." Just breaking down that response. Do you read that response to mean that Director Comey, whether or not he believed it was a heavyweight source, whatever that comment meant, he does believe that, in fact, the source of this article is coming from within the FBI, lower-level folks who were telling yarns?

Mr. McCabe. I think what he is saying is he doesn't think it's John, right?

Mr. Hiller. Okay.

Mr. McCabe. And then he describes who it might be. It could be lower-level folks. And so that's how I take his response.

Mr. Hiller. Lower-level folks in what organization.

Mr. McCabe. Within the FBI.

Mr. Hiller. Okay.

Mr. McCabe. Of course it could have been people outside the FBI, or former FBI employees. I don't think either of us knew. I don't know as we sit here today who the source was.

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Mr. Hiller. Okay. Did the FBI ever conduct any investigation into leaks like these?

Mr. McCabe. We initiated many leak inquiries at that time. I don't remember off the top of my head whether or not this article was one of those. But to be clear, a leak investigation means something specific to the FBI. It's the investigation of a leak of classified information. But there are also inquiries into the unauthorized disclosure of FBI information that's not classified to the media, which is also proscribed by FBI policy. We see those things -- they are of course similar, but a little bit different.

Mr. Hiller. I see the distinction. Did you conduct any informal inquiries into the unauthorized disclosure.

Mr. McCabe. Of this article? I don't remember.

Mr. Hiller. On articles like this.

Mr. McCabe. On articles like this, yes.

Mr. Hiller. Did you refer any of those investigations or inquiries to the Department of Justice?

Mr. McCabe. Typically, we, if it's our information that we're looking into, we can initiate those cases without going to the Department of Justice first. And if it's an inquiry into whether or not an employee may have made an unauthorized disclosure of not classified, that's something typically that our internal inspection division would handle. Whereas if it's a leak of classified, that would be an investigation handled by our counterintelligence division.

Mr. Hiller. Okay. Just to step back and get a sense of the

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timeline around this article?

Mr. McCabe. Yes.

Mr. Hiller. On July 5th, 2016, Director Comey announced that the FBI would recommend no criminal charges against Hillary Clinton. Is that your recollection?

Mr. McCabe. On July 5th, that's right.

Mr. Hiller. Okay. On October 22nd, 2016, the New York field office of the FBI took possession of Anthony Wiener's computer from the New York Police Department. Is that correct?

Mr. McCabe. I don't know what day they took possession of it.

Mr. Hiller. Does that sound about right?

Mr. McCabe. I don't know what day the New York field office --

Mr. Hiller. It has been, in fact, widely reported that on October 2, the New York field office took possession of that computer.

Mr. McCabe. Okay.

Mr. Hiller. Was Director Comey informed that the FBI had taken possession of that computer?

Mr. McCabe. He learned of it eventually. I can't tell you when he was -- when he knew first.

Mr. Hiller. Do you think he learned about it on that day?

Ms. Anderson. You are asking what Mr. Comey knows, not what Mr. McCabe knows. So if you could rephrase your question.

Mr. Hiller. Certainly. When did you become aware that the FBI had taken possession of that computer?

Mr. McCabe. It would have been in the beginning of October.

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Mr. Hiller. Okay. And were you or Director Comey informed that the computer might contain additional emails that could be relevant to the Clinton investigation?

Mr. McCabe. I was.

Mr. Hiller. And when were you informed of that?

Mr. McCabe. I don't know the specific day, but it was in the beginning of October.

Mr. Hiller. In the beginning of October. Did you or Director Comey instruct the New York field office to search that computer for any additional information that might be relevant to the Clinton investigation?

Mr. McCabe. Are we still within scope?

Mr. Hiller. I believe that this is all relevant to the decision to reopen the Clinton investigation. We are well within the scope.

Mr. McCabe. Okay. Just checking. Sorry. Can you repeat the question?

Mr. Hiller. Certainly. Did you or Director Comey instruct the New York field office to search that computer for any additional information that might be relevant to the Clinton investigation?

Mr. McCabe. So I first learned of the existence of the computer and that it might have information on it relevant to the Clinton investigation in a telephone conversation with Bill Sweeney, who was and still is the ADIC of the New York field office. My best recollection is as a result of that conversation I spoke to my counterintelligence division, likely Bill Priestap, but I don't

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have -- I would have to check that -- and told them to get with the New York field office, figure out what do we have, and come back to me with a recommendation of a path forward. That was the first I knew of the existence of the Wiener laptop material.

Mr. Hiller. Okay. And that was in early October?

Mr. McCabe. That was in early October.

Mr. Hiller. Okay. On October 28, Director Comey wrote a letter to eight congressional committees informing us that the FBI had learned of the existence of these emails and intended to reopen the inquiry. And on October 30, the FBI finally obtained a search warrant to search that computer. Does that timeline seem about right?

Mr. McCabe. I don't have personal knowledge of those details because, as I said earlier, I was not involved in the meetings and the decisions that led to that. That's my understanding from reading open source reporting.

Mr. Hiller. Okay. On October 25 and 26, this was in advance of Director Comey's letter to the Hill --

Mr. McCabe. Yes.

Mr. Hiller. -- in a series of television interviews, former New York Mayor Rudy Giuliani suggested that the Trump campaign, quote, "has a couple of things up our sleeves that should turn things around." Do you recall him giving television interviews like that?

Mr. McCabe. Generally, yes.

Mr. Hiller. On October 28, 2016, in an interview on the Lars Larson radio program, Mayor Giuliani said he was in contact, quote,

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"with a few active agents who obviously don't want to identify themselves." Do you recall him making that statement or statements like that?

Mr. McCabe. I have a general recollection of him making statements like that, but I don't -- I don't know that I have ever heard the Lars Larson program.

Mr. Hiller. I don't think I have listened to it either. On October 4th, 2016, in an appearance on FOX and Friends, Mayor Giuliani was asked if he knew about the FBI's possession of the laptop before Director Comey wrote to the Hill?

Mr. McCabe. I am sorry, what date was that?

Mr. Hiller. November 4th.

Mr. McCabe. Okay.

Mr. Hiller. He responded, quote, "Did I hear about it? You are darned right I heard about it." Do you recall him making a statement like that?

Mr. McCabe. I don't remember that.

Mr. Hiller. You said earlier that you believed it was possible that somebody inside the FBI was providing information, accurate or not, to True Pundit. Is that correct?

Mr. McCabe. It's possible, yes.

Mr. Hiller. Is it possible that sources within the FBI were also talking to Mayor Giuliani?

Mr. McCabe. It's possible, yes.

Mr. Hiller. Was Director Comey aware of those statements at the

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time?

Ms. Anderson. Again, you are asking --

Mr. McCabe. I couldn't answer that. I don't know what Director Comey knew.

Mr. Hiller. Do you believe these leaks -- not leaks, these unauthorized disclosures of information, came predominantly from the same individual or same group of individuals?

Mr. McCabe. I don't know the answer to that.

Mr. Hiller. Do you believe these leaks -- these unauthorized disclosures of information came largely from the New York field office?

Ms. Anderson. Asking for more speculation. This is not a productive line of inquiry.

Mr. McCabe. I don't know. I don't know that.

Mr. Hiller. What did the New York field office do with Anthony Wiener's computer from October 2, or from whenever in early October you informed them to take those additional steps, until October 30, when they obtained a search warrant to actually go into that laptop and do forensic work?

Mr. McCabe. I don't know specifically what they did during that time. I reengaged on the issue the beginning of that last week in October. So what was the 27 -- probably 24, something like that, of October, in or around that time period, when I was asked about it by someone at the Department of Justice.

Mr. Hiller. And when you reengaged, had they, in fact, done any forensic work yet?

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Mr. McCabe. Not that I am aware of.

Mr. Hiller. Why not?

Mr. McCabe. I don't know. I don't know. It was essentially it came back to my attention, and I asked my team what's -- kind of what's going on with that? I need a status on this, on the matter.

Mr. Hiller. Do you believe the delay was deliberate?

Mr. McCabe. I don't have any reason to believe there was a deliberate delay.

Mr. Hiller. On October 29, 2016, the day after Director Comey wrote to the Hill, The New York Times reported that, quote, "Although Mr. Comey told Congress this summer that the Clinton investigation was complete, he believed that if word of the new emails leaked out, and it was sure to leak out, he concluded, he risked being accused of misleading Congress." Did you read that article?

Mr. McCabe. I don't remember.

Mr. Hiller. Is that account accurate?

Mr. McCabe. I was not discussing this matter with Director Comey at that time. So I can't tell you exactly what was going into his decision-making.

Mr. Hiller. Was word of the new emails sure to leak out? Was it likely?

Mr. McCabe. You are asking me to speculate. That's hard for me to do. A lot of things were leaking out. That was our perception at that time.

Mr. Hiller. Was any part of the FBI's decision to send us the

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October 28 letter wanting to reopen the investigation based, in part, on the threat of unauthorized disclosures of information like the ones you described in the email there?

Mr. McCabe. I can't answer that question.

Ms. Anderson. Mr. McCabe has already testified he was not involved in that decision.

Ms. Sachsman Grooms. Thank you very much.

Mr. McCabe. Sure. Thank you.

Chairman Goodlatte. Mr. McCabe, it's been 9 hours and 25 minutes since you arrived here this morning. And we thank you for being very, very generous with your time, and for answering our questions. We may have additional questions. We certainly will submit some related to the documents we discussed earlier in writing, and we may submit some to you in writing as well. We hope you will answer those promptly. And again, thank you for giving us an entire day of your life.

Mr. McCabe. Sir, I understand you have important work to do. I have tried to answer each and every one of your questions in the most complete and transparent way that I possibly can. I know that my recollections are not perfect about events that took place quite some ago in a very busy period. For that, I apologize. But it's my pleasure to try to help you with that work in any way that I can.

Chairman Goodlatte. Thank you.

Ms. Anderson. Before we conclude, I have one request for the record, which is, Chairman Goodlatte, at the beginning of the

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interview, you mentioned the confidentiality of the interview. Mr. McCabe, in his testimony, has identified a number of FBI personnel who have little, if any, relationship to the matter at hand, who are not SES level employees. They are on the GS scale. I am not quite sure what their pay grade is. But I would ask on behalf of the FBI that you respect the confidentiality with respect to those individuals' names.

Chairman Goodlatte. I agree with that statement, not just with regard to those names, but the testimony of Mr. McCabe was taken under confidential circumstances, and it should remain in that fashion until some discussion about disposition of this entire investigation takes place.

Mr. Meadows. And I would reiterate for the record, if you become aware or you hear of questions that have -- here is what I would ask of you, if you will let both chairmen know if you get inquiries from reporters with specificity that would indicate that there is a leak that has come from this particular confidential inquiry, if you would please let certainly the ranking members and the chairmen know so that we can hopefully adjust that, because confidentiality is a key component of this.

Mr. McCabe. Yes, sir.

Chairman Goodlatte. Thank you.

Ms. Jackson Lee. If I might add our appreciation. I heard what you said about your recollection. Thank you for cooperating with us. And for members on the Oversight and Judiciary Committee, Democratic

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members, we thank you for appearing here. And we may have an opportunity to hear from you again, because I believe what we should be doing is not speculation, but to act on facts. And so, I thank you for giving us some foundation to begin to continue our work based on facts, and to answer questions, but most importantly, not choose to select special counsels based on bias and opinion, but based on the law, and based on the facts. So thank you for contributing to that process. Thank you for your service again.

Mr. McCabe. Thank you.

Chairman Goodlatte. I want to thank all of the Department of Justice and Federal Bureau of Investigation staff who accompany you here today as well. Thank you.

Mr. McCabe. As do I. Thank you very much.

Chairman Goodlatte. With that, the transcribed interview is concluded.

[Whereupon, at 7:29 p.m., the interview was concluded.]

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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



COMMITTEE ON THE JUDICIARY,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: PETER STRZOK

Wednesday, June 27, 2018

Washington, D.C.

The interview in the above matter was held in Room 2141, Rayburn

House Office Building, commencing at 10:05 a.m.

Mr. Somers. Good morning. This is a transcribed interview of Peter Strzok, the former Deputy Assistant Director of the FBI's Counterintelligence Division.

Chairman Goodlatte and Chairman Gowdy requested this interview as part of a joint investigation by the House Judiciary Committee and the House Committee on Oversight and Government Reform to conduct oversight into Department of Justice's investigation of former Secretary Clinton's handling of classified information and related matters.

Would the witness please state his name and position at the FBI for the record?

Mr. Strzok. Peter Strzok, Deputy Assistant Director, Human Resources Division.

Mr. Somers. I want to thank you for appearing here today voluntarily, and we appreciate your willingness to do so.

My name is Zachary Somers, and I am the majority general counsel for the Judiciary Committee.

I will now ask everyone else who is here in the room to introduce themselves for the record, starting to my right with Arthur Baker, who will be leading the questioning for today.

Mr. Baker. Arthur Baker, investigative counsel, House Judiciary Committee majority staff.

Mr. Parmiter. I'm Robert Parmiter, chief counsel for Crime and Terrorism, House Judiciary Committee majority.

Mr. Breitenbach. Ryan Breitenbach, senior counsel, House Judiciary majority.

Mr. Ratcliffe. Congressman John Ratcliffe, representing the Fourth District of Texas.

Mr. Castor. Steve Castor with the Committee on Oversight and Government Reform, the majority staff.

Mr. Jordan. Jim Jordan, Fourth District of Ohio.

(b)(6),(b)(7)(C) per FBI FBI OCA.

(b)(6),(b)(7)(C) per FBI associate general counsel, FBI OGC.

Ms. Besse. Cecelia Besse, acting deputy general counsel, FBI OGC.

Mr. Goelman. Aitan Goelman, attorney for Special Agent Strzok.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, OGR minority.

Ms. Adamu. Marta Adamu, OGR minority.

Ms. Wasz Piper. Lyla Wasz Piper, Judiciary minority.

Mr. Hiller. Aaron Hiller, Judiciary minority.

Ms. Hariharan. Arya Hariharan, OGR minority.

Ms. Kim. Janet Kim, OGR minority.

Ms. Shen. Valerie Shen, Oversight minority.

Mr. Lieu. Ted Lieu, southern California.

Mr. Krishnamoorthi. Raja Krishnamoorthi, Illinois.

Mr. Dalton. Jason Dalton, FBI congressional affairs.

Chairman Goodlatte. Bob Goodlatte, chairman, House Judiciary.

Ms. Husband. Shelley Husband, Judiciary Committee minority.

Ms. Clarke. Sheria Clarke, Oversight and Government Reform

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majority.

Mr. Brebbia. Sean Brebbia, OGR majority.

Mr. Buddharaju. Anudeep Buddharaju, House Oversight majority staff.

Ms. Green. Meghan Green, OGR majority.

Mr. Marino. Congressman Tom Marino, Pennsylvania 10 and member of the Judiciary Committee.

Mr. Johnson. Mike Johnson, Louisiana Four.

Mr. Biggs. Andy Biggs, Arizona.

Mr. Swalwell. Eric Swalwell, California.

Mr. Nadler. Jerry Nadler, ranking Democrat on the Judiciary Committee.

Mr. Deutch. Ted Deutch from Florida.

Mr. Cohen. Steve Cohen from Memphis.

Mr. King. Steve King, Iowa Four, House Judiciary Committee.

Mr. Gohmert. Louie Gohmert, Judiciary Committee, First District of Texas.

Mr. Massie. Thomas Massie, OGR, Kentucky.

Mr. Gaetz. Matt Gaetz, First District of Florida, Judiciary.

Mr. Somers. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I'll go over.

Our questioning will proceed in rounds. The majority will ask questions for the first hour, and then the minority will have the opportunity to ask questions for an equal period of time if they so

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choose. We will go back and forth in this manner until there are no more questions and the interview is over.

Although a subpoena was issued, as I noted earlier, Mr. Strzok is appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that Mr. Strzok declines to answer our questions or if counsel instructs him not to answer, we will consider whether we need to proceed under our subpoena.

Typically, we take a short break at the end of each hour of questioning, but if you would like to take an additional break apart from that, please let us know. We will also take a break for lunch at the appropriate point in time.

As you can see, there is an official reporter taking down everything we say to make a written record, so we ask that you give verbal responses to all questions. Do you understand this?

Mr. Strzok. I do.

Mr. Somers. So that the reporter can take down a clear record, we will do our best to limit the number of Members and staff directing questions at you during any given hour to just those Members and staff whose turn it is. It is important that we don't talk over one another or interrupt each other if we can help it.

Both committees encourage witnesses who appear for transcribed interviews to freely consult with counsel if they so choose. And you're appearing with counsel today.

Could you please state your name and position for the record, Mr.

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Goelman?

Mr. Goelman. Aitan Goleman, counsel for Special Agent Strzok.

Mr. Somers. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time. If you have any questions or if you do not understand one of our questions, please just let us know.

If you honestly don't know the answer to a question or if you do not remember, it is best not to guess. Please just give us your best recollection. And it is okay to tell us if you learned the information from someone else. Just indicate how you came to know the information.

If there are things you don't know or can't remember, just say so, and please inform us who, to the best of your knowledge, might be able to provide a more complete answer to the question.

Mr. Strzok, you should also understand that, although this interview is not under oath, you are required by law to answer questions from Congress truthfully. Do you understand that?

Mr. Strzok. I do.

Mr. Somers. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Mr. Strzok. I do.

Mr. Somers. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Mr. Strzok. I do.

Mr. Somers. Is there any reason you are unable to provide

truthful answers to today's questions?

Mr. Strzok. No.

Mr. Somers. Finally, I would like to note, as the chairman of the Judiciary Committee stated at the outset of our first transcribed interview in this investigation, the content of what we discuss here today is confidential. Chairman Goodlatte and Chairman Gowdy ask that you do not speak about what we discuss in this interview to anyone not present here today to preserve the integrity of our investigation. This confidentiality rule applies to everyone present in the room today.

This is the end of my preamble. Do you have any questions before we begin?

Mr. Goelman. No questions. I just have a few brief comments for the record.

As you indicated, Special Agent Strzok is here voluntarily and of his own free will.

You stated that the committee anticipates that he's going to give complete answers to every question asked. Special Agent Strzok hopes that he can answer every question asked by the committee. He has no intention of invoking his Fifth Amendment right to remain silent.

There are certain questions that he is not going to be able to answer, and I just want to enumerate those categories and explain why.

Any questions that breach a testimonial privilege, like the attorney client privilege. I understand that the committee purports that these privileges do not apply in the committee testimony. I don't



think that's the law, and I will be instructing Special Agent Strzok not to answer any questions that breach those privileges.

If there are questions to which the answers impinge on FBI equities, Special Agent Strzok will follow the instructions of agency counsel who are here at the table.

If there are questions to which the answers would contain classified information, Special Agent Strzok will be unable to provide that information since Federal law prohibits divulging classified information in an unclassified setting, which my understanding is this is.

Finally, all of Special Agent Strzok's answers here will be truthful and accurate to the best of his recollection. Regrettably, this committee's insistence that Special Agent Strzok testify this week, despite first contacting us last week and despite declining to provide us with a complete list of expected subject areas of questioning, has made it impossible for Special Agent Strzok to prepare as thoroughly as we would have liked a dynamic that was exacerbated by Special Agent Strzok's difficulty in accessing some of his FBI materials because of the suspension of his security clearance, which was only restored a couple days ago.

For these reasons, while Special Agent Strzok will answer questions to the best of his recollection sitting here today, some of his answers will not be as precise or fulsome as they would be had the committee not insisted on taking his testimony this week.

Mr. Somers. I would just note for the record and then we'll

leave it at that that the committee has requested, maybe not of you, but we have requested Mr. Strzok's appearance before the committee for quite some time now. And I would just you can have your admonition about it, and I'll have mine.

And I will turn it over now to Mr. Baker to begin the first round of questioning. The time is 10:15.

Mr. Baker. Thank you.

Mr. Swalwell. Can I ask a quick point of order, Mr. Chairman? Why is the witness not under oath?

Chairman Goodlatte. Because it's a voluntary interview.

Mr. Swalwell. But if it's a penalty to lie to Congress anyway, what's the difference? It's just better for the committee if the witness is under oath, isn't it?

Chairman Goodlatte. I'll ask counsel to explain the difference between the two processes, but if he had appeared under subpoena, he would be sworn in under oath and it would be a different process followed.

But I'm going to defer to Mr. Somers.

Mr. Swalwell. I only bring this up because I've heard in the past that when Secretary Clinton was interviewed by the FBI, she wasn't under oath, and that was used as an attack against her. And I just want to make sure that it's clear. Is the witness being offered to go under oath?

Mr. Somers. It is the practice of both committees, OGR and Judiciary, not to swear witnesses for transcribed interviews. We

would if

Mr. Swalwell. So that's your decision, not the witness's.

Mr. Somers. That's the committees' practice. It's not my decision; it's the practice of

Mr. Swalwell. But it's not the witness's decision. I just want to make sure.

Mr. Somers. I do not know what the witness's preference is. We did not ask him. That's not the practice of either committee.

Mr. Goelman. Just for the record, the witness is willing to be sworn and willing to testify without being sworn as per the committees' practice.

Mr. Somers. All right. Well, let's go ahead and start this. The time is now 10:15.

Mr. Baker. Okay. Just a quick reminder for folks that are participating from the table: Be cognizant of the microphones when you speak. Either bring them forward or lean forward, just to make sure that what you're saying is heard by the folks that are doing the transcription and for the people that are participating from a place other than the table.

#### EXAMINATION

BY MR. BAKER:

Q Good morning, Mr. Strzok. Just as a very preliminary matter, what is the correct pronunciation of your name? I've heard it all different ways. I know you said it earlier, but I'd like you to just set the record straight on that.

A "Struck" is the correct pronunciation.

Q Okay. And you are a special agent with the Federal Bureau of Investigation.

A Yes.

Q When did you enter on duty with the Bureau?

A I entered on duty with the Bureau in September of 1996.

Q 1996. You are currently at the rank of Deputy Assistant Director. Is that correct?

A That's correct.

Q And a Deputy Assistant Director in the FBI is a fairly high rank, as I understand it.

A I would call it a midlevel senior executive.

Q Okay. So you are a member of the Senior Executive Service.

A I am.

Q And prior to your current assignment in the Human Resources Division, you were in the Counterintelligence Division?

A Yes.

Q So, in the Counterintelligence Division, as a Deputy Assistant Director, who do you answer to? What is the rank structure in that division?

A So, within the Counterintelligence Division, my boss is Assistant Director, currently held by Bill Priestap. And then Counterintelligence Division is part of the National Security Branch, headed currently by Executive Assistant Director Carl Ghattas.

Q Okay. And who does an Executive Assistant Director report

to?

A The Deputy Director.

Q So an EAD is fairly high up in the pecking order.

A Yes.

Q The Assistant Director below that is who you answer to.

A That's correct.

Q And then who answers to you? Who is below you in the structure?

A You're asking in the Counterintelligence Division?

Q In Counterintelligence.

Mr. Somers. We can't hear you down at this end of the table. If you could move the mike a little closer to you.

Mr. Strzok. So, within the Counterintelligence Division, there were a variety of section chiefs. I don't know if the organization chart is classified, so let me try and see if I can answer that in way.

Mr. Baker. Just in general.

Mr. Strzok. that satisfies your information.

There are a variety of sections, which are headed by Senior Executive Service section chiefs, which address a variety of threats globally from a counterintelligence perspective. Those are both by region as well as by nature of the threat.

So there are three Deputy Assistant Directors within the Counterintelligence Division. My branch at the time had, I believe let's see, two, three, four five or six section chiefs who handled a variety of both geographic/regional threats as well as

topical threats.

BY MR. BAKER:

Q Okay. Before you were promoted to Deputy Assistant Director, you, yourself, were a section chief.

A That's correct.

Q And what section did you supervise?

A The espionage section.

Q Okay.

Very generally and very succinctly, what does the Counterintelligence Division do? What does a counterintelligence agent do? I mean, in an unclassified just for people that might not understand what the difference in those types of investigations are from someone who's maybe working bank robberies.

A Absolutely. So there's a blend of both intelligence type work and investigations that go on as well as criminal work. The way the Bureau looks at counterintelligence is, broadly, any foreign adversary, any foreign nation who is working to clandestinely work against American interests, whether that is the Government of America, the executive branch, the legislative branch, or into areas of private industry through things like economic espionage.

So the mission of the FBI domestically is to protect America, not only the government but America broadly, against any number of foreign actors the Government of China, the Government of Russia, anybody who has a foreign intelligence service working against us.

Q Okay. And part of those investigations, especially in your

role in the counterespionage section, could some of those investigations involve employees of the Federal Government?

A Yes.

Q Okay. And that would be for espionage?

A Espionage, leaks of information to the media. You know, I could envision, kind of, one off esoteric scenarios involving economic espionage, but those

Q Okay.

A would be the primary

Q So the subjects of your investigations are not always just foreign actors. They could be employees that are possibly recruited or of interest by those foreign actors.

A Yes, that's correct.

Q Okay.

What did you do to prepare for your appearance and interview today?

A I reviewed material in the possession of the FBI. I worked with counsel. And, yes, again, reviewing those materials that were online through, you know, things that were released via FOIA or produced to Congress that were made public.

Q Have you met recently, either in preparation for this interview or for any reason, with any FBI employees or former employees that have come before the committee to be interviewed?

A For the purpose of preparation?

Q No. For any reason.

A Yes.

Q And who was that?

A John Giacalone I met probably 1 1/2, 2 weeks ago for lunch.

Q And what is his role in the FBI?

A He is a retired Executive Assistant Director.

Q Did you report to him at all during the investigation that we're going to pivot to very

A In a two layers removed place, yes.

Q So he was an EAD at the beginning of this investigation that was code name Midyear.

A Yes.

Q And your role at the very beginning was at what rank?

A I was an Assistant Special Agent in Charge in the Washington field office when I Midyear predated it started before I became involved.

Q Okay.

A lot of the questions we'll ask today and I'll just get this out of the way you've probably already been asked, you've probably already answered. Some have been reported in the media. But, as you're aware, the Judiciary Committee and the Oversight and Government Reform Committee are conducting their own investigation, and it's prudent for any investigator to give a de novo look at all the evidence. That's why we've requested and reviewed documents. That's why we're bringing witnesses in here and asking some of the questions you've probably already been asked.



Within the last week or 2 weeks, there was media reporting that you were escorted out of the FBI building and that your security clearances were suspended. Is that correct?

A Yes. I would add, they are reinstated as of this last weekend for the purpose of allowing me to review material in the FBI's possession and appear here today.

Q So they were reinstated for the purpose of today's appearance, not for the purpose of your position at the FBI.

A I do not know the entirety of the reasons they were reinstated. One of the reasons that I am aware of is that they were reinstated so that I could review that material and appear here today.

Q Okay.

You may not know the answer to this, but I'm very curious. You have been I mean, at some point and we'll get into this later you were transferred from the Counterintelligence Division to the Human Resources Division, but you've been in place during the pendency of the various investigations, the various media reporting, significantly, during the Inspector General's investigation. You've been in place and doing Bureau business, different than what you were used to doing, but still on the rolls and in the building doing things.

What has happened recently that the FBI management, executive management, felt there was a need to have you removed from the building?

A So, two answers to that. One, answering it would call for speculation. And the second thing is my understanding of the FBI's personal disciplinary process is one which I'm bound by

confidentiality, and I can't talk about what I do know.

Q Okay. But you are still an FBI employee.

A I am.

Q Have you been proposed for any discipline, or that's under review?

A Again, I can't get my understanding is I can't get into discussion about the particulars of the disciplinary process.

Q But you are currently a paid FBI employee.

A Yes, I am.

Q Okay. So you are not suspended in any way.

A Well, my I am suspended from I can't I'm not able to report for work within the FBI building, but that's a function of what's going on with the security process. But beyond that, I don't think I can comment on the process.

Q Okay. So you're not in the building because your clearances have been suspended, not because you're under any kind of discipline that's already been handed out.

A My understanding is that I cannot go into the building because my clearances are suspended.

Q Okay. And do you have any idea what the duration of the suspension for clearances will be, other than this temporary one?

A I don't.

Q Okay.

Mr. Jordan. Could we have we're still having trouble hearing. Can we have the witness, just if you wouldn't mind, Mr. Strzok, just

really no, just pull the mike right up like that. That way, we can hear down here. Thank you.

BY MR. BREITENBACH:

Q You have been informed why you were walked out and why you have lost your security clearance?

A I have been told that my security clearance has been suspended.

Q But have you been given the reasons as to why it was suspended?

A I think getting into the reasons gets into the area of confidentiality that

Q I understand, but were you told by the Bureau

A I have been informed within the process and procedures of the FBI disciplinary process those elements that employees are told about. And I'm not my understanding is I'm not at liberty to further discuss that.

Q Okay.

BY MR. BAKER:

Q And you've been given no timetable as to how long it would take whoever is reviewing your clearances for a resolution of that matter.

A I have not.

Q And no idea why all of a sudden this became an issue. Because you've been in place, doing essentially FBI function, although in a different division, during the pendency of the various investigations,

and it hasn't been an issue up until now.

A I'm sorry, what's the there are a couple of issue questions in there. What's

Q Your clearances haven't been an issue during the pendency of the Inspector General's report and the various other reports, but all of a sudden it seems like something happened, that you have been taken out of the building and your clearances revoked, that whatever happened didn't happen during all of this time that the investigations have been going on.

A Right. My understanding is that is part of the Bureau's disciplinary process.

Q Okay.

What was your role actually, before we get to that, have you always been a counterintelligence agent? Have you worked other violations, or that has pretty much been your career?

A No, I started as an analyst working domestic terrorism and weapons of mass destruction related to domestic terrorism. As a first office agent, I worked national security matters broadly. That was largely counterintelligence but not exclusively CI. I did some terrorism work as well.

Q On your way from new agent out of Quantico to Deputy Assistant Director, in addition to substantive expertise in terrorism, counterintelligence, I believe you have probably, to get to a DAD rank, you have probably also been required to do various managerial things and to accomplish certain managerial milestones in a career development

program. Is that correct?

A Yes.

Q As part of that, you have had various lower level supervisory roles, evaluated and promoted to other supervisory roles. Correct?

A Yes.

Q And part of that has been, I am assuming, but correct me, you have done inspections of other field offices, other headquarter entities, other FBI entities.

A Yes.

Q And an inspection involves you going in and taking a step back, looking at and analyzing another office, another FBI entity, another agent's work to make sure it's in compliance with the law, in compliance with administrative guidelines, and ultimately looking to see if the resources, human and monetary resources, put into that investigation are, ultimately, at the end of your inspection, efficient and effective. Is that correct?

A Yes.

Q So my point in all of that is, because of you doing all that, you are uniquely qualified as a Deputy Assistant Director to look at an investigation, to run an investigation, to participate in the investigation of an investigation, because you have a really good handle on what an investigation is supposed to look like based on your investigative experience and your managerial experience. You've been trained to evaluate programs. You'll know what a good investigation should look like. Is that correct?

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A I would not say it's unique, but I would say that is true. It is true, I would say, of people who have gone through that path and done those things and arrived at the same position.

Q Okay.

So, as it pertains to the investigation known as Midyear Exam, what was your role in that?

I'm sure it changed, or you can correct me if it didn't, but my understanding with that and any investigation, it's opened up, and then, once people actually start looking at it, it evolves to either what you thought it might evolve to when you first looked at it or maybe something different based on facts and circumstances that you see.

What was your initial role in Midyear Exam?

A My initial role, I was an Assistant Special Agent in Charge at FBI's Washington field office. The case had been opened out of headquarters by then Assistant Director Coleman. I know Section Chief Sandy Kable was also involved in the effort.

At some point, I would say months in, maybe less than 2 months, but certainly after some time of running, they reached out to the FBI's Washington field office and said they needed greater staffing based on what they were looking at, based on some of the investigative steps that were under consideration, that they wanted to bring in field elements to work on that investigation.

And so that was my first exposure to it and my entry into the investigation.

Q So why would this matter or this case have been opened up

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by FBI headquarters as the office of origin, for lack of a better term, and not opened up at the Washington field office?

A I don't know, because I was not present when it occurred. My understanding is that decision was made by senior executives at the FBI, certainly at and likely above Assistant Director Coleman's level. But I don't know what the reasoning or discussion was as to why that occurred.

Q In the normal course of business, would a case have been opened up at the Washington field office as the office of origin?

A The typical I don't know how to define normal for you. The ordinary course of business is that cases are opened up out of field offices and run and supervised there. I am also aware of circumstances where cases are opened and or have been opened and run out of FBI headquarters.

Q Okay. So this was not the first time that a case had been opened and run from headquarters.

A That's correct.

Q But, in the normal course of business, it's kind of unusual.

A Again, saying something's normal course of business and then saying something's unusual are, kind of, differences. It is not the typical case, but this was not the first, in my experience.

Q Okay.

How did it come to be that this particular case was classified in the Bureau's classification system as to where the case would land, where it would ultimately be investigated from, how was it that it was

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classified as a counterintelligence matter versus something maybe on the criminal side of the house, a public corruption case or something like that? How did it end up in Counterintelligence?

A I don't know. That was a decision made before and above my level.

Q Would it be that any matter relating to, in very general terms, a spillage of potentially classified information, that is where that particular investigation or any potential criminal violations that went with that, that's just where those matters would be investigated from?

A Well, we don't investigate spills of classified information. That's typically an administrative process is followed. For any potentially criminal matters involving classified information, that is typically within the arena of the Counterintelligence Division.

Q Okay.

BY MR. BREITENBACH:

Q Going back real quickly, you mentioned you were ASAC of WFO when the investigation began.

A That's correct.

Q Who was the Assistant Director in Charge of WFO at the time?

A I believe that was then Assistant Director Andy McCabe, but I'm not I would have to refresh my recollection. I know he was there at some point during that time at WFO, but when I first became aware of it, I'd need to check notes and material.

Q Were you the only agent at the time at WFO that was brought



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over to headquarters to work the case?

A No.

Q Are you aware of how many agents in total were brought over from WFO?

A I am I could be aware with a review of materials. Speaking from recollection and this is going to be kind of vague there was a supervisory special agent, a significant portion of his squad made up of both agents and analysts, augmented by various computer forensic personnel, analytic personnel. So, roughly and it varied throughout the course of the investigation, anywhere from 10 to 20 WFO personnel.

But that's a vague recollection, and I wouldn't want to say I'm absolutely certain about that number.

Q So Mr. McCabe, running the office in the Washington field office, would he be aware why individuals were leaving WFO to go to headquarters to run a case?

A My recollection in this case is that he was not. I would defer to my boss, the I think it was SAC Greg Cox, I believe about any discussions, but I did not have a discussion with Mr. McCabe about what we were doing at headquarters.

Q So you left WFO, went to headquarters. You did not discuss the reasons why you were leaving an office to go to headquarters with Mr. McCabe.

A My recollection is I did not discuss with Mr. McCabe the reasons why the team was going to WFO or from WFO to headquarters.

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BY MR. BAKER:

Q We've entertained some questions and tried to figure out what the term means that has been associated with this particular investigation, a "special," a "headquarters special." What is that designation as it is assigned to an investigation that the FBI is doing?

A So I think "special" is a term that was used in previous, earlier Bureau times. And that was something where a task force would be created, my recollection is, that there was frequently with a special a particular costing and administrative process would be set up so that resources could be tracked and funded as part of supporting that special.

Again, my recollection is that was something that was done much earlier in the FBI and that we don't tend to the formal structure of a special is not the same as, you know, kind of, the colloquial use of it.

So I certainly have heard that used. I would say it is more accurate simply to say that it was an investigation where the personnel were at FBI headquarters, they were largely made up of Washington field and FBI headquarters personnel.

Q So, to be clear, it sounds like the term "special," either in an older FBI, and maybe the term has just carried over, it meant how something administratively was done with the case, not the subject matter of the case.

A Both. I mean, typically, I think it was an administrative process, but there was also a recognition that, you know, if there was

a major terrorist event or if there was a major kidnapping or violent crime or something, where you were creating an investigation that merited a special process, which I can't define to you today. I'm sure if we pulled out an old MAOP or MIOG, documents that haven't existed for 20 years, they might define "special," but it was a not unprecedented practice to create an entity like that to investigate.

Q So you were recruited for the Midyear Exam investigation? Did they solicit applications? How did you come to be on the team?

A My understanding is that Assistant Director Coleman asked for me and a team to come over. But that is that's secondhand information. I don't know that Mr. Coleman ever told me I don't know that I know exactly how it came to be that I was selected and directed to go to headquarters.

Q I have heard that you are regarded as the number one counterintelligence agent in the world. Comment on that?

A That's kind for whoever said it. I believe there are a number of very competent, qualified FBI agents who have spent their careers working counterintelligence, love the work, love protecting America, and I would count myself in that group.

Q So you would be a logical resource for the FBI to go to for a matter that ended up in the Counterintelligence Division.

A Yes.

Q At any time, either yourself or anybody else that came onto the team, was there any assessment, other than your expertise in

particular violations, was there ever an assessment of political bias or political activity beyond what would just be normal for a rank and file employee anywhere, to, you know, go and vote or participate in the process like that?

A Are you asking were political beliefs taken into account in a staffing perspective?

Q Yes.

A No, they were not.

Q Okay.

What was your understanding, in general terms for now, of what the Midyear Exam investigation was about? You're on it now; what's it about?

A My understanding, broadly, was at least, one, whether or not classified information came to be placed on Secretary Clinton's servers and email accounts; if so, how that came to be; and, if so, whether or not that information had been compromised or otherwise accessed by a foreign power.

Q Okay.

We're going to get back to that in a little while. I want to pivot just briefly. This is something that's been widely, widely reported, but I have a question beyond, I think, what the obvious interest in the media has been, and I think you're uniquely qualified to answer that.

It's been widely reported the Inspector General's report makes a reference to it, so I'm assuming it's true you were involved in

an extramarital affair at the Bureau.

A Yes.

Q In your role as a counterintelligence expert, is an extramarital affair and I mean that in its truest sense, not known by the spouse is that a situation, a scenario, that makes the person committing or involved in the affair vulnerable to potential recruitment by a hostile intelligence service?

A Yeah, I don't think I would characterize it that way. I think it is not so much any particular action as it is the way that action might be used to coerce or otherwise get somebody to do something. I can tell you in no way would that extramarital affair have any power in coercing me to do anything other than obeying the law and doing honest, competent investigation.

Q But it would be something that an intelligence service, if they're looking for a vulnerability, if they're looking for someone that is an employee of the U.S. Government doing the sensitive types of investigations that the FBI does if there were a recruitment effort or a desire by a hostile service to penetrate that particular government entity, would that be a vulnerability that they would look at and assess to potentially try to exploit?

A I think there are a variety of factors that would be looked at by any government to again, the issue is not the particular activity but the way in which those activities or desires might be used to persuade or coerce somebody to work for a foreign intelligence service.

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Q You were never approached by a foreign intelligence service?

A No.

Q Hypothetically, if you were, with the affair pending over you, and that is what the intelligence service brought or assessed to be a vulnerability, how would you respond?

A I would absolutely respond not, you know and, well, getting into, you know, terms of art here. One argument is you would tell the service, "Let me get back to you." I would immediately go report that to my superiors and see how they wanted to follow up. But it is I absolutely would not have been vulnerable or even let alone consider any sort of recruitment attempt.

Q Okay. Were

Mr. Ratcliffe. May I jump in?

Mr. Baker. Yes, sir.

Mr. Ratcliffe. Agent Strzok, a number of us have other obligations today, so we'll be coming back and forth and may not be able to hear the entirety of your testimony. So I wanted to make sure I get to a couple of things before some Members have to leave.

We'll come back to the Midyear Exam, but, just chronologically, I'm trying to get a picture of the roles that you played throughout all of the investigations that are subject to our jurisdiction that we're asking questions about.

So, in addition to the Midyear Exam, you were involved in an investigation regarding potential Russian interference into our election, correct?

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Mr. Strzok. Yes.

Mr. Ratcliffe. Okay. And when did that begin?

Mr. Strzok. It began in late July of 2017.

Mr. Ratcliffe. Okay. And was

Mr. Strzok. I'm sorry, '16.

Mr. Ratcliffe. 2016. And is that the investigation that's referred to by code name Crossfire Hurricane?

Mr. Strzok. Sir, I can't get into that in an unclassified setting.

Mr. Ratcliffe. Okay. Can you tell us when you first learned about that investigation?

Mr. Strzok. Yes. At the same time it was opened, in late July of 2016.

Mr. Ratcliffe. Okay. And what was your initial role with respect to that investigation?

Mr. Strzok. My initial role was as a supervisor over a series of subordinate supervisors and elements who were conducting the investigation. At the time, I was a section chief and was shortly thereafter promoted to Deputy Assistant Director.

Mr. Ratcliffe. Okay. It's been reported that that investigation began on or about July 27th of 2016.

Mr. Strzok. I don't think the specific date has been declassified.

Mr. Ratcliffe. Okay. It has also been reported that you were in charge of leading that investigation. Is that a

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fair characterization?

Mr. Strzok. I would say I was among the leadership structure. I was one of the senior leaders. But the investigative structure involved, certainly, subordinate supervisors and subordinate supervisors to them, as well as case agents and analysts. Me, AD Priestap were all involved in a leadership capacity.

Mr. Ratcliffe. Would you have been involved in putting together an investigative plan?

Mr. Strzok. Yes.

Mr. Ratcliffe. Would you have been in charge or played a role in managing confidential human sources?

Mr. Strzok. Typically that's done at a lower supervisory level.

Mr. Ratcliffe. Typically it is, but

Mr. Strzok. Yes, and in this case it was.

Mr. Ratcliffe. Okay.

So what was your official title with respect to the Russia investigation?

Mr. Strzok. My title was first initially as the Section Chief of the Counterespionage Section and later as the Deputy Assistant Director of Branch 1 of the Counterintelligence Division.

Mr. Ratcliffe. Section Chief, and then became what?

Mr. Strzok. Deputy Assistant Director.

Mr. Ratcliffe. And when did that change take place, and why did it take place?

Mr. Strzok. Sir, I was promoted I believe it was October of

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that year. It might have been September. I would have to check my personnel records.

Mr. Ratcliffe. Okay.

Did you open what we would refer to as the Russia investigation?

Mr. Strzok. I can't answer that in an unclassified setting.

Mr. Ratcliffe. How long were you on what we're calling the Russia investigation?

Mr. Strzok. Well, so, I would correct your use of the word "on." It was an area of which elements were under my subordinate supervisor's supervision for the pendency of my time in Counterintelligence Division and work at the special counsel's office.

Mr. Ratcliffe. Okay. So, at some point you mentioned special counsel. At what point were you assigned to, or were you assigned to, the special counsel investigation?

Mr. Strzok. I was assigned to the investigation in the and, again, I don't have the specific dates, but it was shortly after the establishment of the office. If memory serves, it was the late well, I'm sure it was the late spring of 2017, but I don't have a specific date.

Mr. Ratcliffe. Yeah, May 17 of 2017 is the order appointing Special Counsel

Mr. Strzok. It was after that.

Mr. Ratcliffe. Mueller. How soon after?

Mr. Strzok. Again, my recollection is probably within a month, but I am not certain about that. Shortly after the creation, but it

was certainly weeks after the creation.

Mr. Ratcliffe. And were you part of the initial group of folks that were assigned to the special counsel, or were you added to the special counsel probe?

Mr. Strzok. Again, "initial" is a kind of ill defined word. I was not the first person assigned. I was in the I wouldn't be able to tell you sequentially how people were assigned, but I was assigned, I would say, relatively early in the process.

Mr. Ratcliffe. Okay. You mentioned earlier Ms. Page, Lisa Page. Was she assigned before or after you?

Mr. Strzok. I believe she was assigned before.

Mr. Ratcliffe. Do you know if her involvement had anything to do with your addition to the special counsel team?

Mr. Strzok. I don't know. I don't believe so.

Mr. Ratcliffe. Okay. Who was it that approached you about being appointed to or involved with the special counsel investigation?

Mr. Strzok. I don't remember specifically who. I remember that was a combination of discussions between special counsel staff, the special counsel, and the FBI, but I don't recall who it was who first approached me about that.

Mr. Ratcliffe. At that point in time, was the Russia investigation still active?

Mr. Strzok. Yes.

Mr. Ratcliffe. Okay. Were you still one of the folks leading that investigation?

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Mr. Strzok. I was one of the people involved in the leadership structure of that, yes.

Mr. Ratcliffe. Okay. And is it fair for me to say, if you were involved in the leadership structure, that you were involved in taking actions and making decisions regarding the gathering or collecting of evidence or information?

Mr. Strzok. Yes. And I would add to that, sir, that it's what's difficult here in an unclassified setting is to explain the structure of things. And so, without getting into any classified territory, I think it would be fair to say that I certainly had a supervisory role but there were a variety of other people who were involved in supervisory roles.

Mr. Ratcliffe. So explain for us how, if at all, the information that was gathered, evidence that was gathered or collected that we've just talked about from the Russia investigation became part of the special counsel investigation.

Mr. Strzok. I don't think I can answer that in an unclassified setting. I can tell you that FBI rules and policies and procedures were followed throughout the conduct of the investigation.

Mr. Swalwell. Mr. Chairman, a point of order. If we can make the room right this room is a SCIF and go into a classified setting, I'd move that we do that if the testimony is calling for

Chairman Goodlatte. Rather than going in and out, I would ask you to remember what questions are asked that require a classified setting, and then we can address that further on in the process.

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Mr. Ratcliffe. But you can, without getting into the details, you can confirm that evidence or information from the Russia investigation ultimately became part of the special counsel investigation.

Mr. Strzok. I'm concerned both from a classification perspective as well as I defer to Bureau counsel about whether or not we want to get into a discussion about ongoing investigations, and I'm not certain the Bureau wants that.

Mr. Ratcliffe. Again, I'm not getting into the specifics of the information, but I think it's important for everyone to understand the connection, if there is one, between the Russia investigation and the special counsel matter, in which you obviously were involved with both.

Ms. Besse. Congressman, to the extent that he may be, sort of, encroaching on the special counsel territory, I think he's going to be very cautious.

Mr. Ratcliffe. I have no problem with that. Alls I'm asking for is confirmation that the work that was done, whatever that work was done he's related decisions were made, actions were taken, evidence was gathered and collected that the sum and substance of that, at least in part, transferred over or became part of the consideration of the special counsel.

Ms. Besse. To the extent you know the answer, Pete.

Mr. Strzok. I so would you restate the question?

Mr. Ratcliffe. Yeah. I'm just asking you to confirm whether the information or evidence that was gathered and collected as part of the

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Russia investigation, where you were making decisions and taking actions, whether any of that became part of the special counsel's probe and consideration.

Mr. Strzok. Yes.

Mr. Ratcliffe. All right.

So, when you became part of the special counsel team sometime in May of 2017, how long did you continue and in what role?

Mr. Strzok. I was there until the beginning of August. I was the kind of, essentially the one of the lead agents involved in the office.

Mr. Ratcliffe. Lead agents?

Mr. Strzok. In more of a kind of supervisory oversight. There were and, again, I don't want to get into specifics of staffing, but my role was at a more senior level than I'm pausing because I do not want to talk about

Mr. Ratcliffe. Let me ask you this.

Mr. Strzok. the special counsel's staffing structure.

Mr. Ratcliffe. Were the actions that you were taking and the decisions you were making in the special counsel probe similar to or consistent with the same ones that you had been taking in the Russia investigation?

Mr. Strzok. No. I would say they were reduced, in as much as the special counsel and the structure of that office was more one it was my analogy is, you know, kind of, in the conduct of a criminal investigation, there comes a point where the agent's role lowers and

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the attorney's role rises, that the special agent or that the special counsel's office and the attorneys were in more of a leadership role of that process.

Mr. Ratcliffe. Okay.

The Inspector General report indicates that you were removed from the special counsel investigation team on or about August 27th of 2017. Does that date sound correct?

Mr. Strzok. No. I think it was earlier.

Mr. Ratcliffe. Okay. Do you know well, tell us the circumstances by which you were removed, to the best of your recollection and understanding.

Mr. Strzok. My recollection is that there was a brief discussion between me, the special counsel, and one of his attorneys, a discussion of his desire and, you know, expression that he thought it would be appropriate for me to return to the FBI.

Mr. Ratcliffe. Okay. So a brief conversation with the special counsel and his attorney?

Mr. Strzok. No, not one of his one of the staff of the special counsel's office.

Mr. Ratcliffe. Who was that?

Mr. Strzok. I would defer to the special counsel to discuss the matters within his administration of that office.

Mr. Ratcliffe. Okay. But when you say the special counsel, you're referring to Robert Mueller.

Mr. Strzok. I am.

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Mr. Ratcliffe. So you had a brief conversation with Robert Mueller about your removal from his investigative team.

Mr. Strzok. I did.

Mr. Ratcliffe. Okay. On or about what date?

Mr. Strzok. Again, sir, it is knowable, so if I refresh my recollection with my calendar but my recollection is it was in the early August timeframe.

Mr. Ratcliffe. Okay. How long was that brief conversation, to the best of your recollection?

Mr. Strzok. I don't recall. Less than 30 minutes, more than I don't recall.

Mr. Ratcliffe. All right. In the less than 30 minutes that you talked with Special Counsel Mueller, did he give you reasons why you were being removed?

Mr. Strzok. We discussed generally the existence of the text messages.

Mr. Ratcliffe. And what do you remember about the conversation as it pertained to the text messages?

Mr. Strzok. My recollection was there was a sense of regret. There was a sense that Special Counsel Mueller absolutely wanted to run an investigation that was not only independent but also presented the appearance of independence, and the concern that these texts might be construed otherwise. And that was the substance of it.

Mr. Ratcliffe. Okay. In that less than 30 minute conversation with Special Counsel Mueller, did you review any of the individual

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texts?

Mr. Strzok. No.

Mr. Ratcliffe. Did Special Counsel Mueller or the other lawyer, who you can't recall or that you defer did you say you couldn't recall?

Mr. Strzok. Oh, I recall. I defer to the special counsel for discussions of personnel.

Mr. Ratcliffe. There were two, a special counsel and a lawyer from the investigative

Mr. Strzok. That's correct.

Mr. Ratcliffe. Okay. Did either one of them ask you about any individual or specific texts?

Mr. Strzok. No.

Mr. Ratcliffe. Did either one of them ask you whether or not the well, first of all, let me just generally do you think it's fair, as these texts have been characterized, do you think it's fair to say that there were hateful texts with respect to Donald Trump?

Mr. Strzok. I wouldn't call them hateful. I would call them an expression of personal belief in an individual conversation with a close associate.

Mr. Ratcliffe. Did you have any discussion with Special Counsel Mueller or the other attorney about whether or not those text messages reflected bias or prejudice against Donald Trump?

Mr. Strzok. No.

Mr. Ratcliffe. Did Special Counsel Mueller or the other attorney



in the room ask you whether or not your expression of personal belief about Donald Trump influenced any of the actions or decisions that you had taken or any of the evidence or information that you had gathered?

Mr. Strzok. No.

Mr. Ratcliffe. In looking at the specific texts, on August 6th of 2016, one of the texts that you sent to Ms. Page, you said, "F Trump." Do you recall that?

Mr. Strzok. I recall reading that. I don't recall specifically sending that. But I've read it, yes.

Mr. Ratcliffe. Do you have any reason to doubt the veracity of that text?

Mr. Strzok. I do not.

Mr. Ratcliffe. Okay.

So did Special Counsel Mueller or anyone with the special counsel investigative team make any inquiry as to whether or not any bias or prejudice reflected in that text that I just referred to impacted any actions or decisions or the manner in which the evidence you gathered, that information was affected?

Mr. Strzok. So, if you're asking whether or not any if any of my personal beliefs ever influenced any

Mr. Ratcliffe. No, I'm asking you

Mr. Strzok. official action, the answer to that is never.

Mr. Ratcliffe. I'm not asking that question. I'm asking you whether the special counsel or anyone with the special counsel's investigative team made inquiry to you whether or not any bias or

prejudice that would be reflected in the text "F Trump" impacted any actions that you took, any decisions you made, any information or evidence that you gathered.

Mr. Strzok. No.

Mr. Ratcliffe. All right.

That very same day, you sent a text message to Ms. Page saying that you can protect the country at many levels. Do you recall that?

Mr. Strzok. Sir, I think that is chronologically, I think that was earlier than the August 2017 timeframe.

Mr. Ratcliffe. No, it was August do you all have a copy of the text messages? I can provide

Mr. Strzok. Right, but I believe that's a full year prior, sir, not 2017.

Mr. Ratcliffe. Oh, okay. Yeah. August 6th of 2016, you sent a text message that said, I can protect the country at many levels.

Mr. Strzok. That was a that is part of a larger text, yes.

Mr. Ratcliffe. Okay. Did Special Counsel Mueller or anyone with the special counsel investigative team make any inquiry to you as to what you meant by that?

Mr. Strzok. No.

Mr. Ratcliffe. Did they make any inquiry as to whether or not, when you said I can protect the country at many levels, that reflected any bias or prejudice against Donald Trump?

Mr. Strzok. Did they ask?

Mr. Ratcliffe. Yes.

Mr. Strzok. No.

Mr. Ratcliffe. Did Special Counsel Mueller or anyone on the investigative team ask you whether or not what you stated in that text message in any way impacted the actions or decisions that you took or the manner in which you collected evidence or information?

Mr. Strzok. No.

Mr. Ratcliffe. On August 8th of 2016, in response to a text message from Lisa Page making inquiry as to whether or not Donald Trump would become President, you responded, "No. No, he's not. We'll stop it." Correct?

Mr. Strzok. Yes.

Mr. Ratcliffe. Did Special Counsel Mueller or anyone with the special counsel investigative team make any inquiry as to whether or not what is reflected in that text impacted your actions or decisions or the manner in which you collected evidence either as part of the Russia investigation or during your involvement with the special counsel team?

Mr. Strzok. No.

Mr. Ratcliffe. On August 15th of 2016, you sent a text message to Ms. Page saying, "I want to believe the path that you set forth in Andy's office but feel we can't take that risk." Do you remember saying that?

Mr. Strzok. I remember reading the text and having that refresh my memory.

Mr. Ratcliffe. You don't have any reason to doubt the veracity

of that text.

Mr. Strzok. No, I do not.

Mr. Ratcliffe. All right. And is the risk that you were talking about the risk of a Trump Presidency?

Mr. Strzok. It is not.

Mr. Ratcliffe. What was the risk that was reflected in that?

Mr. Strzok. My recollection of that discussion was that we had received information from a very sensitive source alleging collusion between the Government of Russia and members of the Trump campaign.

As is frequently the case in counterintelligence investigations and any national security investigations, there's a tension between the protection of a sensitive source and method and pursuing the investigation related to that information.

Mr. Ratcliffe. Okay.

Mr. Strzok. There was a debate if I may, sir, finish, because it's important to understanding the context of what I said.

The debate was how aggressively to pursue investigation, given that aggressive pursuit might put that intelligence source at risk. And there were some who looked and said, well, the polls are overwhelmingly in Secretary Clinton's favor; we can not risk this source by just not really investigating that aggressively.

And my perspective was, you know, we need to do our job. We're the FBI. We need to investigate. The country deserves this. If there is a problem within the membership of the Trump campaign, that, if they are elected, that those people might be named to senior national

security positions, and that is something, certainly, that the American people deserve and, indeed, candidate Trump might want to know.

So my use of the phrase "insurance policy" was simply to say, while the polls or people might think it is less likely that then candidate Trump would be elected, that should not influence that should not get in the way of us doing our job responsibly to protect the national security.

Mr. Ratcliffe. Okay. So who was the source of that information, and when did you receive it?

Mr. Strzok. Sir, I can't get into that in an open setting.

Mr. Ratcliffe. Well, you were asked about this text message by the Inspector General, correct?

Mr. Strzok. I was.

Mr. Ratcliffe. And the Inspector General also asked you whether or not it was reasonable for people to assume that the risk that you were talking about was Donald Trump, based in light or based upon other messages, text messages, that you sent about Donald Trump, correct?

Mr. Strzok. I don't remember the exact I don't remember the phrasing and questions from the Inspector General.

Mr. Ratcliffe. Do you remember telling the Inspector General that you thought it would be reasonable for people to have that assumption based on the other text messages that you sent about Mr. Trump?

Mr. Strzok. I absolutely, whatever is recorded in his report and

my transcript, would agree with, but I would say that there are a variety of interpretations. What I'm telling you, because I wrote it, it means we need to err on the side of aggressively investigating this and not just, you know

Mr. Ratcliffe. I understand that, but I'm asking you, do you think it's reasonable for other people to have a different interpretation of what you meant by that when they read it in context with other text messages?

Mr. Strzok. I think it's reasonable that people would have any number of interpretations of things.

Mr. Ratcliffe. Okay. And what you're telling us, though, is that Robert Mueller didn't make inquiry into either of those, yours or anyone else's interpretation.

Mr. Strzok. I don't know what he did or didn't do. I can only speak to what he talked or asked me.

Mr. Ratcliffe. Right. Well, you're the only one that would be able to give that interpretation, right?

Mr. Strzok. Sir, I don't know who he might have, between the IG or anybody else, who he might have spoken to. I can tell you, with regard to me, he did not.

Mr. Ratcliffe. Right. So he didn't even make inquiry.

Mr. Strzok. With me, he did not ask.

Mr. Ratcliffe. All right.

When you joined the special counsel investigative team, shortly before you did, you sent a text message to Lisa Page where you talked

about unfinished business and the need to fix it and finish it.

Did Special Counsel Mueller or anyone on the special counsel investigative team make any inquiry to you as to whether or not that text message related to Donald Trump?

Mr. Strzok. No.

Mr. Ratcliffe. Did it relate to Donald Trump?

Mr. Strzok. Sir, in my recollection, that referred to a much broader effort of the Government of Russia to interfere with our Presidential election. I saw that, from our observation, from information from the U.S. intelligence community that has since been declassified, that the Government of Russia, in social media and other places, were making use of the Clinton investigation in a way to disrupt our election.

[11:05 a.m.]

Mr. Strzok. I was concerned in that context that the work that we had done that was professional and extraordinary and complete was being twisted and turned in a way by a foreign adversary to undermine our electoral process.

And so, as I looked at that going on, as I looked at my background on the Midyear case and my career's work against hostile foreign powers, I wanted to my sense was I wanted to continue the work of making sure that, in fact, the Government of Russia would not be successful in interfering with our election, that they would not be successful in using the investigative results of the FBI with regard to the Clinton server.

Mr. Ratcliffe. Well, I know a lot of Members are going to have questions regarding what you meant by that, but, again, to be clear, Special Counsel Mueller and no one on his investigative team just heard the explanation that you gave for what that text message meant because they didn't ask about it, right?

Mr. Strzok. That's a two part question. They did not ask about it of me; I don't know what they heard.

Mr. Ratcliffe. Okay. That same day, you talked about an investigation leading to impeachment. Are we talking about impeachment of Donald Trump?

Mr. Strzok. I don't yes. I don't know if it was the same day, but I defer to your notes.

Mr. Ratcliffe. I'll represent to you that it's a text message



dated May 18 of 2017. Did Special Counsel Mueller or anyone on the special counsel investigative team make an inquiry to you as to whether or not your reference to impeachment related to Donald Trump?

Mr. Strzok. No.

Mr. Ratcliffe. Did they make any inquiry as to whether or not the text message that you sent that you sent talking about the impeachment of Donald Trump in any way impacted the actions or decisions that you took or the manner in which you had gathered evidence, either in the Russia investigation or as part of Robert Mueller's special counsel team?

Mr. Strzok. No.

Mr. Ratcliffe. On that same day, May 18, 2017, in the text message to Ms. Page, you talked about whether or not to join the special counsel investigative team and said, "If I thought it was likely" let me read it to you exactly because I don't want to paraphrase.

You said: You and I both know the odds are nothing. If I thought it was likely, I'd be there, no question. I hesitate in part because of my gut sense and concern there's no big "there" there.

Do you remember sending that text message?

Mr. Strzok. I don't remember sending it, but I have I believe it to be true and my words.

Mr. Ratcliffe. Okay. The odds are nothing about what?

Mr. Strzok. So my recollection, my thought at the time was we had a credible allegation that the Government of Russia had offered assistance to elements and members of the Trump team to in the

election.

Our look, which was still ongoing and, I believe to be still ongoing, it was not clear to me based on the investigators' skepticism whether we didn't know what we had, whether this was a large coordinated activity, whether this was a group of people pursuing their own agendas or, you know, their own motivations or desires and not knowing at that point whether or not what that interaction might have been or what it was.

Mr. Ratcliffe. So you said

Mr. Meadows. Can I ask one clarification?

Mr. Ratcliffe. Yeah, you can.

Mr. Meadows. You indicated that there was evidence. There was evidence that Russia was trying to do it. There was no evidence the other way around. Is that correct?

Mr. Strzok. Sir, the

Mr. Meadows. I want you to be clear in that Russia was trying.

Mr. Strzok. I understand your question, and I can't answer with a specificity that you would like in an unclassified setting.

Mr. Meadows. Well, you just answered with specificity the other way. So I guess what I'm saying is, based on what I know, I want to give you a chance to clarify the record.

Mr. Strzok. Absolutely, sir. And what I would tell you is, my statements my recollection just now is that I was talking about the initial allegations that we had received that have been talked about and described.

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Mr. Meadows. That Russia was trying to interfere?

Mr. Strzok. Right. And what I don't want to do, though, is to extrapolate into our your second question, which is whether or not there was any reciprocity because there's a difference between the sum and substance of the initial

Mr. Meadows. But you were extrapolating based on your answer, so and, again, I'm just trying to get clarification.

Mr. Goelman. Yeah. If you'd like clarification, I'd ask the Congressman to allow the witness to finish his answer.

Mr. Strzok. So, sir, I would as to the second question as to whether or not there was information about whether elements of the Trump campaign were themselves engaging in that, I can't answer that in an unclassified setting, and furthermore, I don't think the FBI or special counsel would want me commenting on ongoing investigations.

Mr. Ratcliffe. You said in response to the question that I asked that you you said: We didn't know what we had.

That was after 9 months of your involvement in the Russia investigation, correct?

Mr. Strzok. Yeah. I I'm going to take your representation that it's 9 months, but yes.

Mr. Ratcliffe. Okay.

Mr. Strzok. I don't anyway, but it was after it was after the initiation of the Russia investigation.

Mr. Ratcliffe. Okay. So you went on to say that you were concerned that there's no big "there" there. What did that mean?

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Mr. Strzok. What I just said, that I think at that point, at the early stage of the investigation, there were a variety of things going on, and it was not clear to me what that represented, whether it was the activities of a group of individuals or something larger or more coordinated or, in fact, nothing at all, which is frequently the case in early stages of the investigation. I think it was less than 9 months, sir, but I defer to the record.

Mr. Ratcliffe. Okay. But you didn't say, "I'm not sure there's no big 'there' there"; you said, "I'm concerned there's no big 'there' there."

Mr. Strzok. Yes.

Mr. Ratcliffe. "Concern" is worry.

Mr. Strzok. "Concern," I think, I would take a different context of that. "Concern" is in regard to what my choice of whether or not I wanted to stay as a Deputy Assistant Director in the Counterintelligence Division, whether I wanted to go and work for the special counsel, which of those were a did a provided more of an opportunity for me to protect the Nation. And so "concern" is not I would not use "concern" in the way that you're inferring.

Mr. Ratcliffe. Okay.

Mr. Strzok. I understand it's my word, but I'm telling you that's not what I meant

Mr. Ratcliffe. Right. It's your word, and do you think it's an unreasonable interpretation, in the context of the other text messages that you sent about Donald Trump, that folks might think that you were

rooting against him?

Mr. Strzok. No, I don't think in the context of that conversation or that text that it is I think it's very reasonable to believe the truth, which is that I was not sure whether or not I should go to special counsel or remain at the FBI.

Mr. Ratcliffe. Okay. So what did Special Counsel Mueller or anyone on his investigative team ask you about what you meant when you said that?

Mr. Strzok. They did not.

Mr. Ratcliffe. Made no inquiry as to whether or not the bias or prejudice against Donald Trump that may be reflected in that in any way impacted the decisions that you made, the actions that you took, or the evidence that you gathered as part of the Russia investigation or as part of his special counsel investigative team?

Mr. Strzok. Sir, I'd push back on your characterization that that reflected bias. I don't believe that's the case at all. But in answer to your question of whether or not they asked me about it, they did not.

Mr. Ratcliffe. Fair enough.

Four days later, on May 22, you sent Ms. Page, in response to her sending you a Washington Post article, your response was: God, I suddenly want on this. You know why.

Tell us what you meant when you said that.

Mr. Strzok. I don't recall sitting here now what I meant. My inference looking at that was that it was based on some investigative

event that happened, but I don't recall what it was.

Mr. Ratcliffe. Did it have anything to do with wanting on it so that because you thought it might lead to Donald Trump being impeached?

Mr. Strzok. No, not at all. My desire has always been kind of cases that are interesting, cases that are important to national security. It has nothing to do with the individual or the party of the individual. It is driven by my my career has been driven by where I can best protect the national security of the United States.

Mr. Ratcliffe. Okay. So did Bob Mueller ask you if that's what you meant by that?

Mr. Strzok. No.

Mr. Ratcliffe. Anyone on his investigative team?

Mr. Strzok. No.

Mr. Ratcliffe. Okay. So just to because our time is about expired here for this first hour, is it fair to say that, again, to recap, about these text messages that Special Counsel Mueller and/or anyone on Special Mueller Special Counsel Mueller's investigative team never made inquiry as to whether these text messages reflected bias or prejudice against Donald Trump or asked you whether or not they impacted the actions or decisions that you took or the information that you gathered in the Russia investigation or as part of the special counsel probe?

Mr. Strzok. So your first question, I don't know who they did or did not ask. I can tell you in answer to your second question, they

did not ask me.

Mr. Ratcliffe. All right. And did Special Counsel Mueller or anyone on the Special Counsel Mueller's investigative team ever ask you whether any hatred or any, as you characterize it, expression of personal belief about Donald Trump ever impacted any of the actions or decisions you took or any of the evidence or information you collected?

Mr. Strzok. No.

Mr. Ratcliffe. I think our time has expired.

Mr. Breitenbach. We will take a 5 minute break and come back on with the minority.

[Recess.]

[11:30 a.m.]

Ms. Kim. We will now go back on the record. The time is 11:30.

EXAMINATION

BY MS. KIM:

Q Mr. Strzok, thank you for being here today. My name is Janet Kim. I'm a counsel with Ranking Member Elijah Cummings of the House Oversight Committee. I will be asking you some questions, and we also have many Members here who are interested in speaking with you today.

I'd like to go back to something a dialogue that you were having with Mr. Ratcliffe about your performance on Mr. Mueller's investigation. So, in your conversation where Special Counsel Mueller and you agreed that it was time for you to go back to the FBI, was there a mutual understanding between the two of you that you, Mr. Strzok, did not believe that your personal, political views expressed in those text messages impacted your work in any way?

A I can't speak to whether or not it was mutual. I certainly believe and know that my personal beliefs never impacted any action that I took as an FBI agent.

Q Have your personal political views ever affected any action you've taken?

A They have not.

Q Thank you.

Mr. Nadler, I think if you're ready.

Mr. Nadler. I am. Thank you.

Mr. Strzok, in March 2017, Director Comey disclosed in public



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testimony that the FBI had begun investigation into, quote, "the Russian Government's efforts to interfere in the 2016 Presidential election," close quote, including, quote, "the nature of any links between individuals associated with the Trump campaign and the Russian Government and whether there was any coordination between the campaign and Russia's efforts," close quote.

We now know the investigation began before the election in July of 2016. But no news of that investigation regarding President Trump's campaign leaked out to the press. Were you aware of this investigation before the election?

Mr. Strzok. I was.

Mr. Nadler. Was Lisa Page?

Mr. Strzok. She was.

Mr. Nadler. Andrew McCabe?

Mr. Strzok. He was?

Mr. Nadler. James Comey?

Mr. Strzok. Yes?

Mr. Nadler. Approximately how many FBI officials were aware of this investigation before the election?

Mr. Strzok. Sir, I would I would estimate between 15 to 30. But that's an estimate.

Mr. Nadler. Okay. That's fine. Are you aware of any FBI officials leaking information about this investigation before the election?

Mr. Strzok. No.

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Mr. Nadler. Did you make any disclosures about this investigation to the press or the public before election day?

Mr. Strzok. No.

Mr. Nadler. Why not?

Mr. Strzok. That would have been improper. We don't talk about pending investigations. We don't talk about investigations.

Mr. Nadler. How do you think a disclosure to the press or to the public would have impacted Donald Trump's electoral prospects?

Mr. Strzok. I think it would have had an adverse impact on his electoral chances.

Mr. Nadler. If someone at the FBI was trying to stop Donald Trump from being elected President, do you think they would have publicly disclosed that his campaign was under investigation for potentially colluding with Russian Government actors?

Mr. Strzok. That might be one way they would seek to impact it.

Mr. Nadler. But to your knowledge, no one at the FBI did disclose this fact publicly, correct?

Mr. Strzok. Correct.

Mr. Nadler. Would you consider this strong evidence that there was not a deep state conspiracy at the FBI to stop Donald Trump from being elected?

Mr. Strzok. Sir, I can both tell you that it would be strong evidence and, in fact, there was no conspiracy to stop candidate Trump from being President.

Mr. Nadler. And this would be strong evidence of that

proposition?

Mr. Strzok. Yes, sir.

Mr. Nadler. And was this also strong evidence that you personally were not trying to stop Donald Trump from being elected President?

Mr. Strzok. Yes, sir.

Mr. Nadler. Why didn't the FBI disclose the existence of this investigation before election day?

Mr. Strzok. It was a pending counterintelligence matter, both because we don't talk about pending investigations generally and, specifically, those that relate to counterintelligence matters, we don't discuss them.

Mr. Nadler. Do you recall the specific discussion about whether or not to publicly disclose the existence of the Trump investigation before the 2016 election?

Mr. Strzok. I don't recall one. I recall a variety of discussions about how to potentially publicly address the various efforts that the Government of Russia was making to interfere with the election.

Mr. Nadler. But not a discussion of revealing the investigation of possible collusion with the Trump campaign?

Mr. Strzok. There was a discussion or series of discussions, to my recollection, about how to appropriately and aggressively investigate them and what that path might look like, but not specifically to publicly disclose them.

COMMITTEE SENSITIVE

Mr. Nadler. Okay. Do you recall when Director Comey made the decision to disclose the existence of the investigation into the Trump campaign?

Mr. Strzok. I don't know specifically when he decided. But there were discussions with Mr. Comey and his senior staff that I participated in, and I'm sure others that I didn't, about whether or not to do that as part of the appearance before Congress in making that known to Congress, but I don't know when that occurred.

Mr. Nadler. Now, Mr. McCabe's deposition to us states as follows, quote: Well, I think eventually we had that discussion because eventually we made that decision, and the Director sought and received the Department's authorization to make that investigation public in March of 2017, close quote.

Do you know why Director Comey made the decision to disclose this in March 2017?

Mr. Strzok. I don't know why.

Mr. Nadler. Or what events occurred that led to that specific timing?

Mr. Strzok. That timing, I think, was in the context of the broad efforts that were going on with regard to the Government of Russia's intrusion into our election process. I don't recall sitting here what it was that specifically precipitated that decision in the March timeframe.

Mr. Nadler. Okay. March 2017 timeframe?

Mr. Strzok. Yes, sir.

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Mr. Nadler. Now, Mr. Strzok, there have been many public criticisms coming from all sides against former FBI Director James Comey and the decisions that he made in the handling of the Clinton investigation. However, the President and other Republicans have gone well beyond that and have made extremely serious allegations that attack Director Comey's fundamental honesty and integrity or even accuse him of committing crimes. I'd like to go through some of them with you now to see if you can shed some light.

Last week, after the inspector general released its report on the FBI's handling of the Clinton email investigation, the President's personal attorney Rudy Giuliani went on FOX News and stated, quote: Peter Strzok was running the Hillary information. That's a total fix. That's a closed book now, total fix. Comey should go to jail for that and Strzok. Let's investigate the investigators. Let's take a halt to the Mueller investigation, unquote.

First, just to be clear, was the Hillary Clinton email investigation a total fix?

Mr. Strzok. Not at all.

Mr. Nadler. Do you believe Director Comey should, quote, "go to jail for that"?

Mr. Strzok. No.

Mr. Nadler. Do you believe you should go to jail for that?

Mr. Strzok. No.

Mr. Nadler. Has the inspector general accused you of any criminal behavior?

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Mr. Strzok. No.

Mr. Nadler. Has anything Director Comey said or done indicate there should be a halt to the Mueller investigation?

Mr. Strzok. No.

Mr. Nadler. After the inspector general's report President Trump also stated, quote: I think Comey was the ring leader of this whole, you know, den of thieves. They were plotting against my election, close quote.

Was Director Comey a ring leader of a den of thieves who was plotting against Donald Trump during the election?

Mr. Strzok. No.

Mr. Nadler. Do you have any reason to believe Director Comey was plotting against Donald Trump during the election?

Mr. Strzok. No.

Mr. Nadler. On April 13th of this year, 2018, President Trump also tweeted, quote: James Comey's a proven leaker and liar. Virtually everyone in Washington thought he should be fired for the terrible job he did until he was, in fact, fired. He leaked classified information for which he should be prosecuted. He lied to Congress under oath, close quote.

Do you believe Director Comey's a proven liar?

Mr. Strzok. No.

Mr. Nadler. Why not?

Mr. Strzok. My experience and information I have, I have not seen any statement that he's made that was untrue.

COMMITTEE SENSITIVE

Mr. Nadler. Are you aware of Director Comey ever lying to Congress under oath?

Mr. Strzok. No.

Mr. Nadler. Has Director Comey ever lied to you?

Mr. Strzok. No, not to my knowledge.

Mr. Nadler. Are you aware of any instances of Director Comey lying?

Mr. Strzok. I'm not.

Mr. Nadler. Mr. Strzok, are you familiar with Director Comey's testimony before the Senate Select Committee on Intelligence on June 8th, 2017?

Mr. Strzok. Generally, yes.

Mr. Nadler. Okay.

Mr. Strzok. And, sir, I'd say, there were a variety of testimonial settings where Director Comey was coming to the Hill between the Intel, the Gang of Eight, and others, so they all kind of blur together at this time.

Mr. Nadler. It's okay.

Did you generally find that Director Comey's descriptions of events in his written and oral testimony were consistent with the contemporaneous descriptions that he shared with you at the time of those events?

Mr. Strzok. Yes.

Mr. Nadler. Do you believe that Director Comey accurately shared with the Senate Intelligence Committee his memory of his interactions

with President Trump to the best of his recollection?

Mr. Strzok. As I understand that testimony, yes.

Mr. Nadler. Did you find that Director Comey's descriptions of his meetings with President Trump were consistent with the descriptions he shared with you immediately after his meetings with President Trump?

Mr. Strzok. Again, to the extent I was aware of any of those interactions, yes.

Mr. Nadler. Overall, do you have any reason to doubt the accuracy of Director Comey's oral or written testimony or representation of the facts from when he was the FBI Director?

Mr. Strzok. No.

Mr. Nadler. Mr. Strzok, I have attended every interview in this investigation. Actually, I'm not sure that's let me take that back.

Let me just say, your opinion, as far as I know, is consistent with that of every FBI employee who has come before you. Director Comey is an honest person, and there's no reason that he should not be a credible witness for the special counsel. That's correct, is it not?

Mr. Strzok. Yes, it is.

Mr. Nadler. Thank you on that.

Now, when did you join the special counsel's probe?

Mr. Strzok. Again, it was my recollection is that it was the late spring, early summer of 2017.

Mr. Nadler. And what were your responsibilities on the special counsel's team?



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Mr. Strzok. I was the lead agent, and that's not to say case agent or investigator but kind of putting together the FBI's structure within that office.

Mr. Nadler. And when did you first learn that the IG's office was examining your texts with Lisa Page?

Mr. Strzok. My recollection is that it was sometime between late July or early August of that year.

Mr. Nadler. And when were you removed from Special Counsel Mueller's probe?

Mr. Strzok. Shortly thereafter.

Mr. Nadler. So far, Special Counsel Mueller's probe has resulted in 18 indictments against 20 individuals and 3 companies, cataloging 75 criminal acts. Five different individuals have so far pled guilty. Were you involved in the prosecutorial decisions that resulted in these indictments and guilty pleas?

Mr. Strzok. I would defer to the special counsel's office to talk about the process that they went through with prosecution decisions. Generally, prosecution decisions are made by the prosecutors, but I don't want to comment on the process that Special Counsel Mueller did or didn't use. I defer to them to describe that.

Mr. Nadler. Okay. And what would you say to those who allege that the special counsel's probe has become irredeemably tainted because you and Lisa Page were once a part of the Russia investigation?

Mr. Strzok. I'd say that is utterly nonsense.

Mr. Nadler. Because?

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Mr. Strzok. Because, first of all, I never, ever considered or let alone did any act which was based on any personal belief. My actions were always guided by the pursuit of the truth, and moreover, anything I did was done in the context of a much broader organization. It was done with other agents, with agents and analysts below me, with agents and analysts above me, with the rules and regulations that govern everything we do in the FBI.

And so I think when you look at the totality of what occurred, the procedures that were followed, demonstrably followed and followed in accordance with law and our procedures, they were complete. They were thorough. They were absolutely done with no motive other than a pursuit of the truth.

And I think the fact that you, as you noted, without getting into any details about what the special counsel is or isn't doing, simply the public record of the charges and guilty pleas speak for themselves.

Mr. Nadler. Thank you very much. I'll now hand over the questioning to Congressman Krishnamoorthi.

Mr. Krishnamoorthi. Good morning.

Mr. Strzok. Good morning, sir.

Mr. Krishnamoorthi. Thank you so much.

Mr. Strzok, as you as I am sure you're aware, there has been a litany of attacks from the highest levels of government accusing the FBI and DOJ of conducting investigations driven by political bias instead of just facts and the rule of law. The question is this: Are you aware of any FBI or DOJ investigations motivated by political bias?

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Mr. Strzok. I'm not.

Mr. Krishnamoorthi. Why not?

Mr. Strzok. That's not who we are. That is not my decades of FBI experience, we are driven by a pursuit of the truth. Just as I would never allow any personal opinion or belief to drive an action, I wouldn't tolerate it in others, and that is a the code of the Bureau. And what distresses me the most are people's suggestion that the FBI is the sort of place where that even could possibly occur is destructive to the rule of law and the mission of the FBI to protect the United States.

Mr. Krishnamoorthi. On February 2nd, 2018, President Trump tweeted, quote: The top leadership and investigators of the FBI and Justice Department have politicized the sacred investigative process in favor of Democrats and against Republicans, something which would have been unthinkable just a short time ago. Rank and file are great people, exclamation point.

The question is this: Do you agree that the top leadership and investigators of the FBI and the Justice Department have politicized the sacred investigative process in favor of Democrats and against Republicans?

Mr. Strzok. No.

Mr. Krishnamoorthi. Throughout your career at the FBI, are you aware of any instances of the FBI conducting investigations in favor of Democrats and against Republicans?

Mr. Strzok. No.

Mr. Krishnamoorthi. Are any investigations staffed based on whether you're a Democrat or Republican?

Mr. Strzok. No.

Mr. Krishnamoorthi. Are you aware of any actions ever taken to damage the Trump campaign at the highest levels of the Department of Justice or the FBI?

Mr. Strzok. No.

Mr. Krishnamoorthi. Are you aware of any actions ever taken to personally target Mr. Trump at the highest levels of the Department of Justice or the FBI?

Mr. Strzok. No.

Mr. Krishnamoorthi. By the way, how many people were on the Hillary Clinton investigation?

Mr. Strzok. It varied. I would say it would range between 20 to 30 at a minimum and 60 to 70 at the highest point.

Mr. Krishnamoorthi. Thank you.

Is there any evidence that the FBI or DOJ had any officials that took any actions biased in favor of Clinton?

Mr. Strzok. No.

Mr. Krishnamoorthi. Is there any evidence that President Obama ordered any investigative activity that was biased in favor of Clinton or, alternatively, biased against President Trump?

Mr. Strzok. To my knowledge, no.

Mr. Krishnamoorthi. Is there any evidence that President Obama ordered a wiretap of Donald Trump or the Trump campaign?

Mr. Strzok. To my knowledge, no.

Mr. Krishnamoorthi. I've been troubled by escalating attacks against the DOJ and the FBI, attacks against the independence of the institutions, the integrity of their employees, and the legitimacy of the DOJ's and FBI's investigations. I want to ask you about some of these statements and get your personal reaction.

On December 3, 2017, the President tweeted, quote: After years of Comey, with the phony and dishonest Clinton investigation and more running the FBI, its reputation is in tatters. Worst in history, exclamation point. But fear not; we will bring it back to greatness.

Question: Do you agree with the President's statement that the FBI's reputation is in, quote/unquote, "tatters" and is in and it is the, quote/unquote, "worst in history"?

Mr. Strzok. No.

Mr. Krishnamoorthi. Do you agree with the President's characterization that the Clinton investigation was, quote, "phony and dishonest," closed quote?

Mr. Strzok. No.

Mr. Krishnamoorthi. In your opinion, what kind of impact does statements like these have on the morale of rank and file FBI agents?

Mr. Strzok. I think they are terribly destructive. I think the FBI is an extraordinarily competent, proud, and vital part of the protection of the rule of law in this country, and I think those are harmful statements.

Mr. Krishnamoorthi. When you say "they're terribly destructive," what do you mean? How does that impact your work?

Mr. Strzok. I think it has a variety of impacts. I think, certainly, the impact on public faith and confidence of the FBI and its ability to do its job; I think an impact on the morale of the men and women of the FBI who are doing extraordinary work, as they always have done.

Mr. Krishnamoorthi. Now, I know that the FBI is going to continue to do its job and the men and women of the FBI will continue to do their jobs. But did you personally see morale erode as the President made such tweets?

Mr. Strzok. I think it is fair to say that the politicized situation in which we find ourselves has been very difficult amongst the men and women of the FBI.

Mr. Krishnamoorthi. At the White House press briefing, the day after Director Comey was fired, Sarah Huckabee Sanders stated that the termination happened because, and I quote: Most importantly, the rank and file of the FBI had lost confidence in their Director.

This is the question: Looking back on the lead up to Director Comey's dismissal, do you agree with Ms. Sanders that the rank and file of the FBI had lost confidence in Director Comey?

Mr. Strzok. I do not.

Mr. Krishnamoorthi. What was your reaction when you learned that Director Comey was fired?

Mr. Strzok. I was stunned. I found it hard to believe that

something like that would happen, and particularly in the graceless way that it happened was shocking to me.

Mr. Krishnamoorthi. What do you mean "graceless way"? Can you explain?

Mr. Strzok. My understanding from media reports is that he learned about it from a news feed while he was in Los Angeles field office, and I regardless of belief or opinion of anybody, that a career public servant would be treated in that way was stunning to me.

Mr. Krishnamoorthi. What was the reaction of FBI agents with whom you spoke regarding the firing of Director Comey?

Mr. Strzok. I believe the consensus of the people that I spoke with and was aware of is that people were surprised and stunned.

Mr. Krishnamoorthi. On that same day, President Trump tweeted, quote: James Comey will be replaced by someone who will do a far better job bringing back the spirit and prestige of the FBI.

Question is this: Did you agree with the President's assertion that there was some problem with the spirit and prestige of the FBI under Director Comey?

Mr. Strzok. No.

Mr. Krishnamoorthi. Why not?

Mr. Strzok. Because my experience throughout my career at the FBI to this day is that the spirit and the prestige of the FBI is strong, that the men and women of the FBI believe in their mission, are extraordinarily competent, and people of character and integrity, and that that did not and has not wavered.

Mr. Krishnamoorthi. And how long have you been at the FBI?

Mr. Strzok. I've been at the FBI for just under 22 years.

Mr. Krishnamoorthi. Following the inspector general's report, President Trump has stated, and I quote: I think Comey was the ring leader of this whole, you know, den of thieves. They were plotting against my election.

Question: Do you have any reason to believe the FBI is a, quote, "den of thieves," closed quote?

Mr. Strzok. No.

Mr. Krishnamoorthi. Why not?

Mr. Strzok. Because it's not. Again, the men and women of the FBI have sworn an oath to uphold and defend the Constitution. My experience is that is not that is something that they live every day, and it is a hall of honor, not at all the opposite of some sort of den of thieves.

Mr. Krishnamoorthi. Did you personally witness anyone at the FBI attempting to plot against Donald Trump's election?

Mr. Strzok. No.

Mr. Krishnamoorthi. Okay. Thank you. I'm going to turn it over to my colleagues. Thank you.

Ms. Jackson Lee. Good morning.

Mr. Strzok. Good morning.

Ms. Jackson Lee. I'm Congresswoman Sheila Jackson Lee. None of us have probably said where we're from. I'm from Houston, Texas, and have been a member of this committee for a long period of time.



I'll note that you are an Army veteran or a veteran of a branch, correct?

Mr. Strzok. Yes, ma'am.

Ms. Jackson Lee. And it is your view, as I understand it and not put words in your mouth, your view of the Bureau and its service to this Nation, how do you view the Bureau now?

Mr. Strzok. I love the Bureau. I think the role of the Bureau is of extraordinary importance to the FBI, to the rule of law, to the maintenance of liberty and justice, and I couldn't be prouder to be a part of that.

Ms. Jackson Lee. I understand there are about 35,000 members of the FBI, maybe give or take some.

Mr. Strzok. Yes, ma'am.

Ms. Jackson Lee. Would you attribute to them some of the disparaging remarks that have been made about them nationally, or are you seeing, through your 22 years, hardworking individuals in the service of this Nation?

Mr. Strzok. Very much the latter. I would not attribute any of those remarks that have been discussed earlier.

Ms. Jackson Lee. So let me pursue a line of questioning that I hope that I won't do a little bit of a mishmash on it, but I want to begin just very briefly on the questions of bias. Do you have any reason to believe that the vast majority of FBI agents are partisan; they are Democrats, Republicans, or, in this instance, Democrats?

Mr. Strzok. All FBI agents have political opinions. I have

never seen that expressed in any partisan way.

Ms. Jackson Lee. There's no bar for FBI agents of having political affiliations, or is there?

Mr. Strzok. That's correct. Yes, ma'am.

Ms. Jackson Lee. And so, when FBI staffs a politically sensitive investigation, for example, a public corruption case, does the FBI consider the personal political persuasion of its agents in making those staffing decisions?

Mr. Strzok. They do not.

Ms. Jackson Lee. In your 22 years, have you been uncomfortable in national security sensitive investigations by looking over and saying, "This is a Democrat or Republican, and he or she is showing it"?

Mr. Strzok. No, I have not.

Ms. Jackson Lee. And that the results of the investigation has been influenced by a party affiliation?

Mr. Strzok. I've never seen that.

Ms. Jackson Lee. Therefore, as the Clinton investigation began to mature, you and your affiliation and may I ask your affiliation?

Mr. Strzok. I'm Independent.

Ms. Jackson Lee. And let me also ask, your status at the FBI now is what?

Mr. Strzok. I'm an employee. I'm a special agent, DAD and HOD.

Ms. Jackson Lee. All right. So you're still employed?

Mr. Strzok. Yes, I am.

COMMITTEE SENSITIVE

Ms. Jackson Lee. It is your intent to stay employed?

Mr. Strzok. Yes.

Ms. Jackson Lee. You would be disappointed if, for some reason, they reached down and determined that you needed to stay needed to go?

Mr. Strzok. Oh, very much so.

Ms. Jackson Lee. And you still think you have the ability to serve this Nation in a fair and impartial manner?

Mr. Strzok. Without question.

Ms. Jackson Lee. So let me, Mr. Strzok, the inspector general found that you placed a high priority on the Trump/Russia investigation fall of 2016 but stated that we did not have the confidence that Strzok's decision to prioritize the Russia investigation over following up on the Midyear related investigative lead was free from bias. What is your reaction to this conclusion?

Mr. Strzok. I was deeply disappointed by that conclusion for a couple of reasons. The first is, I think the record, which the IG has, is very clear that, within hours of learning of the existence of the laptop, I assigned a subordinate supervisor, his agents, and some of his analysts, and an attorney to go up to New York and follow up on the laptop, which

Ms. Jackson Lee. And this is this was the Weiner laptop?

Mr. Strzok. Yes, ma'am, that's correct. And

Ms. Jackson Lee. Always put that word in front of it. There are a lot of laptops floating around.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

Mr. Strzok. That's an excellent point. There are?

Ms. Jackson Lee. Including my own maybe. Thank you.

Mr. Strzok. Yes, ma'am. And, again

Ms. Jackson Lee. You sent it to New York or you sent the instruction

Mr. Strzok. Right. I asked them to go up to New York within hours. They ended up having

Ms. Jackson Lee. Give me that timeframe. What

Mr. Strzok. My recollection is either that evening, literally within 2 to 3 hours, or the following morning I had a conversation and that they ended up having a

Ms. Jackson Lee. And you recall that they

Mr. Strzok. I can't, but it's in the record. I want to say it was either on or about September 29.

Ms. Jackson Lee. End of September, I think that's an important point.

Mr. Strzok. End of September, yes. And they did, and they ended up calling because they wanted to see what the state was. They had an extended discussion with the New York folks who told them that the processing of the Weiner laptop was not complete and that they hadn't processed it, and they talked about some legal issues so and that they would get back when it was complete.

So my belief, you know, certainly that the inspector general's inference that somehow I back burnered it is directly rebutted by the fact of following up and dispatching a team to do it.

COMMITTEE SENSITIVE

Ms. Jackson Lee. Well, let me tie can you explain why you prioritize the Russia investigation in September/October? Did you do that?

Mr. Strzok. No. I don't see that as a binary decision. There were a lot of things that were going on at the Counterintelligence Division at the time. I was a Deputy Assistant Director, and so that's a fairly senior executive within Counterintelligence Division. So there are a number of things that were going on at the time.

I can tell you: I never took resources off one and put it onto the other. But I'd also say, Congresswoman, the there's a the nature of the allegations about the Russia investigations, I cannot think of a more grave allegation to the Counterintelligence Division or let alone the Nation that a hostile foreign power was seeking to clandestinely influence our Presidential election.

Mr. Nadler. So let me just ask

Ms. Jackson Lee. Mr. Nadler, I'm yielding.

Mr. Nadler. Thank you.

Let me just ask you this point on that point. So, in other words, given the fact that you instructed some people to look into the Weiner laptop, you would characterize the assertion that you prioritized the Russian investigation as inaccurate?

Mr. Strzok. I would.

Mr. Nadler. Because they were both going on and

Mr. Strzok. Right. And, sir, what I would say is, there were in my mind, in my recollection, I had put the appropriate

immediate managerial and subordinate staff on the matter to address it. I think, as the DAD, as any manager, as any executive, your job is to look at a host of competing priorities and decide where your limited resources, your limited time, how you're going to address them.

So I saw that as immediately appropriately addressed, and I continued then to look at the wide range of responsibilities I had, one which was is truly significant, the Russia investigations, but there are any number of other espionage cases or counterintelligence matters that were going on at the same time.

Mr. Nadler. Thank you very much.

I yield back.

Ms. Jackson Lee. Yeah. If I recall your testimony, you sort of heightened the national security issue, not prioritizing, but just it struck you being in that arena that you better look into the potential of a campaign actually dealing with Russian operatives. If so, they were important, but you that struck you, is that correct, that some

Mr. Strzok. Yes. All these things I say all these things are important. These are all legitimate, reasonable investigative avenues. When you look at the severity of impact to national security, I think it is demonstrably true that a foreign nation clandestinely putting themselves into a Presidential election, it doesn't get much more serious or grave than that.

Ms. Jackson Lee. So, in September, you were working on the Trump/Russia investigation 2016. Does that ring a bell? You can just

say yes or no.

Mr. Strzok. I Congresswoman, I'm not trying to be cute, but without getting into kind of our organizational structure classified information, I was involved in that process.

Ms. Jackson Lee. Yeah. Would you say it was a majority of your work?

Mr. Strzok. A significant portion of it. I don't know that it was the majority. It might have been close to the majority but a lot of it for sure.

Ms. Jackson Lee. Do you have any reason to let me just ask you this: What would be your understanding why the Clinton email investigation was made public and the Trump/Russia email was not by the FBI?

Mr. Strzok. So that decision, my understanding of that, by Director Comey was that he believed that based on the nature of the Clinton email investigation, which was not a there were counterintelligence elements to it, but it was primarily a pretty straightforward mishandling investigation of classified information, and that I don't want to speak for the Director's reasons. He's spoken at length in front of this body and others. But I see that as a different prospect than that of an ongoing counterintelligence investigation.

Ms. Jackson Lee. Somewhere like a mountain and a molehill?

Mr. Strzok. I would not I don't think I would use those terms. I think it is a fair if you're taking stepping back from any

particular case, if you were to compare a generic case of the of mishandling of classified information compared to a generic hostile and foreign power interfering with the electoral process and allegedly colluding with members of the candidate of a major party for the Presidency of the United States, those are vastly different threats to national security.

Ms. Jackson Lee. I'll accept that they're vastly different.

Let me just understand, can we say that the Trump/Russia investigation was a top priority?

Mr. Strzok. My understanding from Director Comey is that, yes, it was.

Ms. Jackson Lee. Were you looking to influence the election with the results of this process of investigation Trump/Russia?

Mr. Strzok. No.

Ms. Jackson Lee. I may have said this, but would you have acknowledged publicly the email investigation for Mrs. Clinton in the summer of 2016?

Mr. Strzok. That decision was made by Director Comey after a lot of discussion and debate. So he is the head of the FBI and that was his decision.

Ms. Jackson Lee. Would you have done it?

Mr. Strzok. I don't want to get into a hypothetical because I wasn't that was not the position I was in.

Ms. Jackson Lee. Is that usually done?

Mr. Strzok. It is not usually done.



COMMITTEE SENSITIVE

Ms. Jackson Lee. Did you take any actions to bury or back burner that laptop that seems to be floating around?

Mr. Strzok. No.

Ms. Jackson Lee. And would you consider some of the accusations of political bias and I'm just going to say between yourself and Lisa legitimate to the extent that you downplayed your oath, you diminished your responsibilities, and you were engaged in selecting internally support for one candidate over another

Mr. Strzok. No.

Ms. Jackson Lee. in the Presidential election 2016?

Mr. Strzok. I don't agree with that at all. I consider those personal opinions exchanged with a close confidant and nothing else.

Ms. Jackson Lee. Let me just I think that I have concluded those. I just want to just finish by the point of the concept of burying the laptop and not doing the work, you don't believe on the Clinton investigation, you do not believe or you let me ask the question so that it is not my words. What is your opinion of what you did with respect to that investigation, burying, not pursuing it?

Mr. Strzok. I don't believe I buried it at all. I believe I took immediate action to assign subordinate personnel and subordinate managers who were completely uninvolved with the Russian investigations to pursue the matter and that they did that.

Ms. Jackson Lee. Thank you very much.

Mr. Strzok. Thank you.

Mr. Swalwell. Good afternoon, Mr. Strzok.

COMMITTEE SENSITIVE

Mr. Strzok. Good afternoon, sir?

Mr. Swalwell. My name is Eric Swalwell. I serve on House Intelligence and Judiciary Committees.

Mr. Strzok, do you regret the text messages that you sent to Ms. Page with respect to Mr. Trump?

Mr. Strzok. Very much I regret them.

Mr. Swalwell. Okay. Are you sorry that you had sent them?

Mr. Strzok. I'm sorry because of the I'm sorry because of the deep pain and suffering that they have caused my family. That's something I'll always regret. I regret the way that they've been used by some to turn into some sort of political weapon that they are not and the damage that has been done with that.

Mr. Swalwell. Was it your decision alone to open the July 2016 investigation into the Trump campaign on a counterintelligence basis?

Mr. Strzok. No.

Mr. Swalwell. Okay. Did you recommend the opening of that investigation?

Mr. Strzok. I don't know that I needed to recommend it. I believed it's the appropriate thing to do.

Mr. Swalwell. But, I mean, were you the first person to recommend opening it?

Mr. Strzok. No.

Mr. Swalwell. Is it safe to say that others had also recommended opening it?

Mr. Strzok. Yes.

Mr. Swalwell. Now, you mentioned earlier that July 2016 is when the investigation was opened, but we know that actions are taken by the FBI before an investigation is officially open because, of course, that's how you gather the evidence. That informs the opening. When did you first learn that the FBI was taking actions to learn more about concerning contacts between Russians and the Trump campaign?

Mr. Strzok. Again, I want to be careful to not step on any FBI equities or ongoing investigations. I think it is fair to say, without getting into classified detail, that the case was opened shortly upon receipt of the predicated information.

Mr. Swalwell. Mr. Strzok, did you and, again, you've been accused of being the reason this investigation started, accused of being the reason that the Clinton investigation did not find the Anthony Weiner laptop sooner, did you tell Michael Cohen to try and do a Trump Tower deal with Moscow in December 2015?

Mr. Strzok. So my trouble is that question is easily answered, but what I don't want to do, as you know from your time on the Intel Committee, even denying something can be classified. So I defer to agency counsel on that answer and if I can or can't.

Ms. Besse. Just in terms of him, if he confirms or denies something, that it can be revealing, so it would be better for him not to be able to answer that question.

Mr. Swalwell. Again, I just have a few more with respect to this. Did you set up a June 9, 2016, Trump Tower meeting where the President's son in law, campaign chairman, and son met with people offering dirt

on the Russians? Was that your doing?

Mr. Strzok. Again, easily answered, but I mean, I think I would defer to the FBI and perhaps if there is that question is easily answered very much in a classified setting so I think it would be

Mr. Swalwell. Let me put it this way, Mr. Strzok: Is it fair to say that, aside from the opinions that you expressed to Ms. Page about Mr. Trump, there was a whole mountain of evidence independent of anything you had done that related to actions that were concerning about what the Russians and the Trump campaign were doing?

Ms. Besse. So, Congressman, that may go into sort of the that will for Mr. Strzok to answer that question, that goes into the special counsel's investigation, so I don't think he can answer that question.

Mr. Swalwell. Sure. I understand. But I have to ask.

Mr. Nadler. Would the gentleman yield?

Mr. Swalwell. Yes.

Mr. Nadler. I have to say that the answer to that question is readily available from the public record having nothing to do with the CIA or the FBI private records. I find it saying you can't answer questions that are readily available in the public record is a little not right.

Mr. Swalwell. Again, Mr. Strzok has been accused of being a lot of things that seem quite ridiculous, and I just want to make sure that it's clear that all of these other things that the Trump campaign did, Mr. Strzok was not involved in. I understand the concerns and

Mr. Goodlatte has actually offered for us to go into a classified space later if we may, and perhaps we can address that there.

Mr. Strzok

Chairman Goodlatte. If I may, I don't think it relates to whether it's classified or not. I think it relates to whether or not we are going into the underlying substance of the investigation with regard that it be conducted by the special counsel, which we have for a long time determined we're not going into that.

Mr. Swalwell. Okay. So we just want to keep it with Hillary Clinton's emails?

Chairman Goodlatte. No. No. It relates to Mr. Strzok's involvement in all of these matters and the issues that he has been answering questions about today related to his involvement in each and bias. But if you get into questions about the substance of what he's doing, you're getting into a, first, a gray area, and it may be a very clear area that he shouldn't go to.

Mr. Swalwell. Understood.

Chairman Goodlatte. So I'm going to respect the advice of counsel for the Department.

Mr. Swalwell. So, Mr. Strzok, were you involved in the defensive briefing that was given to the Trump campaign in July 2016?

Mr. Strzok. I was involved in the planning for that.

Mr. Swalwell. And when you were planning for that, were you aware well, let me back up. Was this a general defensive briefing, or was it motivated by what you had learned the Russians were intending

to do?

Mr. Strzok. So which briefing? There were a couple of briefings.

Mr. Swalwell. July 19, 2016.

Mr. Strzok. Yes. Okay. So I think that was in the context of general CI briefings that were given to both nominees.

Mr. Swalwell. Who was given that briefing on the Trump campaign?

Mr. Strzok. Who within the Trump campaign or who by the FBI?

Mr. Swalwell. In the Trump campaign.

Mr. Strzok. I would have to refer to the FBI's records. Certainly, then candidate Trump was involved. I don't recall there I have some vague recollection that Mr. Christie might have been there. Mr. Flynn might have been there. But I would I don't remember?

Mr. Swalwell. Did any of the individuals in the briefing disclose to you or your counterparts, your FBI colleagues, any contacts they had received from the Russians?

Mr. Strzok. I don't I know the answer to that, but I defer to agency counsel.

Ms. Besse. So it's very it's a very thin line for Mr. Strzok because he was involved in the investigation, so going into sort of the facts of what was said and how what was discussed goes into methods and how

Mr. Swalwell. Sure. I understand.

Ms. Besse. sort of briefings or investigations are conducted.

Mr. Swalwell. Was the campaign a defensive briefing, as I understand it, is making a campaign aware of what threats could exist around them from foreign nationals who would seek to penetrate their campaigns and either steal secrets or recruit them. Is that right?

Mr. Strzok. That's right.

Mr. Nadler. Excuse me 1 minute.

The Republican questioner, I forget who it was, asked a whole series of questions about conversations between Special Counsel Mueller and Mr. Strzok. Those questions were allowed. Why is this different?

Ms. Besse. Congressman, I believe those questions were asked of Mr. Strzok about what occurred with the conversation with Mr. Mueller.

Mr. Nadler. Yes, what was the conversation with Mr. Mueller.

Ms. Besse. About the text and the substance of the text messages.

Mr. Nadler. And this is different how?

Ms. Besse. This is going into the investigation itself and what was discussed in terms of the subject matter and things that were involved in the investigation.

Mr. Swalwell. Well, without disclosing what was said by the Trump

Chairman Goodlatte. Let me interject, and maybe I'll help you out here. I think it's appropriate to ask questions about how two or more defensive briefings were handled if there's a contrast and comparison. I think it's appropriate to ask who was involved. He said he doesn't recall some of that. But you can't get into the substance

of what was shared. I think that's where the

Mr. Swalwell. Okay. So, understanding that, Mr. Strzok, was the Trump campaign asked to report any offers from foreign governments to interfere with the U.S. electoral process? Without telling us what they told you, were they asked?

Mr. Strzok. My recollection is that all the briefings to the candidates, part of that briefing was to let us know if you see anything unusual.

Mr. Swalwell. How many defensive briefings, to your knowledge, were provided to the Trump campaign before election day?

Mr. Strzok. I believe there were two, one to candidate Trump and one to Vice Presidential candidate Pence. But I'm not that was the plan. I'm not certain if the one to then Vice President candidate Pence was provided. It may have been. I don't recall. I don't know.

Mr. Swalwell. Did you mention that General Flynn was a part of one of the briefings?

Mr. Strzok. Well, he was part of a briefing. I don't recall if he was part of the initial counterintelligence briefing or a later briefing that was given following the election prior to the inauguration.

Mr. Swalwell. And what did you want the candidate or the candidate's team to do if they did have any contacts from the Russians? What did you ask of them?

Mr. Strzok. I wasn't there so I don't know what was asked specifically. The general practice in a defensive brief is not only



to sensitize and make the person being briefed what the threats are, but also to ask and encourage them for any information that they have or might come across that would indicate any such attempt or activity to let us know.

Mr. Swalwell. So as I understand, you were not present at either of the candidate Trump briefings?

Mr. Strzok. That's correct.

Mr. Swalwell. You're just aware that they occurred and the content that was discussed?

Mr. Strzok. I don't know specific to those briefings what was discussed. It is a typical part of a defensive briefing that that is included.

Mr. Swalwell. Thank you.

I'll yield.

Mr. Nadler. Mr. Strzok, I have two quick questions for you. Did any of your opinions expressed in your text messages impact in any way the evidence you collected as part of the Russia investigation?

Mr. Strzok. No.

Mr. Nadler. And I apologize for this question, but I want to get it on the record: Did you ever fabricate evidence that was used in the Trump/Russia investigation?

Mr. Strzok. No.

Mr. Nadler. Thank you very much.

Mr. Cohen. Congressman Cohen from Tennessee, and I just want to thank you for your volunteering to come down here and talk.

Mr. Strzok. Yes, sir.

Mr. Cohen. Although I think the substance of your testimony is not what's important. I think what's important is the venue and the fact that this has been called and the idea that there is questions being asked of you concerning bias, and I think that's the whole picture. Doesn't matter what you answer or what happens here. It's theater.

I appreciate the FBI. I appreciate you. I appreciate what Mr. Comey did and what Mr. Mueller's doing. I've heard Mr. Trump say to Putin and to Kim Jong un: I'm honored to meet you. I'm honored to meet you. I thank you for your service, and I hope you continue representing the United States of America and the FBI.

Mr. Strzok. Thank you, sir.

Mr. Cohen. You're welcome.

[12:14 p.m.]

Mr. Lieu. Thank you, Agent Strzok. I'm Congressman Ted Lieu.

I listened with great interest to your answers to what my Republican colleagues asked you this morning, and it appears to me that a number of your text messages have been misconstrued or mischaracterized by the public and by the press. Is that correct?

Mr. Strzok. Good afternoon, sir.

Yes, that is correct.

Mr. Lieu. Would you like the opportunity to testify publicly to explain your side of the story to the American people?

Mr. Strzok. I would.

Mr. Lieu. The text messages you wrote were to Lisa Page, correct?

Mr. Strzok. Yes, sir.

Mr. Lieu. They were not intended for public consumption, correct?

Mr. Strzok. That's correct.

Mr. Lieu. And so when my Republican colleague asked, well, could a reasonable person interpret this text message in so and so way, that is completely irrelevant, because the only person we're worried about is what did Lisa Page think and what did you think. Isn't that right?

Mr. Strzok. Yes, sir.

Mr. Lieu. And clearly what you thought and Lisa Page thought had context behind it, because you all attended different meetings, you were at the FBI, you had information the public did not. Isn't that right?

Mr. Strzok. Yes, sir.

Mr. Lieu. All right. So it would be important to hear publicly what you believe your text messages meant given the context that only you and Lisa Page knew. Isn't that right?

Mr. Strzok. Yes.

Mr. Lieu. All right. To selectively take text messages in the abstract and launch them on TV or used by my Republican colleagues to take them out of context is wrong and it is not the truth. Isn't that right?

Mr. Strzok. That's correct.

Mr. Lieu. All right. So despite all of that, Robert Mueller called you into his office and, by the way, on our information, you were removed from the special counsel investigation on July 28th, 2017, not August.

So in that meeting you stated that Robert Mueller was regretful because he wanted to not only run an investigation that was free of bias and independent but also had the perception of being free of bias, correct?

Mr. Strzok. That was my perception. I would defer to Special Counsel Mueller as to what he actually thought. But my experience with him and his investigation and his integrity as a man, not only as special counsel but throughout his career, is that he absolutely is dedicated to running any investigation or operation with the utmost integrity and appearance of integrity.

Mr. Lieu. And he removed you without even giving you an ability

to even explain your texts because he was so concerned about the bias that that could cause. Is that right?

Mr. Strzok. I don't want to characterize what his reasoning or thoughts were behind that. My belief was that there was not a discussion of that. It was an understanding that this was a not at all an accusation of wrongdoing. This was a function of a perception that

Mr. Lieu. And upon finding out about those text messages he removed you pretty much immediately. Is that right?

Mr. Strzok. Yes, sir.

Mr. Lieu. Okay.

Now, the IG report that came out, in it, it specifically says, the IG says: Our review did not find evidence to connect the political views expressed in these text messages to the specific investigative decisions that we reviewed. Rather, consistent with the analytical approach described above, we found that these specific decisions were the result of discretionary judgments made during the course of an investigation by the Midyear agents and prosecutors and that these judgments were not unreasonable.

You would agree with that, wouldn't you?

Mr. Strzok. I would.

Mr. Lieu. And that's because we expect FBI agents, first of all, would have personal views; but second, that when they go on duty, they check those views at the door. Isn't that right?

Mr. Strzok. Yes.

COMMITTEE SENSITIVE

Mr. Lieu. The IG report also found the following: We found that Strzok was not the sole decisionmaker for any of the specific Midyear investigative decisions we examined in that chapter. We further found evidence that in some instances Strzok and Page advocated for more aggressive investigative measures in the Midyear investigation, such as the use of grand jury subpoenas and search warrants to obtain evidence.

So, in fact, you were pushing for a more aggressive investigation of the Hillary Clinton email issue. Is that right?

Mr. Strzok. That's correct.

Mr. Lieu. Okay.

It is not disputed well, you're still a current FBI employee, right?

Mr. Strzok. Yes, sir.

Mr. Lieu. So it is not disputed that FBI Director Christopher Wray is a Republican nominated by a Republican President, confirmed by a Republican controlled Senate. Also not disputed, he gave over \$37,000 exclusively to Republican candidates.

Knowing that, do you still trust Christopher Wray, as I do, to be fair and impartial in doing his job?

Mr. Strzok. Yes, I do.

Mr. Lieu. And that's because in America we allow FBI agents, FBI directors, law enforcement to have personal views, but when they go on duty we expect them to check those views at the door and to do their job based on law and facts. Isn't that right?

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Mr. Strzok. Yes.

Mr. Lieu. Is that what you did in this case?

Mr. Strzok. Yes, it is.

Mr. Lieu. Thank you. I yield back.

Mr. Raskin. Thank you.

Mr. Strzok, my name is Jamie Raskin. I represent the Eighth District in Maryland.

Mr. Strzok. Good afternoon, sir.

Mr. Raskin. Welcome.

The IG report indicated that on October 21, 2016, you briefed a group of retired FBI personnel on the Midyear investigation during a conference call. Do you remember that?

Mr. Strzok. I do.

Mr. Raskin. Can you explain to us what the purpose of the briefing was?

Mr. Strzok. The purpose of that call was to provide a set of case facts about what had been done with the Clinton email investigation to a variety of, as I recall it, senior retired FBI personnel who were getting questions about the FBI's conduct of the investigation.

Mr. Raskin. Okay. What were some of the concerns about retired FBI agents speaking to the media about the Clinton investigation?

Mr. Strzok. I think the, as I understood it, the direction from the so, sir, I don't know that I can entirely answer the question.

Mr. Raskin. Were there concerns that you expressed or that someone expressed about the retired FBI agents speaking to the media

about the Clinton investigation?

Mr. Strzok. I did not have concerns. I think the, as I understood it, the direction from the senior management of the FBI was to provide a briefing to these individuals so that they had the facts of what had occurred and spoke to somebody who was much closer to the line and they could ask whatever questions so that they could assure themselves that they had the accurate information about what occurred in the case.

Mr. Raskin. Who else from the FBI was on that call?

Mr. Strzok. So my recollection is Mike Corton, who is the head of public affairs, was there. He may or may not have had additional staff in the room at the time. I believe Ms. Page was on the call. I believe that's it, but I'm not certain.

Mr. Raskin. Okay. How often does the FBI brief retired FBI personnel on active cases?

Mr. Strzok. So the case was closed. I don't know how often it happens on active cases.

Mr. Raskin. So this was not a common practice to your knowledge?

Mr. Strzok. Well, so, again, sir, the case, I believe, was closed at the time that call occurred. And as to how often personnel are briefed to closed cases, I don't know the answer to that.

Mr. Goelman. May I have one moment?

[Discussion off the record.]

Mr. Raskin. Did you mention at any point during this call follow up investigative acts by the FBI, such as investigating the



emails on the Weiner laptop?

Mr. Strzok. No, because my recollection of the timeframe of that call was it occurred before I believe temporally it occurred before we had made the decision to reopen active investigations and seek a search warrant.

Mr. Raskin. Okay. Shortly after this call Rudy Giuliani made several TV appearances claiming that he was getting inside information from both former and current FBI agents.

On October 25 and 26, a couple of days before Director Comey wrote to Congress about reopening the investigation, former New York Mayor Rudy Giuliani suggested that the Trump campaign had, quote, a couple surprises, end quote, a couple things up our sleeves that should turn things around.

Do you happen to recall those statements made by Mr. Giuliani?

Mr. Strzok. I recall them after the fact, reading about them in the media, and I may have heard them at the time and just don't recall.

Mr. Raskin. On the 28th of October he claimed he had a, quote, pipeline into the FBI, and agents were, quote, outraged at being turned down by the Justice Department to open a grand jury, unquote. Do you recall that statement?

Mr. Strzok. Well, I don't know I don't know if I recall that specific statement. I remember broadly that Mr. Giuliani was making statements to the effect of getting information from agents.

Mr. Raskin. He also said there was, quote, a revolution going on inside the FBI about the original conclusion. I know that from

former agents. I know that even from a few active agents.

Do you recall that statement by Mr. Giuliani?

Mr. Strzok. Again, I certainly remember it from recent media report, and I remember a variety of statements he was making at the time, but not with specificity which exact ones.

Mr. Raskin. Got you. On November 4th, in an appearance on "Fox & Friends," Mr. Giuliani was asked if he knew about the FBI's possession of the laptop before Director Comey wrote to The Hill. He responded: Did I hear about it? You're darn right I heard about it.

Do you recall that statement?

Mr. Strzok. Again, I don't remember at the time that specific statement, other than just a variety of statements that he was making. I have seen it reported since in the media.

Mr. Raskin. And have you ever served as a source for Mr. Giuliani at any point?

Mr. Strzok. No.

Mr. Raskin. Are you aware of any former or current FBI personnel who were communicating with Mr. Giuliani at this time?

Mr. Strzok. No.

Mr. Raskin. Or during the time of the Midyear investigation.

Mr. Strzok. No.

Mr. Raskin. Are you in communications with any former FBI agents who are or were in contact with Mr. Giuliani?

Mr. Strzok. Not to my knowledge.

Mr. Raskin. Okay. And did you have any reason to believe that

any individual on that October 21 call were in contact with Mr. Giuliani?

Mr. Strzok. I don't know.

Mr. Raskin. Do you have any reason to know who his sources are?

Mr. Strzok. I do not.

Mr. Raskin. Or were. Do you have any reason to believe that the sources in the FBI were actually speaking to Mr. Giuliani.

Mr. Strzok. I don't know.

Mr. Raskin. Okay. And let's see, and forgive me, I may have missed this before. I just wanted to ask you one question about the tweets that have been made famous through this process.

Do you believe that anything that you said in those tweets reflected upon your determination to alter the public outcome of the investigation in any way?

Mr. Strzok. Rephrase that question.

Mr. Raskin. I guess my question is, did those private tweets reflect your public determination to bias the investigation?

Mr. Strzok. So they're private texts

Mr. Raskin. The private texts, right.

Mr. Strzok. Absolutely in no way did they indicate, nor would I ever do anything to influence the election.

Mr. Raskin. So do you believe that the obsession with these texts represents an irrelevant distraction?

Mr. Strzok. I do.

Mr. Raskin. Okay. Thank you for your testimony.

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BY MS. KIM:

Q Thank you, Mr. Strzok.

I would like to go back to the questions about defensive briefings with the Trump campaign.

So you said that you did not participate in these briefings. Is that correct?

A Yes.

Q Did you supervise the individuals who gave these briefings?

A No.

Q No. Who would have supervised the individuals who gave these briefings?

A My recollection of the personnel who attended that were individuals from our Washington field office that fell under the supervisory chain there.

Q Got it. And if the Trump campaign had reported any contacts with foreign officials during this briefing would you have been informed about that?

A Yes. I assume, yes. But, yes.

Q Did the Trump campaign report any contacts with foreign officials during this briefing?

A Again, easily answered, but I don't know if I can in this setting.

Ms. Besse. Right. That would go, again, into his investigative role, so I would instruct him not to answer.

Ms. Kim. I understand.

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We have asked this question to, I think, at least two FBI witnesses prior. So I believe we asked Mr. Priestap about this and I believe we asked Mr. McCabe about this. We were permitted to get the answer, the easily answerable answer to this question before. So it is on the record. I don't know if that sways the FBI equities or not.

Ms. Besse. Can I confer with the witness?

Ms. Kim. Sure.

[Discussion off the record.]

Ms. Besse. My instruction to the witness will stand for him not to answer because of his investigative role.

Ms. Kim. I understand. Thank you.

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BY MS. KIM:

Q Do you know when the defensive briefings occurred?

A Not offhand.

Q If I represent to you that the defensive briefing to President Trump happened on July 19th, 2016, is that generally concordant with your understanding of the facts?

A Yes.

Q Do you know if that was after the June 2016 meeting in Trump Tower with senior campaign officials, including Donald Trump Jr. and Jared Kushner and a purported emissary from the Russian Government?

A All I can say to that is, based on open source reporting and looking at the calendar, that it would have occurred afterwards.

Q I understand. Do you know if the defensive briefing occurred in close proximity to an August 3rd, 2016, meeting that has been publicly reported between Donald Trump Jr. and an emissary who told Donald Trump Jr. that, quote, "The princes who led Saudi Arabia and the United Arab Emirates were eager to help his father win the election as President"?

A Again, based on a review of the public records and the dates at hand, yes, they were in close proximity.

Q And, again, if any of these contacts, foreign contacts had been reported to the FBI, would you have known about these?

A I would.

Q If the Trump campaign did not report these would you have

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been surprised?

A I don't I don't want to speculate as to what my reaction would be. My professional hope would be that any campaign following particularly a defensive briefing, had they been approached by foreign governments in a way that appeared to be involve any sort of subterfuge or sort of anything inappropriate, that they would report that to the FBI.

Q I think my time is running out, so this is my last question for this round.

How important is it for national security purposes for political campaigns, particularly national Presidential campaigns, to report offers of foreign interference in U.S. elections to the FBI?

A I think it's extraordinarily important. If you look the foundation of what we are as a democracy is people exercising their right to vote to elect their representatives, and there's no higher representative than the President of the United States. So the suggestion that something so core to who we are as a Nation would be under attack by not only a foreign nation, but a hostile, aggressive foreign nation, is of extraordinary importance.

Ms. Kim. Thank you, Mr. Strzok.

We're going off the record. It is 12:31.

[Recess.]

Mr. Parmiter. Let's go back on the record. The time is 12:41 p.m. And we'll turn it over to Mr. Gowdy.

Mr. Gowdy. Thank you.

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Mr. Strzok, on July 21st, 2016, you texted Lisa Page: Trump is a disaster. I have no idea how destabilizing his presidency would be.

Now, July 21st, 2016. When did the Russia probe officially begin from the Bureau standpoint?

Mr. Strzok. Good afternoon, sir.

My recollection is that it was at the end of July.

Mr. Gowdy. Who drafted the electronic communication?

Mr. Strzok. Can I I believe that's classified. Again, easily answered, but I'm not sure I can discuss it here.

Mr. Gowdy. Did you draft it?

Mr. Strzok. Same answer, sir.

Ms. Besse. Congressman, since the document is classified I would not have him answer any questions as to the contents of it.

Mr. Gowdy. Well, I haven't asked him whether or not he drafted it or signed it. I haven't asked him about the contents of it, not yet I haven't.

It's not a complicated question, and you and I both know the answer to it. Did you draft or sign the initiation document that began the Russia probe?

Mr. Strzok. Sir, I can answer that question easily in a classified information. My understanding is that

Mr. Gowdy. I'm not asking you about the content. I'm asking is your signature classified?

Ms. Besse. Congressman, the drafting of the who drafted the communication is on the communication itself, and since the

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communication the contents of the communication itself is classified  
I would instruct him

Mr. Gowdy. The date is also on there. Is the date classified?

Ms. Besse. I'm not aware that the date is classified, but who

Mr. Gowdy. How is his signature classified if the date is not  
classified?

Ms. Besse. Congressman, I'm sorry, the document itself is still  
classified. He knows the answer and you know the answer, but because  
this is not a classified setting

Mr. Gowdy. Is it fair to say the Russia probe began on July  
the 31st, 2016, officially?

Mr. Strzok. I would have to check the documentation to find out.  
If you're representing that's the and that it is an unclassified  
date I'm happy to accept that representation.

Mr. Gowdy. Did you take any steps with respect to the Russia  
investigation before July 31st, 2016?

Ms. Besse. Congressman, that goes back into the investigation  
itself. And because that is the substance of the special counsel  
investigation, while Mr. Strzok may have been involved in the  
investigation before it became went under the purview of the special  
counsel because it is an ongoing investigation I'm going to instruct  
him

Mr. Gowdy. Right. We're nowhere near the special counsel now.  
That was in 2017. I'm still in July of 2016, and I want to know whether  
or not this witness took any steps before the Russia investigation

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officially began, with officially being July 31st.

Did you do anything before July 31st?

Mr. Strzok. Congressman, I can tell you I think in a way the FBI will agree with that the acts I took were in accordance with FBI rules, regulation, and policy and the law.

Mr. Gowdy. That's a great answer to a question I didn't ask.

Mr. Strzok. And, sir

Mr. Gowdy. Did you take any steps with respect to the Russia investigation before July the 31st of 2016?

Mr. Goelman. Congressman, as we indicated in the beginning and as we have consistently done, we are going to accept instructions from the FBI attorneys here as to what we can and cannot say. Continually asking the same question is only going to continually get the same nonanswer.

Mr. Gowdy. Did you go to London in May of 2016?

Mr. Strzok. I don't believe I did.

Mr. Gowdy. When did you go to London?

Mr. Strzok. I made several trips to London.

Mr. Gowdy. Did you do go in connection with the Russia investigation?

Mr. Strzok. Again, I don't know that I can answer that in an unclassified setting or with regard to an ongoing investigation.

Chairman Goodlatte. We are going to go in a classified setting, so I would save some time in that setting by this side of what is truly classified here rather than

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Mr. Gowdy. Well, here we are, Agent Strzok, July 21st, 2016, 10 days before the Russia investigation officially began from the FBI standpoint, and you said: Trump is a disaster. I have no idea how destabilizing his presidency would be.

What did you mean by "destabilizing"?

Mr. Strzok. Sir, my recollection of that text was it was a private expression of my personal opinion to Ms. Page and just reflected my belief based on the things I had seen him saying and doing on the campaign trail.

Mr. Gowdy. Destabilizing to whom or to what?

Mr. Strzok. Sir, I don't know. I can't

Mr. Gowdy. Well, you're the one that used the word, Agent Strzok. Who should I ask what you meant by it if you're not the right witness?

Mr. Strzok. Absolutely it is my words, sir. I would tell you it is my recollection at this point that statement was made in terms of my personal opinion about the prospects of his candidacy and being the President of the United States.

Mr. Gowdy. Destabilizing to whom or to what?

Mr. Strzok. I think destabilizing, sir, in the broadest sense of the word, based on some of the statements he was making on any number of topics and my personal belief about how that might impact the United States.

Mr. Gowdy. So destabilizing to the United States? See, it wasn't that tough. It didn't have to take that long. That's what you meant, destabilizing to the United States, right?

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Mr. Strzok. No, sir, I think

Mr. Gowdy. That's what you just testified to.

Mr. Strzok. Sir, what I just said is my recollection now is that destabilizing in the sense of how that might impact the United States, but that is a nonspecific recollection

Mr. Gowdy. Well, please help me understand how destabilizing from the standpoint of how it might impact the United States is not destabilizing to the United States.

Mr. Strzok. Sir, what I'm saying is that looking back almost 2 years ago or roughly 2 years ago I cannot put myself at that point in time with what current events or statements may or may not have been made at that point in time.

Mr. Gowdy. All right. Well, that's 10 days before the Russia probe began from the Bureau's standpoint.

Now, the day the Russia probe began, the day it was initiated, the day you signed a document initiating it this is what you said: And damn this feels momentous.

What feels momentous?

Mr. Strzok. Sir, I am happy to discuss that in the classified setting.

Mr. Gowdy. No, no, no, the word "momentous" is not classified, Agent Strzok. What felt momentous?

Mr. Strzok. Sir, the word "momentous" in the text is not classified. The reference of that text and what it means is, and I am happy to answer that question

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Mr. Gowdy. Was it the Russia probe in general?

Mr. Strzok. Sir, I am happy to answer that

Mr. Gowdy. Is the Russia probe is the existence of is the same investigation that Jim Comey publicly confirmed, that was then later confirmed in the special counsel memo, the existence of that investigation, is it your position that is classified?

Mr. Goelman. Congressman, if the witness' use of the word "momentous" was based on evidence that he knew because of this classified investigation then his answer will inevitably include classified information, which is unlawful in this setting.

Mr. Gowdy. How about the next sentence: Because this matters. What is "this"?

Mr. Strzok. Sir, again, I am happy to discuss that in a classified setting and answer all of your questions

Mr. Gowdy. So "this" is also classified. "Momentous" is classified. "This" is classified.

Mr. Strzok. Sir, the text is not classified, as I have indicated to you now two times. The context of that statement, the reasoning and the meaning behind that statement is, and I would be very happy to answer that question in a classified setting.

Mr. Gowdy. You will have the chance, I can assure you of that. The other one did, too, "the other one" being what?

Mr. Strzok. "The other one" I believe refers to the Clinton email investigation.

Mr. Gowdy. But that was to ensure we didn't F something up. What

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does the word "F," what's that short for?

Mr. Strzok. Fuck.

Mr. Gowdy. All right. So what you really were saying was that was to ensure we didn't fuck something up.

Mr. Strzok. Sir, my text was a comparison between something we can talk about in closed setting and my belief that the Clinton investigation, while very important, was, when you strip away the actors involved, the underlying allegation of a mishandling of classified information was of a substantively different nature than what Director Comey has publicly announced, that the initiation of a case into clandestine Russian interference in the election.

Mr. Gowdy. Agent Strzok, I'm just using the words you used.

Mr. Strzok. Yes, sir.

Mr. Gowdy. That was to ensure we didn't fuck something up.

Mr. Strzok. Yes, sir. And what I'm explaining what I meant by that is my use of that to compare a case, which is just looking at the activity comparatively minor in terms of its impact on national security compared to the allegation that the Government of Russia was actively working to subvert the Presidential election of the United States.

Mr. Gowdy. Is there any way they could both be important?

Mr. Strzok. Of course they are both

Mr. Gowdy. Do you have to choose?

Mr. Strzok. Sir, they are both important. Every investigation that the Bureau has is important.

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Mr. Gowdy. Well, then why did you say this matters because this matters, and in case the reader missed how much it mattered you put it in all caps?

Mr. Strzok. I did. And again, my recollection of that text, it is drawing an objective comparison between a case which involves alleged mishandling of classified information with a case which involves allegations that the Government of Russia was colluding with individuals in the campaign for President of the United States.

Mr. Gowdy. Well, on that same day you texted: I can protect our country at many levels.

What did you mean by that?

Mr. Strzok. That statement was made in the context of a job that I was considering applying for to be deputy assistant director and the decision of whether to apply for that or not, what my role and responsibilities would be either in either job, if I and I took if I ended up taking that deputy assistant director job that I would be at a higher level and removed from some of the ongoing case work.

In fact, I did apply for that job. I did was given that position. And that's merely my reflection on where I wanted to work.

Mr. Gowdy. Well, what I find interesting in connection with your response, Agent Strzok, is that that response would have been interesting had the predicate text had something to do with Russia. But it actually didn't.

"Maybe you're meant to stay where you are because you're meant to protect the country from that menace."

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Is it your testimony the "menace" was Russia?

Mr. Strzok. Sir, that text, if I recall correctly, was Ms. Page's.

Mr. Gowdy. Yes, and this is the one you responded to, and now what you're telling us is that you were responding in connection to Russia's efforts, but that's not what she sent you, Agent Strzok. She sent you: Protect the country from that menace.

Mr. Strzok. Sir

Mr. Gowdy. What menace?

Mr. Strzok. You would have to ask Ms. Page that.

Mr. Gowdy. I'm asking you because you responded to it, and you didn't say: What do you mean by menace? So I'm assuming that you understood what she meant by "menace." What did you understand it to mean?

Mr. Strzok. Sir, my understanding of the word "menace" and the use of "menace" was the broad context of the Government of Russia's attempts to interfere with our election.

To the extent those allegations involved credible information that members of the Trump campaign might be actively colluding, I see that as a broad effort by the Government of Russia. So I don't think you can tease it apart, sir, but it is inaccurate to and I did not see that as Mr. or then candidate Trump.

Mr. Gowdy. Well, maybe 2 days later we can gain a little bit of clarity on August the 8th, where Lisa Page texted you not "Russia's not ever going to become President, right?" "Trump's not ever going

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to become president, right?"

Can we agree that that predicate text was about Trump and not about Russia?

Mr. Strzok. Yes.

Mr. Gowdy. All right. And your response was: No, period. No, he's not, period. We'll stop it.

What did you mean by "no"?

Mr. Strzok. No was my my recollection of "no" and let me just say, there's been a lot written about this text. And what I can tell you, Congressman, is in no way does that suggest that I did or even considered taking any action to

Mr. Gowdy. I'll tell you what, Agent Strzok, before we get to what you didn't mean by "no," how about we settle on what you did mean by it, and then we can discuss the entire universe of what you didn't mean by it.

The precise question was: Trump's not ever going to become President, right? And then if you missed that "right" she put again, "right," with a question mark. And the next word from you is "no." So what did you think the question was?

Mr. Strzok. I thought that question was her personal question as to whether or not he would become President. My answer no was my personal belief that I did not think he would be.

Mr. Gowdy. Well, then why did you say, "No, he's not"? Why didn't you say, "No, I don't think he's going to, no, I don't think he'll win the electoral college, no, I don't think he'll do well in

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Ohio"? Why did you say, "No, he's not"?

Mr. Strzok. Sir, because my recollection of that text, which I don't recall specifically writing, is it is late at night

Mr. Gowdy. Are you denying writing it?

Mr. Strzok. Oh, I'm not denying writing it at all.

Mr. Gowdy. So whether or not you recall it or not, it's yours?

Mr. Strzok. Yes. Not recalling that, but I believe it is my writing.

Mr. Gowdy. Okay. "No. No, he's not." He's not what?

Mr. Strzok. Going to be my belief that he is not going to be President.

Mr. Gowdy. Okay. "We'll stop it." Who is "we"?

Mr. Strzok. Sir, my recollection is, looking at that time when the then candidate Trump had just come off of a speech where he was insulting the immigrant family of a fallen military war hero, I found it unbelievable the American people

Mr. Gowdy. So the "we" was you and the Khan family?

Mr. Strzok. Sir, if I could finish.

Mr. Gowdy. Is that your testimony, you and the Kahn family, that's who "we" was?

Mr. Goelman. Congressman, if you want testimony from a witness you're going to need to allow the witness to answer your questions.

Mr. Strzok. Sir, my response to that was coming off a speech where then candidate Trump was insulting the family, the immigrant family of a fallen war hero, it was so unbelievable to me that the

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American people that I, that anybody, given those sort of sentiments and statements, would elect him to the Presidency. That was my personal belief.

Mr. Gowdy. Okay. Well, that helps, Agent Strzok. By "we" you meant the United States. Is that what you meant by that?

Mr. Strzok. Honestly, I don't know that I had any specific

Mr. Gowdy. Well, who wrote it?

Mr. Strzok. My sense was we

Mr. Gowdy. Who wrote it?

Mr. Strzok. the United States and American people, would not elect him.

Mr. Gowdy. Who wrote it? Who wrote the "we'll"?

Mr. Strzok. I wrote it, Congressman.

Mr. Gowdy. Okay. And it is really not that complicated of a question.

Mr. Strzok. It's not.

Mr. Gowdy. You can go back through the Democrat convention again if you want to, you can go through all the speakers that spoke, but my question is going to still be the same at the end. Who did you mean by "we"?

Mr. Strzok. And, sir, what I am telling you is my best sense, looking at this text that I didn't recall until I read it very recently, was that "we" is my belief that the American people, there is no way that they're going to elect him.

And, sir, I would add what it does not mean, what it is not is

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any statement that I would ever consider, let alone take any official action, to impact the Presidency of the United States.

Mr. Gowdy. All right. That's great. I'm glad you got that out. That actually wasn't my question, but we may get to that.

What did you mean by "it"?

Mr. Strzok. My plain reading of that text leads that me that "it" is that the American people would elect then candidate Trump to be the President.

Mr. Gowdy. So the "we" is you speaking on behalf of what, the all 100 million that you thought would vote for Secretary Clinton?

Mr. Strzok. "We" is my as I sit here now my best recollection that "we" is my sense that the American people would not elect candidate Trump.

Mr. Gowdy. In March of 2016 was the Midyear Exam still going on, was that investigation still going on, the one where you didn't want to you wanted to make sure you didn't fuck things up?

Mr. Strzok. March of 2016 the case was still ongoing.

Mr. Gowdy. Right. And that's the same month you texted the vote would be 100 million to zero.

Mr. Strzok. I would have to check the dates, but I'll take your representation that's the date.

Mr. Gowdy. Okay. Well, did you send the text? Are you the one that wrote 100 million to zero?

Mr. Strzok. Yes, I did.

Mr. Gowdy. You can't think of a single solitary American that

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would vote for the Republican nominee?

Mr. Strzok. I think I was engaging in a bit of hyperbole and personal interaction and conversation with a close friend.

Mr. Gowdy. You can't think of a single solitary American well, who was the Republican nominee at that point? Because I don't think there was one.

Mr. Strzok. I think that's right.

Mr. Gowdy. So you were just convinced that the person you were investigating, that you had yet to even interview, wasn't going to be indicted, wasn't going to plead to an information, was going to be available to win 100 million to nothing.

Mr. Strzok. Congressman, as I said, that statement I firmly believe was hyperbole.

Mr. Gowdy. Okay. Well, let's I'll tell you what how about we

Mr. Strzok. I can envision a large number of people who would

Mr. Gowdy. How about we do this then?

Mr. Strzok. vote for the Republican nominee, whoever that ended up being.

Mr. Gowdy. How about we just drop it down to 10 million to zero? If it was hyperbole we'll just cut it, we'll cut it by a tenth, 10 million to zero. You thought the person you had under investigation, you hadn't even finished the investigation, you hadn't even interviewed the target of your investigation, but you already had her winning the Presidency?

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Mr. Strzok. I don't read that text that way. I read that text as my

Mr. Gowdy. Well, how can you win if you don't run, Agent Strzok?

Mr. Strzok. Sir, I read that text as my personal belief that, based on whatever was occurring at that moment in time, led me personally to believe that the

Mr. Gowdy. Well, I'll tell you what was occurring at that time, Agent Strzok. You were supposed to be investigating the very person that you had winning the Presidency, that's what was going on at that time, Agent. Is there something else going on at that time that would have been more important to you?

Mr. Strzok. Well, there are a number of things that were going on that were very important. The Midyear investigation was certainly important.

Mr. Gowdy. Had you interviewed the target

Mr. Strzok. There were a host of other investigations that were going on.

Mr. Gowdy. Had you interviewed the target of the investigation yet?

Mr. Strzok. I would not use the word "target." We had not interviewed Secretary Clinton at the time.

Mr. Gowdy. Damn, you wouldn't use the word "target"?

Mr. Strzok. Congressman, as you know as a former prosecutor, the word "target" is a word very specifically used by the Department of Justice

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Mr. Gowdy. What word would you use, witness, potential witness, suspect?

Mr. Strzok. I would say a critical player in the investigation.

Mr. Gowdy. Critical player.

Mr. Strzok. Right. My recollection is that the case did not have

Mr. Gowdy. Whose server was it, Agent Strzok?

Mr. Strzok. It was well, there are a variety of people who used that server

Mr. Gowdy. Whose server was it? That's a really simple question. Whose server was it, Agent Strzok?

Mr. Strzok. The server was run by a variety of entities and used by people including the Clinton Foundation, Secretary Clinton, former President Clinton. My understanding legally it was established and run at one point in time

Mr. Gowdy. Who sent and received

Mr. Strzok. Sir, can

Mr. Gowdy. Who sent and received information marked as classified on that server?

Mr. Strzok. Secretary Clinton, amongst others who were

Mr. Gowdy. So your position is that she was just an interesting witness?

Mr. Strzok. No, sir, she was one of the she was one of the individuals that we were looking at in the investigation.

When I answered you

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Mr. Gowdy. Looking at, looking at, but not target.

Mr. Strzok. Sir, when I answered you, it was in the context of the formal use of the term "target" and the formal use of the term "subject," both as DOJ uses that term and as the way the FBI uses that term.

Mr. Gowdy. Agent Strzok, we're both

Mr. Strzok. It is clear, Congressman, that Secretary Clinton we were the goals of the investigation were to, one, understand why and how and if classified information came to be placed on that server; two, who did that and the circumstances by which they did it; and, three, whether or not a foreign power gained access to that.

So it was not Secretary Clinton was in that group of people we were interested in, but she was not by any means the only person that we had an investigative interest in.

Mr. Gowdy. Okay. Well, let's go back to March of 2016 when you wrote 100 million to zero would be the election result, and you said that was hyperbolic. So we're going to scale that down to just 10 million to zero.

How many witnesses had yet to be interviewed at that point?

Mr. Strzok. I couldn't tell you, sir.

Mr. Gowdy. How many witness interviews did you do after March?

Mr. Strzok. I would have to check the record.

Mr. Gowdy. A dozen?

Mr. Strzok. I don't know. I would need to check. That is a

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noble answer. I do not know that answer sitting here sitting before you here today.

Mr. Gowdy. Give me your best estimate.

Mr. Strzok. I don't want to speculate on the numbers based on that. Without a review of the case that would be irresponsible.

Mr. Gowdy. Ten?

Mr. Strzok. Sir more than five, but

Mr. Gowdy. More than five, including what you consider to be an interesting witness in this fact pattern. I use the word "target," but you're on the record as saying you don't agree with the word "target," so that's fine.

Mr. Strzok. I'm on the record, sir, saying she was not considered a target by the Department of Justice.

Mr. Gowdy. That's fine. That's fine. Just like I said, you're on the record as saying she's not a target. That's my word, not yours. But you had yet to interview her regardless of what you call her.

Mr. Strzok. That's correct.

Mr. Gowdy. But yet you had her winning the Presidency, Agent Strzok. Can you see how that might possibly lead a cynic to think that maybe you'd already made up your mind?

Mr. Strzok. Sir, I am telling you my sense and my belief of whatever the Presidential election and the candidates and where that was going had absolutely no bearing on any act I took as an FBI agent.

Mr. Gowdy. I hear you, Agent Strzok. That's about the eighth time you've said that. But let me let me help you with this a little

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bit. It is really difficult to run and win when you've been charged with and/or convicted of a felony. It's a real challenge.

So the fact that you had her running and winning before you had concluded the investigation, you can sit there and read whatever answer your lawyer gave you to read about how it didn't impact your decisionmaking all you want, but you had her running and winning before you even bothered to interview her. That's what we're left with.

Mr. Strzok. Sir, I disagree that that is what you're left with. What you are left with are my belief that I am telling you that my personal opinion was that she was a compelling candidate and was likely to win.

I am telling you what you can take away is the fact that my personal belief, like the personal belief of every single FBI agent, did not impact my official acts in any way.

Mr. Gowdy. All right. Now we're up to nine. You've made that point really clear. You've done a good job of reciting that.

Now I want to go back to what you meant by "it" "We'll stop it."

Mr. Strzok. Sir, I think I've answered that.

Mr. Gowdy. What was the answer?

Mr. Strzok. The answer as I recall that I gave you was the "it" that the American people would not elect candidate Trump.

Mr. Gowdy. No, no, that was the "we." That was the "we," Agent Strzok. We spent a long time on the "we." What was the "it"?

Mr. Strzok. The "it" was the that President Trump would be

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elected President or then candidate Trump.

Mr. Gowdy. All right. So we are less than 10 days into an investigation that you were at a minimum a major participant in and perhaps running yourself, and you are talking about stopping the Presidency of the person that you were supposed to be dispassionately and objectively investigating?

Mr. Strzok. I can well, what's the question, sir?

Mr. Gowdy. Is that true?

Mr. Strzok. Is what true? I'm asking you to rephrase.

Mr. Gowdy. The whole predicate. We are less than we are 8 days into an investigation that you either ran or were a major participant in, and you're supposed to be dispassionately and objectively looking at the facts, and you have already declared that you are going to stop the Presidency of the Republican nominee.

Mr. Strzok. No, sir. That is not what I've said. What I have said is my personal belief that the American people I did not believe would elect the President. That is fundamentally different from what you just said and suggested.

Mr. Gowdy. We'll let the reader decide how fundamentally different it is, Agent Strzok.

A whopping week later, a whole week later, 15 days into your dispassionate, objective investigation into what Russia did and with whom, if anyone, did they do it: I want to believe the path you threw out for consideration in Andy's office.

What path?

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Mr. Strzok. My recollection of that text was, in light of the predicating information that we had received from an extraordinarily sensitive source, that there was a debate, as there frequently is with sensitive sources and methods, about the protection of that source and method weighed against the aggressiveness and pursuing the investigation at a risk to that source.

And there were some, and my reading of this is that Ms. Page was included in that some, who argued that it was unlikely that candidate Trump would get elected and that, therefore, we did not need to risk that source and method, that we could just kind of go in a traditional CI manner and go slowly. I remember

Mr. Gowdy. When you say risk a source and method, you mean in a trial, Agent Strzok?

Mr. Strzok. No, I'm meaning about the exposure and the compromise of that source and method. So if I could finish

Mr. Gowdy. In what, like a FISA hang on a second. Let me ask my question. Let me ask my question.

Mr. Strzok. You asked a question about the path. Can I finish that question or do you want to I would like to finish the answer.

Mr. Gowdy. If you can do it today, yeah, if you can do it today.

Mr. Strzok. Absolutely, Congressman. So the path was on the one hand that argument that we need to protect this source. Polling and all the pundits said it was a prohibitive favorite that Secretary Clinton would be the President. One option, as I said, was we protect that source and method, we don't put it at risk. We can afford to do

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a slower counterintelligence investigation.

The counter argument, which I was making and which ultimately was decided by a variety of people in the Bureau, is we have to approach this investigation and do what the Bureau does. We need to investigate these allegations for a couple of reasons.

One, if then candidate Trump wins the Presidency, the people that were allegedly or might be involved in that activity might be placed in significant national security positions, and we need to protect America by finding out whether or not these allegations are accurate or not and make sure that the government, President Trump in that case, was making special or making appropriate decisions.

Second, sir

Mr. Gowdy. Agent Strzok, your 2 weeks

Mr. Strzok. I'm almost done. I'm almost done, sir.

Second, that candidate Trump and the American people would expect us to do that. If there's an allegation, he, of all people, but everybody would want to know: If this is going on in my campaign I want you to tell me about it.

And the third option, these allegations might be proven false. All those things were there, but my view that we need it doesn't matter what the polls say.

You're probably not going to die before you're 40. The fact of the matter is, you do things that are responsible even when they are unlikely. And so my advocacy in that context was for the Bureau to do what the Bureau does, to go out and responsibly investigate.

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Mr. Gowdy. Yeah, I got that explanation. I guess I'm troubled by the part where you put the dash, that there's no way he gets elected, because it almost seems as if that was the path that was thrown out, that there's no way he gets elected, but we can't take the risk.

Because I don't see anything about sources and methods, and I don't see anything about risking sources and methods. What I see is: I want to believe the path you threw out for consideration in Andy's office, dash, that there's no way he gets elected, dash, but I'm afraid we can't take that risk. I see the word "elected." I don't see anything about sources and methods.

Mr. Goelman. Is there a question there, Congressman?

Mr. Gowdy. Yeah. What am I missing?

Mr. Strzok. Sir, you are misinterpreting that text. I read it. I know what I or I wrote it. I know what I meant.

Mr. Gowdy. Who is Andy?

Mr. Strzok. I am not going to get in on an unclassified text to a dissertation about the protection of sources and methods and the ways that we might do that and the weight. My statement was intended

Mr. Gowdy. Agent Strzok

Mr. Strzok. Sir, you wanted to know what you're missing, and I'm telling you what you're missing.

Mr. Gowdy. No, no, no. I do want an answer to the question. What I don't want you to do is sit there and regurgitate something that you have worked on for weeks and weeks and weeks. I want you to answer the question.

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Mr. Goelman. Congressman, you have repeatedly and publicly talked about how you want to hear from Agent Strzok. It now appears that you don't want to hear his answers, you want to hear your questions and then cut off his answers so that he can't give them.

Mr. Gowdy. No, he's had plenty of time to answer whatever you prepped him to say. He's had plenty of time to do that. I just let him go into three different scenarios, none of which involved him possibly wanting to impact the Presidency or the election.

Mr. Goelman. Congressman, you and I are both former prosecutors and we know that you would never get away with this in court, cutting the witness off like this. If you want to hear him

Mr. Gowdy. And good thing for us is we're not in court. That's the good thing for us.

Mr. Goelman. If you want to hear what he has to say, you're going to need to allow him to speak.

Mr. Gowdy. How are sources and methods going to be compromised? Were you anticipating a criminal trial?

Mr. Strzok. Sir, my recollection of that text is, sources and methods, there is always a tension. It doesn't matter if it's a national security case, if you've got a snitch on a drug case, there's always a tension between a source. It could be a mope on the street, it could be a recruitment in the middle of Beijing somewhere.

There is always a concern that anything you do investigatively is going to somehow allow the person who gave you that information to be identified. And so in this case my concern was the investigation

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might cause that source and method to be known and compromised.

Mr. Gowdy. Well, why don't we go 11 days forward and see if we can put a little clarity on this, whether or not you're talking about Trump or sources and methods.

Just went to a southern Virginia Walmart. I could smell the Trump support.

What did it smell like?

Mr. Strzok. Sir, that text is meant to convey my sense of how radically different, even within the State of Virginia where I live, that going from northern Virginia down to southern Virginia, how different the population was in their support for the Presidential candidates and congressional candidates.

Mr. Gowdy. Yeah, I get that, Agent Strzok. Unfortunately, that doesn't come anywhere near what you actually typed. I get that.

My question, to refresh your recollection, was, what did it smell like? You're the one who wrote that you could smell the Trump support. You didn't write anything about how northern Virginia is different from southern Virginia and how the politics may be different in the bluer parts of the State. That would have been great if you had actually written that. That's not what you wrote. You wrote: I can smell the Trump support.

And my question to you is, what did it smell like?

Mr. Strzok. Congressman, that phrase was used as an analogy to describe what I saw is the vast demographic difference between the electorate in southern Virginia and northern Virginia.

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Mr. Gowdy. Okay. Well

Mr. Strzok. These are conversational private texts. These are not statements for the record. These are not any sort of process by which I was conveying my intent and meaning. This is a conversation done electronically.

Mr. Gowdy. So is it your

Mr. Ratcliffe. Hold on, hold on, hold on.

Let me just clarify this for a second, based on what you just said there, Agent Strzok. Let's talk about these texts generally as they apply to Ms. Page.

You have described them as personal exchanges with a close confidante a number of times today, correct?

Mr. Strzok. Yes, sir.

Mr. Ratcliffe. I don't mean to embarrass you, but is Lisa Page someone that you do or at some point in time did love?

Mr. Strzok. Sir, I was engaged at one point in time in an extramarital affair. As long as, you know, we're going there and you want to discuss that, I would I would tell you that and the use and exposure of that has been

Mr. Ratcliffe. Look

Mr. Strzok. Sir, you brought up, so you know what, if you want to discuss it then I would ask you give me the dignity of kind of telling you how I think about it.

I deeply regret the pain that all of these things have caused my family. I will always regret that. I regret those texts in the way

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that they have done that harm and I would ask you know, I am happy to answer any work questions you have of me, but I would rather not continue to cause any pain to my family by, you know, going down this line of questioning.

Mr. Ratcliffe. Okay. Does that give you a chance to answer that completely?

Mr. Strzok. Sir, yes, thank you.

Mr. Ratcliffe. Okay. So what I'm trying to establish through all of that is, was Lisa Page someone that you cared about deeply at the time you were sending these messages?

Mr. Strzok. Lisa Page at that time was somebody I was engaged in an extramarital affair with.

Mr. Ratcliffe. All right. Well, she was a close confidante. I know that because you've said it three times.

Mr. Strzok. Yes, that's right.

Mr. Ratcliffe. And you also know that these text messages, fair to say that you thought you would never be sitting in a congressional hearing and these text messages would see the light of day?

Mr. Strzok. Yes, sir.

Mr. Ratcliffe. All right. These were always intended to be private.

Mr. Strzok. Yes.

Mr. Ratcliffe. To a confidante, someone that you were having an affair with and that you cared about.

Mr. Strzok. Yes, sir.

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Mr. Ratcliffe. So explain to me, how given that context, we shouldn't look at these text messages as your most honest and true expression of what you were thinking at the time that you wrote them.

Mr. Strzok. Sir, what I would tell you is they are a reflection of what I was thinking, and I would note they absolutely are also in the realm of personal belief, of personal opinion of the political process, and that I would tell you that and why that's important is because I continually guarded to ensure that none of my personal political beliefs ever influenced any act I took as an FBI agent.

Mr. Ratcliffe. Again

Mr. Strzok. And, again, I feel like I have been asked this many times and I'm giving the same answer in response many times. But I can't, in light of the continued asking, drive home enough to you that that isn't who I am and that is not who the FBI is. I would not tolerate that in another agent any more than they would tolerate it in me. That just isn't who we are.

And so the use and the suggestion that that is there deeply undermines the institution of the FBI and what we do day in and day out.

Mr. Ratcliffe. But with all due respect, Agent Strzok, you're the one that's suggesting that. You just told us that these private text messages that you thought no one was ever going to see, that would never see the light of day, that you intended to only be seen by the person you were having an affair with were the truest and most honest expression of your thoughts, but you

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Mr. Goelman. Congressman, that's what you said. That is not what the witness said.

Mr. Ratcliffe. Well, all right

Mr. Gowdy. Well, let's ask him. Let's ask him.

Are you more or less are you more likely or less likely to be candid and honest if you don't think anybody else is going to read it?

Mr. Strzok. I would I don't want to hypothesize. In general, private conversations, I think there's an expectation of an ability to speak candidly.

Mr. Gowdy. See, that's not tough. You're more likely to be candid if you don't think anybody else is going to read it, if you think it is private.

Mr. Strzok. Yes.

Mr. Gowdy. Right. That was John's point.

So what did you mean by smell the Trump support?

Mr. Strzok. What I meant by that was my sense and being struck by the difference of the electorate between an area as small as northern and southern Virginia, that I was struck by the just the number and amount of Trump support.

Mr. Gowdy. And had you used the word "struck" that'd be an interesting answer. Had you gone into a conversation about political demographics, regional politics, that'd been an interesting answer. But that's not what you said. You said you could smell the Trump support.

Could you also smell Clinton support?

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Mr. Strzok. I haven't ever tried. Again, this is an allegory. I can envision 100 scenarios of ways in which a conversation might have unfolded.

I am telling you, in this case, in this instance, my use of that phrase was in the context of an analogy of how different the local population was.

[1:21 p.m.]

Mr. Gowdy. Well, then, why not say, "I could see the Trump support"?

Mr. Strzok. That would have been an even more appropriate word. I'm not going to go back and defend the conversational selection of a particular word at any given point.

Mr. Gowdy. Well, you put "SMELL" in all caps. That took you a little time, didn't it?

Mr. Strzok. Not appreciably different than all lower case.

Mr. Gowdy. Certain intentionality when you put something in all caps, isn't it?

Mr. Strzok. I think it's to emphasize again, Congressman, I feel like we're repeating the same question

Mr. Gowdy. I'm just waiting on the first answer. I agree we've gone over the question a couple of times. I'm waiting on the answer, what did it smell like?

Mr. Strzok. And I am telling you it did not smell like anything. My use of the word "smell" is in the context of an analogy to make the point that I was struck by the difference in the level of support between the northern Virginia and southern Virginia voters over a very small geographic region.

Mr. Gowdy. Do you think there are any Clinton or Stein or Johnson supporters that shop at Walmart?

Mr. Strzok. Absolutely.

Mr. Gowdy. Was there something about being at Walmart that

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enabled you to smell the Trump support more than some other place?

Mr. Strzok. No. It was just the big, local store that I happened to be in.

Mr. Gowdy. All right. October 2016, were you part of any affidavits in support of FISA warrants?

Mr. Strzok. I don't believe I can answer that question without getting into both classified information and ongoing investigations.

Mr. Gowdy. I think the existence of it has been declassified.

Mr. Strzok. That is true, but that's not what I just said.

Ms. Besse. Congressman, you asked him a question about FISA warrants. Are you asking about a specific one?

Mr. Gowdy. Yeah, the one in October of 2016, the one that's been declassified, about the only one we can talk about in public.

Ms. Besse. May I confer with the client?

[Discussion off the record.]

Ms. Besse. Congressman, portions of the warrant have been declassified, but the process itself for the FISA warrant have not been declassified. So

Mr. Gowdy. I think the process is public. There's an affidavit in support of it. It's submitted to a court. I don't think any of that's classified. And I'm asking him whether or not he was part of the process.

Ms. Besse. In general terms it is not. The way you just phrased it

Mr. Gowdy. Right.

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Ms. Besse. it's not classified.

Mr. Gowdy. Right.

Ms. Besse. But to the extent that he can answer in an unclassified manner, he can answer. If he cannot, then I will instruct him not to answer in an unclassified setting.

Mr. Gowdy. I don't think it can be all that classified because there were emails and texts back and forth about providing extra information in support of the affidavit. I'm sure no Bureau lawyers or agents would be texting or emailing about FISA applications, given that.

Were you part of the preparation of an affidavit in support of a FISA application?

Ms. Besse. May we confer?

Mr. Gowdy. I don't think I've got a choice.

[Discussion off the record.]

Ms. Besse. Congressman, the witness will answer to the best of his ability.

Mr. Gowdy. Okay.

Mr. Strzok. All right, sir. So following discussion with counsel, I can tell you that I was aware of the FISA application, but I did not participate in its what was your phrase? the preparation.

Mr. Gowdy. Did you consult with anyone who did help prepare it?

Mr. Strzok. I was aware of it and had

Mr. Gowdy. See, I'm not sure what the word "aware" means.

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Mr. Strzok. Again, I'm answering what I can, and I'm happy to answer in a classified setting in greater detail.

Mr. Gowdy. I don't think we need to go to a classified setting. Did you provide any information? Were you talking to folks who actually drafted the affidavit or were going to submit the application package?

Mr. Strzok. I did not provide information. I did speak with people who were preparing it.

Mr. Gowdy. And when was this preparation going on?

Mr. Strzok. That I can't get into in an unclassified setting.

Mr. Gowdy. Well, when was the application signed? What's the date of it?

Mr. Strzok. I don't know that, sir.

Mr. Gowdy. Is it fair to say it's late October 2016?

Mr. Strzok. Again, sir, I'd need to check the record for that.

Mr. Gowdy. Would you disagree if I represented it was late October 2016?

Mr. Strzok. I would not.

Mr. Gowdy. Well, on October the 19th you said, "I'm riled up. Trump is a fucking idiot, is unable to provide a coherent answer." This would be about the same time there was preparation going on for a FISA application.

What did you mean by "Trump is a fucking idiot"?

Mr. Strzok. As I recall, without looking at the calendar of what was going on, I believe that was in the context of a debate, but I'm

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not certain about that.

Mr. Gowdy. What part of the debate made you think he was a fucking idiot?

Mr. Strzok. I couldn't tell you without going back in time. There was something that I was, from the plain reading of the text, didn't think his answer was an effective one.

Mr. Gowdy. Well, that's a little different to say somebody gave an ineffective answer.

Ms. Sachsman Grooms. Would it help if perhaps we put the text in the record? We've been doing this all day asking about text but he's not able to see the text.

Mr. Gowdy. Well, that's up to his lawyer.

Ms. Sachsman Grooms. I don't think it's up to his lawyer.

Mr. Gowdy. And you can show him what you want when it's your turn. When it's your turn you can show him what you want, but you're not going to do it on my time. He's got a lawyer. He's actually got a good one.

Ms. Sachsman Grooms. So you would like to ask him questions about a document that you refuse to show him?

Mr. Gowdy. That's up to his lawyer. He's the one that wrote it.

Look, as much as you want to represent this witness, he actually has a lawyer. Let his lawyer do the job. If he wants time to look at a text, he's welcome to ask for it.

Ms. Sachsman Grooms. Sir, it is common practice of our committees, our committees that we have participated on together for many years, to show a witness a document that we are asking that witness

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about and mark it as an exhibit for the record.

That is not my interest or willingness or any participation in the representation of the witness. That is just a common practice of our committee.

Mr. Gowdy. Okay. Are you through?

"Trump is a fucking idiot, is unable to provide a coherent answer." And your response was that he must have said something ineffective during a debate. And my question was, do you agree there's a difference between an ineffective answer and a someone being a fucking idiot?

Mr. Strzok. What's the date of the text, sir?

Mr. Goelman. For the record, I'm showing the witness a printout of the text, I think, that we got from Senator Johnson posted it on the internet and directed the witness' attention to text dated October 20, 2016.

Mr. Strzok. Yeah. So, sir, my read of this and from the surrounding text, it is apparent that I'm watching the debates and there was some answer that I was responding to.

BY MR. BAKER:

Q I just have a very general question about the text.

A Yes.

Q You've stated a few times more than a few times that these were conversations believed to be in private between you and Ms. Page.

Was there a belief at the FBI or a belief between you and Ms. Page

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that these texts were texts in general were somehow not stored or recorded or retrievable by the FBI?

A My understanding was that they are both stored and retrievable, that nevertheless, because there is de minimus use allowed by the text, that there is an expectation certainly of being monitored, but also that they were they had a level of privacy attached to them.

Q But not a belief that technology wise they were physically not able to be retrieved?

A Correct.

Q Okay. Thank you.

BY MR. PARMITER:

Q Afternoon, sir.

A Afternoon.

Q Can I just clarify one thing? A little while ago you spoke with Chairman Gowdy about the text about the path you threw out in Andy's office. For purposes of that text, you were speaking about Andy

A McCabe.

Q Okay. And at the time he was in what position?

A Deputy director.

Q Okay.

Going back to something you were asked earlier today pertaining to the Russia investigation, do you know who conducted an interview of Michael Flynn?

A I do.

Q And who conducted the interview?

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A Can I confer with counsel?

Q Sure.

[Discussion off the record.]

Mr. Strzok. Okay. So I can do this. And, Cecilia, if you want to hop in.

I am aware of who conducted that interview. Because it's an ongoing investigation, agency counsel has instructed me not to get into the details of that.

Ms. Besse. One, we are not it's the it is an aspect of a special counsel investigation. And also if it involves any employees who are not at the SES level, we are not going to allow the witness to give the names of those employees.

Mr. Baker. So it's fair to say the individual is not at the SES level?

Ms. Besse. It is possible the individual is not at the SES level.

Mr. Parmiter. So it's been widely reported that during the interview and you may or may not be able to answer this that the interviewing agents believed that Mr. Flynn had testified truthfully. Did you share that view at the time?

Mr. Strzok. I don't know that I can answer a question about an ongoing investigation.

Ms. Besse. Again, because you're asking about his sort of interpretation based on being an agent involved in that investigation, he will not be able to respond to that question because it is under the special counsel's purview.

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BY MR. PARMITER:

Q Okay. Well, in the short time we have remaining, let me just ask you a couple other questions.

Are you aware whether the current President has ever been caught on surveillance or the target of surveillance? I mean, I guess, as the former deputy assistant director for counterintelligence, would that be something you would be aware of?

A I would be aware of some aspects of sensitive sources and methods and collection and who may or may not be on there. But I similarly would not be aware of all by any not even close.

Q So in response to the question about the current President?

A I can't answer that question in this setting.

Q Okay. Did you ever, as deputy assistant director for counterintelligence, sort of put out a call or request that different FBI units ensure you were looped in whenever such a thing might have occurred, whether it's the President or senior White House officials?

A Again, I don't think I can answer that question in this setting.

Q So let me go back to something you talked about with Chairman Gowdy about the text referring to this matters, when "MATTERS" was in all capitals. Understanding that your response to that was that this is classified, we talked you talked a little bit about the mishandling of classified information versus Russian interference and the two investigations looking at them side by side.

Would you say that your response to that question indicated the

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mishandling part was somehow less important than the Russian interference part?

A I think the analogy that I tried to do is take any individual or country out of it, so setting aside just, say, a hostile foreign nation compared to the mishandling of classified information.

All FBI investigations are important. They all matter. If we open them, we have a duty to pursue the facts where they lay and bring them to a conclusion.

My statement, as I recall it, and certainly what I'm thinking now, is that when you is certainly me, from my perspective and expertise, that I think an objective observer look at the impact to national security of a mishandling case compared to the impact on national security of a hostile foreign nation potentially allegedly colluding with members of the candidacy for the Presidency of the United States, those are objectively demonstrably different impacts on potentially different impacts on the national security of the United States.

Q Would the number of classified emails be relevant in that consideration?

A Yes.

Q How many classified emails did the Bureau find on the Clinton server?

A I'd have to refresh my recollection. At this time, I you know, we count them in threads. I would have to refresh my recollection with the documents in the case file.

Q Okay. Would you disagree if I said it was 2,000 emails at

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varying levels of classification?

A My recollection is that the difficulty in counting individual emails is that we tended to go by threads, because you would see various appearance of threads that, you know, there were two, then three, then four emails.

And so if that thread was repeated in each of those forms, you could individually count those and come up with a very large number when, in fact, there had been one email at the beginning that was classified or in the middle that then got forwarded back and forth between a bunch of people.

So I don't know the answer to the individual emails, and I think trying to count individually is a little bit misleading because it overcounts potentially that.

But I would, you know, if you're telling me that is absolutely your representation, then I'll accept that.

Mr. Parmiter. I think our time is up. Thank you.

Mr. Breitenbach. I think we'll take a break for lunch now.

[Recess.]

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BY MS. KIM:

Q We are back on the record. The time is 2:46.

Mr. Strzok, this round is for the Democrats to question you.

I would like to ask you some general questions about the FBI's investigative techniques. Have you ever been involved in any investigations where the FBI did not follow with established protocols on the use of human informants?

A No.

Q So a human informant wouldn't be sent into a certain network by the FBI and then told to report back to the FBI?

A Explain that question more.

Q Would the FBI ever just dispatch a human informant into a certain pre established network with the goal of entrapping people from within that network?

A No, not for the purpose of entrapment.

Q And does FBI ever conduct investigations to frame U.S. citizens for crimes they did not commit?

A No.

Q Does the FBI conduct investigations to entrap U.S. citizens?

A No.

Q Are you aware of any instance where the FBI and DOJ used politically biased unverified sources in order to obtain a FISA warrant?

A No.

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Q Have you ever made a decision on the Trump investigation on your own?

A No.

Q Are you aware of any

A Let me back up. I don't I would not characterize it as either confirming or not confirming whether or not there is an investigation towards President Trump. It's safe to say I have not made investigative decisions on my own that I can recall in any case.

Q Sure. And let me restate it. Thank you for the precision. I am discussing the investigation into collusion with Russia that Director Comey publicly acknowledged in March 2017. So, consistent with your general experience, you did not make any investigative decisions in that case by yourself without

A Correct.

Q going through the proper investigative channels.

Okay. Are you aware of any instances where the FBI and DOJ manufactured evidence in order to obtain a FISA warrant?

A No.

Q Are you aware of the FISA court ever approving a FBI or DOJ warrant that was not based on credible and sufficient evidence?

A No.

Q Are you aware of any instances at the FBI or DOJ opening an investigation failing to follow all proper protocols to obtain a FISA warrant?

A I am generally aware that there are inspection processes.

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There may have been cases in the past where people again, you know, whether it was a Woods file that lacked sufficient documentation, but those are more administrative findings, and I don't have any specific recollection.

Q Have you been a part of any investigation where the FBI and DOJ did not follow the proper procedures to obtain a FISA warrant?

A No.

Q Have you been a part of any attempts by the FBI and DOJ to intentionally mislead FISA court judges in an application for a FISA warrant?

A No.

Q And that includes by omitting evidence or manufacturing evidence?

A Correct.

Q Can you explain briefly what the Five Eyes alliance is?

A So sure. The Five Eyes refers to the countries of the U.S., Canada, Australia, New Zealand, and the U.K. It is an intelligence sharing arrangement that is much more open and robust by the nature of kind of common shared Western democratic values and strategic interests.

Q And despite the shared nature of that five country forum, we do, in fact, maintain bilateral information sharing relationships outside of the formal Five Eyes relationship, right?

A Correct.

Q And those would all be proper channels through which to

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receive intelligence from a foreign country?

A Yes.

Q Thank you. If you could if we could jump quickly to the initiation of the Midyear Exam.

I understand that the IC IG referred this matter to the FBI. Is that correct?

A Yes, that's correct.

Q And do you recall what the IC IG gave the FBI in terms of evidence and information?

A I don't recall. That was I joined the investigation after it was underway.

Q At the inspector general's hearing before our committees on June 19th, 2018, Mr. Meadows said about the IC IG, quote: They were so concerned that there might have been foreign infiltration into Secretary Clinton's server that they went immediately to the FBI to let them know about that.

He also says that the IC IG himself indicated that he went literally that day to the FBI because he was really quote, really concerned that there were some anomalies in the metadata that would suggest that a foreign actor was getting copies of potential emails.

Mr. Meadows then asked the DOJ's inspector general whether it was, quote, curious that FBI investigators did not talk to the IC IG about the allegation on anomalies of metadata before closing out the Clinton investigation.

Did the IC IG say anything to you about anomalies of metadata?

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A I don't recall any discussion about anomalies in metadata.

Q And does the FBI typically investigate matters referred from an IG office jointly with that IG's office, or does the FBI conduct its own independent investigation?

A My experience is that it varies depending on the nature of allegation, the nature of the IG involved.

Q And in this case, did you investigate in tandem with the IC IG, or did you conduct an independent investigation?

A We did. We conducted an independent investigation. We had recurring coordination with the IC IG. They were great partners, but it was an independent FBI investigation.

Q Great. Thank you. Does the FBI place spies in U.S. political campaigns?

A We do not.

Q Are you aware of any information that would substantiate the claim that the DOJ is, quote, out to frame Donald Trump?

A I am not aware of any information to that effect.

Q And has the FBI or DOJ ever investigated the Trump campaign or the Trump Presidency for political purposes?

A Certainly not for political purposes, and I am not, by that answer, implying that there is or is not any other lawful predicated investigation.

Q In your career at the FBI, have you ever witnessed any investigative personnel letting their personal political views influence in any way their official actions?

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A No.

Q Are you aware of any instances where Lisa Page made a professional judgment or took an official action due to her personal political views?

A No.

Q Are you aware of any instances where Lisa Page made a professional judgment or took an official action in the Clinton investigation due to her personal political views?

A No.

Q Would you say that you are the authoritative source on the interpretation of what your intent was behind a text message?

A I would.

Q And given that you are the authoritative source on your intent behind a text message, do people continue to interpret your texts in a way different from your stated intent in sending that text?

A I believe they do.

Q They do. Yes. When you were texting with Lisa Page, were those texts supposed to be official communications, that is, between the lead agent on the Clinton case and the special counsel to Andrew McCabe?

A No.

Q So they were intended to be personal communications?

A Yes. Yes, personally, in the conversational type of way, they were not, you know, kind of any official sort of communication back and forth.

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Q Do you acknowledge that it was a mistake to engage in personal communications on your work device?

A I deeply regret those texts and the way that they have come out and certainly the harm to my family and in the personal way that they have been used. And I I say that, and I would draw a distinction between there is an allowance for personal use in the text messages by the FBI, so I think that that is how I think of that.

Q Okay. Thank you.

I think we can now turn to discussing some of the specific text messages that have been the subject of some discussion today.

Ms. Kim. I would like to introduce the following document as exhibit 1. We will mark it as exhibit 1.

[Strzok Exhibit No. 1

Was marked for identification.]

BY MS. KIM:

Q It's the March 3rd, 2016, text exchange. Here is the numbered copy.

So, Mr. Strzok, this exchange shows you and Ms. Page discussing Donald Trump over the course of 2 hours on the evening of Thursday, March 3rd, 2016. On this evening, FOX News hosted a Presidential primary debate with the four remaining candidates. Was the Trump/Russian investigation open at this time?

A The investigation announced by Director Comey into allegations of Russian collusion with members of the Trump campaign was not open.

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Q Did you watch the Presidential primary debate?

A I believe I watched the debate. If this was a primary debate, I watched it that night.

Q And do you know if Lisa Page was watching this debate?

A I don't know. I mean, I don't know if that's inferred from some of the texts in here. I haven't gone through it.

Q Sure.

A It appears that she was watching it.

Q Thank you.

Ms. Kim. I'm going to introduce another document. It's we'll mark it exhibit 2.

[Strzok Exhibit No. 2

Was marked for identification.]

BY MS. KIM:

Q It's a March 4th, 2016, CNN article entitled "Republican Debate Turns Dirty."

So I will read aloud from it. I'd like to direct you to the second paragraph of the article. It reads, quote: Donald Trump opened the GOP debate here by boasting about the size of his genitals. He responded to recent comments from Marco Rubio in which the Florida Senator joked about the size of Trump's hands and said, "You know what they say about men with small hands." On the debate stage, Trump stretched his hands out for the audience to see, then insisted the suggestion that, quote, "something else must be small," unquote, was false. Quote, "I guarantee you there's no problem," unquote, Trump

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said to howls from the audience at the FOX debate.

Do you remember this moment from the debate?

A I do.

Q And do you remember what your reaction was to Trump's statement about the size of his genitals?

A I was appalled that that sort of conversation was going on amongst candidates for the nomination for President of the United States.

Q Did you believe the subject was appropriate for a Presidential debate?

A I did not.

Q So, with that context in mind, let's return to exhibit 1, your text messages this day. The fourth message down, it's from Ms. Page. It reads, quote: God, Trump is a loathsome human.

The time stamp is in GMT, but if we translate that into Eastern time, that is 9:10 p.m. Eastern. Do you recall, again, whether Ms. Page was watching this debate?

A I don't recall. I'm inferring from her later comments that she was.

Q And do you understand her comment that Trump is, quote, loathsome to be a response to this debate performance?

A I do.

Q In fact, Donald Trump also stated during that debate, quote: Department of environmental protection, we are going to get rid of it in almost every form. We are going have little tidbits left, but we

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are going to take a tremendous amount out.

If we return to the text messages, there is a text from you I want to say just around the halfway point, 02:20:04, on Friday. It reads: OMG, he's an idiot.

And 2 minutes after that text, if you go down about four texts, it says: Department of environmental protection, question mark, exclamation point, question mark, exclamation point.

And then the next text says: God, Hillary should win 100 million to zero.

Do you remember if this was a response to Trump's statement in the Republican Presidential debate about the department of environmental protection?

A My sense of that text, looking now, is that it was meant to convey my disappointment in the quality of the debate and some of the candidates that were before the Republican ticket and that my assessment of their statements of the crude, crass nature that I was I was surprised and disappointed.

Q To the best of your knowledge, does the Federal Government have a department of environmental protection?

A Not that I'm aware of.

Q So, when you were calling him an idiot and then typed "department of environmental protection," question mark, exclamation point, 2 minutes later, were you making the point that Donald Trump was promising in a nationally televised Presidential primary debate to cut a Federal department that does not exist?

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A That is a reasonable inference of what I was thinking at the time, yes.

Q So, again, your next text 2 minutes after the one about the department of environmental protection states, quote: God, Hillary should win 100 million to zero.

In this text, were you stating a literal opinion that no one in the country should vote for Donald Trump?

A No.

Q Were you stating your intention to help Hillary Clinton win the general election through your professional deeds?

A No.

Q What did you mean by this text?

A It was my personal opinion, based on my viewing of the debate, that it did not seem like a compelling candidate was coming out of the Republican primary.

Q Earlier on this day, on March 3rd, 2016, two Republican Presidential nominees, the ones from 2008 and 2012, also publicly denounced Donald Trump.

I will represent to you that Mitt Romney called Donald Trump, quote, a fraud, and, quote, a phony who would drive the country to the point of collapse.

He also said, quote: He is playing the American public for suckers. He has neither the temperament nor the judgment to be President.

As soon as he was done with that speech, Senator John McCain

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endorsed Mr. Romney's statements and said that Mr. Trump had made, quote, dangerous pronouncements on national security.

It seems clear to me that both Governor Romney and Senator McCain had some anti Trump things to say on March 3rd, 2016. Do you have any reason to believe that Mitt Romney has a deep anti Republican bias?

A No.

Q Do you have any reason to believe that John McCain has an anti Republican bias?

A No.

Q Thank you.

Ms. Kim. I would like to introduce my next exhibit. It will be marked exhibit 3. It is a May 3rd, 2016 no, sorry. Strike that, please. The document I will introduce as exhibit 3 is a July 2016 text exchange. July 21st, 2016.

[Strzok Exhibit No. 3

Was marked for identification.]

BY MS. KIM:

Q Mr. Strzok, I will direct you to a text from Ms. Page. It's about eight texts down from the top. It's where she is emailing you an article link with a title "Donald Trump Sets Conditions for Defending NATO Allies Against Attack" with her personal comment, quote: This is really shocking.

Do you remember this text?

A Reading it in retrospect, I do, but not before refreshing my recollection.

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Q And do you remember reading the article that Ms. Page sent to you?

A Vaguely. I believe I read it. I could not tell you right now what it said. I recall generally the context that it was questioning the NATO alliance and those terms under which we would we, the United States, might respond to an attack.

Q Now, you're a national security expert. How important is the NATO alliance?

A I don't know if I'd well, I don't know that I'd call myself a national security expert, but certainly, I think, based on my training and experience both in school and the military and the FBI, the NATO alliance is extraordinarily important for a number of reasons, both from a defense perspective, politically for Western democracies.

Q In your view, would it be a major diplomatic shift for the United States to set conditions for defending NATO allies against attack?

A I think it would be very significant to certainly change any understanding that existed and form the basis of a set of deterrents and conditions amongst the NATO allies in Europe.

Q Around 10 minutes after Ms. Page sent you this article, Ms. Page texts you another link to an article. I will direct you to that one. It is the text that starts: This campaign is like watching a train wreck happen over and over and over again.

The article is entitled "How Donald Trump Picked His Running Mate."

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Ms. Kim. I'll introduce that as exhibit 4.

[Strzok Exhibit No. 4  
Was marked for identification.]

BY MS. KIM:

Q I'll direct you to the end of the first paragraph. It's describing a call that Donald Trump, Jr., made to a senior adviser to Governor John Kasich of Ohio.

A If I can interrupt you. I think I've gotten the exhibit talking about the NATO Defense article in your attempts

Q I see. My apologies. Well, let me read aloud from this article to you.

A Okay.

Q And I'll strike exhibit 4. Exhibit 4 has not been introduced.

Quote: Donald, Jr., wanted to make the senior adviser of Mr. Kasich's an offer nonetheless. Did Mr. Kasich have any interest in being the most powerful Vice President in history? When Mr. Kasich's adviser asked how this would be the case, Donald, Jr., explained that his father's Vice President would be in charge of domestic and foreign policy. Then what, the adviser asked, would Trump be in charge of? Quote, making America great again, unquote, was the casual reply.

Do you think you read this article when Ms. Page sent it to you?

A I'm sure I read the NATO article. I believe I read the running mate article.

Q Are you generally familiar with the way that Presidents and

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Vice Presidents, again, very generally, divide their job duties?

A Generally, yes.

Q Did it concern you that Donald Trump, Jr., was offering Vice Presidential candidates the portfolio of, quote, domestic and foreign policy so the President can focus on, quote, making America get again?

A It did.

Q Why did that concern you?

A How the my view and of the Presidency is he is the chief executive of the United States. He is responsible for the national security of the United States, and there is nothing more important to the chief executive's role than the security of our Nation. And so the notion that anybody would abrogate that most important of roles to his number two struck me as inappropriate, unusual, and irresponsible.

Q Great. Thank you. So, with that context in mind, let's turn back to exhibit 3, which is your text with Ms. Page from that day. So, after she emailed you these two after she texted you these two articles, you texted back, quote: Trump is a disaster. I have no idea how destabilizing his Presidency would be.

What did you mean by this text?

A Looking at it now and my recollection is very much in the context of the NATO comments and not although I do remember the article about the Presidency and Vice Presidential roles. My concern, certainly from my military experience, from my education experience, is that the vitality, the critical nature of the NATO alliance and the

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way that that plays not only with regard to the stability of the European Union but the back and forth between the various countries and powers in Europe potentially vis à vis Russia is of extraordinary importance and something historically we have had for decades and decades and decades, and that anybody that would come in and so quickly throw fundamentally radical and untested and unchartered ideas out potentially presented a significant destabilizing force on the kind of geopolitical realities of the United States.

But, again, this is my personal opinion, this is my personal belief about how I saw the political environment at the time. It is not at all related to anything which bears on my official duties.

Q Got it. So, from your personal perspective, when you were commenting that his Presidency could be, quote, destabilizing, can you explain for me one more time what you meant would be destabilized?

A Sure. Looking at in the context of these articles, I believe my statement meant at the time that it was destabilizing from the potential impact on our NATO allies and the leadership role that the United States has historically held in the free world.

Q Thank you.

Ms. Kim. I would like to move on to the text message about you protecting our country, quote, at many levels. I will introduce that as exhibit 4.

[Strzok Exhibit No. 5  
Was marked for identification.]

BY MS. KIM:



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Q This is a two sided exhibit. I just want to let you know.

So, Mr. Strzok, this is a series of texts from August 6th, 2016, where you appear to be discussing whether you will be getting a promotion. I'd like to instruct you to start reading on the first page around halfway down, starting with the text, quote: And that's weighing on me much more than I want to admit to you.

It's about a little more than halfway down.

A Yes.

Q And then the next text says, quote: Getting, slash, not getting the job, comma, not advising Bill.

So were you up for promotion in this time period?

A I was.

Q And what promotion were you up for?

A To Deputy Assistant Director.

Q And what was the process like for that promotion?

A It was, like most processes, there were a lot of very competent folks who would be qualified for the job. I had started as section chief not long before that in the early, early in the year, so I was somewhat junior, tenurewise, and I was I was torn. I mean, there are a variety of factors that go into deciding whether or not to apply for a job, and this is a reflection of that kind of internal deliberation that I was engaged in.

Q Got it. I think you elaborated a little bit about the process. Three texts from the bottom of this page, you say: I know. And as it stands, I'm going to have (and already do) a pretty tough

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time with it. Five months, Lisa. Out of 19 years, 5 months because Giacalone was too busy interviewing to be there to SES board it earlier. There was literally no difference in what I was doing day to day.

What did that text mean?

A As I recall, this text involved some there was some discussion or consideration, appropriately, about tenure and the amount of time you had spent in any given job. My recollection of this is that when I was initially selected to be the section chief of the espionage section, that that occurred, that board, that official personnel action, occurred later because people who they're scheduling and whether or not they were present or not present caused that to be delayed.

And so my point was: I was doing this job. I had been doing that job, but the official naming of the position, which I eventually got, was several months delayed based on personnel availability. For this reading, it was you know, Mr. Giacalone was not available, but my concern that, while I had been doing the same job throughout this entire period of time, the de facto date of my promotion was later than it otherwise might have been.

Q I see. So, if you turn to the other side of the exhibit, Ms. Page texts back: And maybe you're meant to stay where you are because you're meant to protect the country from that menace.

A Yes.

Q She then sent you a link to a New York Times op ed.

A Yes.

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Q Was the menace, in your understanding, Donald Trump?

A No. I think, as I mentioned or answered earlier, the menace that I saw was primarily the interference of the Government of Russia in the Presidential elections for the Presidency or that's redundant, for the Presidency of the United States. It was certainly true that that the allegations at that time were that they were colluding or may be colluding with members of Trump campaign. So I see menace broadly primarily in the context of Russia, but certainly in the context that they were allegedly colluding with members of the Trump campaign. That was the that was how I saw it. But it was primarily, as it has been my whole career, protecting America from foreign threats.

Q Did you understand Ms. Page to be advocating for you to secretly scheme to prevent Donald Trump from becoming President?

A No.

Q And did you in fact scheme to prevent Donald Trump from becoming President?

A No.

Q The next text you wrote, quote: Thanks. It's absolutely true that we're both very fortunate. And of course I'll try and approach it that way. I just know it will be tough at times. I can protect our country at many levels, not sure if that helps.

So, given that you were talking about the promotion that you were hoping to be getting, what did you mean by "many levels"?

A I meant that whatever level I held in my job, that, you know,

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clearly I had put in for the position; I wanted to get it; I was not certain that I would; and this is, in a way, me you know, her saying, "Hey, look, you have a great job whatever level you are at," and my trying to, you know, say to myself, yes, that's true: Whether I'm a section chief, whether I'm a Deputy Assistant Director, I am blessed to be in the FBI protecting America, and so that whether I am doing that as a section chief specific to espionage investigations, whether I am doing that as a Deputy Assistant Director, that those many levels, those different levels, I can still make a significant contribution to national security.

Q In fact, the next text from Ms. Page reads, quote: I know it will too. But it's just a job. It's not a reflection of your worth or quality or smarts.

Do you think that is also contextual support for the fact that you were talking about the promotion that you could get or the job that you currently held?

A Yes, that's entirely it.

Q Great. During this exchange, Ms. Page also texted you an article from The New York Times about Captain Khan's family.

Did you read that article?

A I did. I may have already read it.

Q So, later on this page, Ms. Page wrote, quote: Trump should go F himself.

A I don't see that.

Q No, it's not in there. I'm sorry. I can represent to you

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that that is the next text in the series.

A All right.

Q When you when Ms. Page texts you the article about Captain Khan's family and then wrote, quote, "Trump should go F himself," did you understand her to be expressing her anger at Mr. Trump's treatment of Mr. Khan's family?

A I did.

Q And when you wrote, "God, that's a great article. Thanks for sharing. And F Trump," was that also your reaction were you expressing your personal view?

A I was. That was my personal view about the statements he had made about the Khan family.

Q Thank you. Ma'am.

Ms. Jackson Lee. Mr. Strzok, let me thank you for your patience. I understand that there was ongoing questioning and quite a bit of intensity. So let me just again thank you for your service.

I want to focus on I want to focus on an exhibit, exhibit 6, dated August 15, 2016, text message regarding insurance policy.

[Strzok Exhibit No. 6

Was marked for identification.]

Ms. Jackson Lee. In this August 15, 2016, text message to Ms. Page, you wrote, quote: I want to believe the path you threw out for consideration in Andy's office that there's no way he gets elected but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40.

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Do you recall the meeting you referenced in Andy's office who was present?

Mr. Strzok. I don't recall.

Ms. Jackson Lee. Is that is it because there were a lot of people or why?

Mr. Strzok. It depended. You know, it was when I attended meetings on the 7th floor, the Director is kind of down to one end in his office suite. The Deputy's office is in the middle. It would sometimes happen and Andy has a large conference room it would sometimes happen that we would meet with the Deputy Director.

I think, in this instance, if I recall correctly from calendar type things, we may have briefed the Director and that sometimes, following those meetings, we would kind of retire to the Deputy's office to get out of the Director's hair and office space and continue a more granular discussion there.

Ms. Jackson Lee. And so, in that meeting, where you moved from place to place or office to office, were there a lot of people, or are there any names that you can recall?

Mr. Strzok. No. So my I am assuming this, and I could be very wrong with all of them, but people who were typically involved in the discussions of both well, in Midyear earlier, but in some of the Russia collusion investigations, if this was coming out of a briefing to the Director, typically those would include the Director, the general counsel, the Director's chief of staff, the Deputy Director, the Deputy Director's counsel, Ms. Page, the executive assistant

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director, the assistant director, who's Bill Priestap, me, typically John Moffa, a colleague who we were partners throughout all of this.

So, following briefings to the Director, frequently, obviously, the Director would not continue, but his chief of staff, the general counsel might or might not then go to a follow on discussion.

Ms. Jackson Lee. Thank you. What was discussed at the meeting and how to handle a variety of allegations let me just say, what was discussed at the meeting?

Mr. Strzok. So, Congresswoman, I don't recall all of the things that were discussed at that meeting without looking at some FBI material, and I don't know that it would shed light on this, but from the text, it is apparent to me that we had a discussion, given the information that we had received from an extremely sensitive source, which predicated the Russia collusion investigations, that there was a debate about how aggressively we wanted to investigate those allegations because the trouble is that frequently the more sensitive the source, the more likely the FBI doing something investigatively is likely to expose that source, and that could lead from anything to the source getting killed to fired to public embarrassment, and any number of bad things.

And so the debate, as I recall it, was, on the one hand, and my belief of what this text refers to, that there was one school of thought, of which Lisa was a member, saying the polls, everybody in America is saying Secretary Clinton is the prohibitive favorite to be the next President, and therefore, based on that, these allegations about the

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Trump campaign, we don't need to risk that source. We can just take our time. We can run a traditional year's long counterintelligence operation, and we don't really need to worry because he's not going to be elected.

As I recall it, my response was I don't think that can be part of our decisionmaking. The FBI's job and responsibility to the American people is to investigate and that, if there are members of the Trump campaign who are actively illegally colluding with the Government of Russia, that's something the American people need to know, that's something candidate Trump potentially needs to know. And equally, if they aren't guilty of anything, that's also important.

So my statement there is: We can't consider we can't take into consideration the likelihood or unlikelihood of anybody's electoral process. We need to go, based on the gravity of this allegation, go investigate it and get to the bottom of it.

Ms. Jackson Lee. What status was the investigation at that point? The beginning? The middle?

Mr. Strzok. It was the beginning.

Ms. Jackson Lee. So you were discussing how aggressive to be in the investigation?

Mr. Strzok. Yes, ma'am.

Ms. Jackson Lee. That meeting might have been

Mr. Strzok. Yes, ma'am. And so and the point and the point, the analogy I am drawing is, you know, you're unlikely to die before you're 40, but nevertheless, many people buy life insurance.

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The similarity is that, regardless of what the polls are saying, that Secretary Clinton is the favorite to win, however likely or not it is who's going to win, just like life insurance, you have to take into account any potential possibility. And it was simply it was simply: You need to do your job based on something, regardless of whether it's highly likely or not likely?

Ms. Jackson Lee. In the Congress, we say things like regular order. You needed to do what the FBI does when issues like this come before it. Is that what you're trying to say?

Mr. Strzok. Yes, ma'am, that, but also in the context of how how much risk and how aggressively you wanted to

Ms. Jackson Lee. Let me just say you just said "how aggressive." What would be the most aggressive course of action?

Mr. Strzok. I think the most aggressive course of action would be to go out and, you know, simply do very overt things, start talking to people and interviewing people. The trouble with that is there are many problems with that.

One, people don't frequently tell you the truth when you talk to them. A lot of things that you might find by doing some background information will allow you to conduct a far more effective interview, and certainly going out and doing that, people are immediately going to be aware that somebody told the FBI the nature of this predicated information, which would be a considerable harm and cost potentially to that source.

Ms. Jackson Lee. I think you have answered this, but why would

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that be considered aggressive?

Mr. Strzok. I the reason if what you're asking is why I thought we should be aggressive.

Ms. Jackson Lee. Or why would some of those actions be considered aggressive?

Mr. Strzok. Because they are they are things that are very they are risky, and they're precipitative. They cause things to you're kind of jumping to a final point without necessarily a lot of insurance of being successful and without having potentially a lot of the tools that you would be able to use.

You know, if I'm going to talk to you about your background, I can do it, but if I talk to all the staff members in here about your background, I'm going to know a lot more and do a better interview. So aggressive is go straight and interview you. Prudent would be to get other information, and there's a balance, obviously, in there.

Ms. Jackson Lee. Was there another option on the table besides that approach?

Mr. Strzok. There was. Yes. And so that was what I think some were advocating for that, you know, traditionally, because of how sensitive counterintelligence sources can be, the work in intelligence work can frequently be very fastidious, very cautious, very slow, and taking very deliberate steps to ensure that anything we might do can't be traced back to the reason we're doing it.

So that was an option. The problem with that is that frequently takes a long time, and so, because of that, you know, it might take

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years. And so the question was, and the point of this is, hey, one side saying: Well, since Clinton is likely to be elected, we've got years. We can take years to figure it out.

And my point was: Maybe we do, but if Candidate Trump is elected, we have months, and we may find ourselves in a position where we have these allegations potentially about people who are being nominated for senior national security roles, and then we're in a really bad spot because we don't know whether these allegations are true or false; we don't know the extent of these allegations and the truth and how extensive or not.

So my advocacy was we need to pursue these cases in a way that will allow us to be responsible and protecting the national security of the United States.

Ms. Jackson Lee. Let me just quickly say the energy that you put behind this, if you were sworn, would you be able to say your analysis that you just made, the analysis that what if this individual became President and we had not been aggressive, could you, under oath, say that you are not motivated by bias?

Mr. Strzok. Yes.

Ms. Jackson Lee. Under oath?

Mr. Strzok. Yes.

Ms. Jackson Lee. You can say that?

Mr. Strzok. Yes.

Ms. Jackson Lee. Let me ask this. So the option was a slower versus let's move forward to a certain extent?

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Mr. Strzok. Yes.

Ms. Jackson Lee. Let's return to your text then. You stated that it should be that: I'm afraid you can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40.

Can you explain what you meant by that text?

Mr. Strzok. Yeah, absolutely. And so, in the context of what I just said about the path, my point there and there has been a tremendous amount read into this that is absolutely inaccurate. The point I was making there is, it is unlikely that you will die before you're 40, but you still act in a way that addresses that possibility.

That is an analogy to somebody saying, "Hey, look, every pollster and talking head thinks that Secretary Clinton is going to be elected, and my responding, "Well, that may be true, but nevertheless, we need to responsibly investigate this in the unlikely event, based on the polls and the pundits and the experts, that candidate Trump is elected."

Ms. Jackson Lee. Let me quickly why did you advocate for continuing the investigation? Excuse me. Let me move to another question.

Did you mean that you had an insurance policy to prevent Trump from becoming President?

Mr. Strzok. No.

Ms. Jackson Lee. And would you you just said "no." Would you be willing to say that under oath?

Mr. Strzok. I would be.

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Ms. Jackson Lee. In fact, you did have a potent way to affect his electoral chances going public with the investigation, right?

Mr. Strzok. Yes.

Ms. Jackson Lee. Did you go public with the investigation?

Mr. Strzok. No.

Ms. Jackson Lee. But you didn't in fact leak the fact of this investigation?

Mr. Strzok. We did not. I did not.

Ms. Jackson Lee. Under oath, you would be able to say that you did not?

Mr. Strzok. Yes.

Ms. Jackson Lee. Let me again retract from putting the words in your mouth. Under oath, would you be able to say that you did not leak the investigation?

Mr. Strzok. Yes.

Ms. Jackson Lee. Okay. Let me just get a few points that I think are important as we sort of wrap in to the Clinton analysis here.

Is it fair to say that the and I'm not sure if I went over this, but I want to hear it again. Is it fair to say the Russian investigation is one with exceptional national security importance?

Mr. Strzok. Yes.

Ms. Jackson Lee. How did the Russia investigation's national security importance compare to the importance of potentially reviewing more emails in the Hillary Clinton investigation?

Mr. Strzok. Congresswoman, I think the best way the best way

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for me to explain to you is to take it out of the context of any particular individual or country because I think putting it in that terms leads to leads to a bunch of inferences that aren't helpful.

I would say objectively, on the one hand, if you have an allegation that any person has mishandled classified information, you need to look at what that information is and where it might have led to, but those are well, not frequent, those are the sorts of investigations in the Counterintelligence Division that are almost, not commonplace, but they are frequent.

And when you look at the damage those might cause national security and clearly they might cause damage they are nothing of the sort if you look at, not just any foreign nation, but a large super power hostile foreign nation who is involving itself in the election again, any election in the U.S. would be bad but in this context, the election for the President of the United States, those are extraordinarily different. They are both important. It is both important that the FBI follow through on all these investigations, but the damage to national security, the threat to national security is absolutely exponentially different.

Ms. Jackson Lee. And so and thank you. How frequently does the FBI investigate possible mishandling of classified information?

Mr. Strzok. Every day.

Ms. Jackson Lee. And how frequently does the FBI investigate possible collusion between a major party Presidential candidate and a hostile foreign policy?

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Mr. Strzok. This is the first time I'm aware of in history.

Ms. Jackson Lee. Let me finish as I yield to my good friends. Given the number of people who knew, if you had wanted to bury the laptop, would that have been possible?

Mr. Strzok. I don't know that it would have been possible.

Ms. Jackson Lee. So can you put the delay in the context for us. Would a month be between the discovery of the laptop and seeking legal process be a significant delay in other cases?

Mr. Strzok. No. My experience is, in the context of a mishandling case, that a delay of weeks or even months, particularly when it comes to something like computer forensics, is not unusual. I have had computers and laptops get processed in 2 days, and I've had it take 3, 4 months, so a few weeks is not unusual at all.

Ms. Jackson Lee. Just in closing, you realize that the idea that no leak was made of the Trump issue and investigation, which is of great national security impact, and, however it was decided, pronouncement was made regarding the Clinton emails, would you view that as disparate treatment or would you understand the impact it would have in the midst of a Presidential election?

Mr. Strzok. I do. I believe understand the impact it had on the election, certainly to the extent anyone can understand that.

I would draw some issue with I think that disparate treatment was appropriate, given the nature of the investigations. One was a closed criminal matter. The other was a pending counterintelligence matter, so I see those as very different.

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Director Comey, you know, admittedly, we even with closed criminal matters, we don't discuss that typically, but I think Director Comey has testified extensively as to his reasoning why the FBI did that, and I would defer to that record as to the reasoning, but I do I do see them as

Ms. Jackson Lee. Did you then view the Clinton emails as a closed thoroughly investigated matter?

Mr. Strzok. Yes, ma'am.

Ms. Jackson Lee. And the resolution, you were comfortable with?

Mr. Strzok. Yes, ma'am.

Ms. Jackson Lee. Thank you.

BY MS. KIM:

Q Mr. Strzok, there have been some questions asked about how much thought you put into your text messages, how accurately the text messages reflect your state of mind, so I would like to talk with you about how you draft text messages?

A Okay.

Q Would you say that you put a lot of thought into crafting and crystalizing your thoughts before you send a text message?

A No.

Q Do you do like a repeated drafting process to make sure you are being absolutely clear about what you mean?

A I do not. They are a written form of communication, conversation.

Q Would you consider text messages to be a form of perfect

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verbal expression?

A No.

Q Or you know, the attitude that I generally take towards my text messages is flippancy. They're quick. They're easy to send. Would you also say that your text messages are flippantly composed?

A Sometimes, yes.

Q And that's a separate question from your honesty, is that not?

A Absolutely.

Q So you can both be totally honest and genuine in sending a text message and still craft it badly or not have it completely reflect your intent when you sent it. Is that right?

A Right.

Q Thank you. And then I'd like to dive back into going over your text messages again. So I think the next one we'll go to is the text message the one about whether Donald Trump would become President and whether we would stop it.

A Okay.

Q So I'm giving you a page from the inspector general's report. We don't have these text messages in the production copy.

A Yes. Okay.

Q So, on August 8th, 2016, Ms. Page reportedly texted to you, quote: He's not ever going to become President, right? Right?

And you responded, quote: No, no, he's not. We'll stop it.

Do you remember this text?

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A I don't. I do, thinking about it now. I am not saying I didn't write it, but at the time, I did not recall writing this.

Q And reading it today, do you understand Ms. Page to be asking you about your work on the investigation that Director Comey disclosed in March 2017?

A Not at all.

Q Do you take her comment as expressing her personal political fears that Donald Trump will become President?

A I do.

Q You wrote, quote: No, no, he's not. We'll stop it. Did you mean that you intended to affect the outcome of the Presidential election through any official action?

A No.

Q Who is the "we" in that text message?

A Again, my sense is that writing that, this is reassuring something that, no, the American people will never elect him to be the President, and so the "we," whether that's the American people and whether that's the democratic process, it's simply not going to happen and don't worry about it. It's a personal sense of reassurance, not anything else.

Q And again, did you have the ability to affect the outcome of the Presidential election through a personal or professional action?

A Probably.

Q For example, you could have disclosed the existence of this probe, right?

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A Yes.

Q But you didn't. Is that correct?

A Correct.

Ms. Kim. You know, so much ink has been spilled on the secret society that I think I would like to touch on that, so I will introduce that text as exhibit 8.

[Strzok Exhibit No. 8

Was marked for identification.]

BY MS. KIM:

Q It's the November 3rd actually, exhibit 8 is a little bit before the secret society text. It's the November 3rd, 2016, text message.

So I would like to direct your attention to the 3rd text from the bottom of this page. On November 3, 2016, you wrote to Ms. Page: Shh, don't tell anyone.

A Okay. I have a different set. I have starting on November 8.

Q Starting on November 8. Let me show you my November 3rd copy.

A Okay.

Q On November 3rd, 2016 you wrote: Shh, don't tell anyone. Meeting invite. Thank you. Good job. Calendar handout.

Can you explain that text?

A Yes. I had and I had not recalled that text at all. I had purchased a set of every year, somebody in Russia puts out a

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Vladimir Putin calendar. Every month, there is a variety of photos of Vladimir Putin riding a horse or a bear or holding a child or a kitten or engaged in some military display of Russian patriotism, and as a kind of a morale building and thank you to the senior members of the Russian investigation, I got a series of these calendars to give out as sort of a thank you for doing a good job, for working extraordinarily hard because people had been working around the clock throughout the summer and fall.

Q Right.

Ms. Kim. I think I have a picture of that calendar. I'm going to introduce it as exhibit 8.

Mr. Strzok. 9, because we have 8?

Ms. Kim. Exhibit 9, pardon.

[Strzok Exhibit No. 9

Was marked for identification.]

BY MS. KIM:

Q Is this the calendar that you intended to hand out?

A I believe this is one of the months from the calendar, yes.

Q And you said that it was intended as a morale boosting?

A Yeah, kind of a snarky joke gift of, you know, related to some of the absurdities of Russian patriotism and propaganda.

Q Got it. With that context, let's return to exhibit 8, which I believe I've already marked. It's the November 8th text. I think if you go to the sixth text from the bottom, Ms. Page wrote: Are you even going to give out your calendars? Seems kind of depressing.

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Maybe it should just be the first meeting of the secret society.

Mr. Strzok, is there a secret society at the FBI?

A Absolutely not.

Q Has there ever been a secret society that you've been aware of?

A Not to my knowledge.

Q Did you understand Ms. Page's text to be suggesting that you start a secret society?

A No.

Q Do you think Ms. Page was just making a joke about whether you intended to hand out your Putin calendars?

A Yes.

Q I think we have about 4 minutes left. I'm sorry for jumping around.

A That's all right.

Q My slimmest set of questions deal with the opening of the Clinton investigation actually.

A Okay.

Q Was it the FBI's decision or the DOJ's decision to designate that case with an unknown subject or unsub?

A I don't know. That occurred before I began.

Q To your knowledge, did the unsub designation change the FBI's investigative decisions or strategies at all?

A No.

Q You discussed briefly what a headquarters special is. Did

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that staffing decision or that designation change the FBI's investigative decisions or strategies at all?

A No.

Q What's a sensitive investigative matter?

A A sensitive investigative matter, a SIM, I'd have to defer to the guidebook for the exact definition, but essentially it's anytime there's a particularly sensitive matter that's involved that might be a politician, a member of the media, a clergyman, or some kind of there are other categories, including a catchall, something that requires, by our regulations, a higher level of oversight and approval.

Q And does that designation change the FBI's substantive investigative decisions?

A No, except for the context with, you know, if you were going after a lawyer, a clergyman, a member of the media, there might be individual restrictions or regulations on obtaining records or doing certain investigative techniques, but broadly, investigative strategywise, no, it doesn't change it.

Q Who is George Toscas?

A George Toscas, I believe, was at the time, and maybe still, the Deputy Assistant Attorney General in the National Security Division of DOJ.

Q Is he a career prosecutor?

A He is.

Q In your experience, is Mr. Toscas an unbiased and independent prosecutor?

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A Yes.

Q Have you ever witnessed Mr. Toscas acting based on improper motives, such as political bias?

A No.

Q And where he disagreed with the FBI, were those disagreements based on legitimate legal differences?

A In my experience, yes.

Q Were they ever based on political differences?

A No.

Q Did any political appointee at the DOJ ever intervene or attempt to intervene in the Midyear investigation?

A Not to my knowledge.

Q Did any political appointee at DOJ issue orders on how to conduct the Midyear investigation?

A Not to my knowledge.

Ms. Kim. I think I'm fine ending the chapter this chapter here. I will see you again soon. Thank you. The time is 3:40.

[Recess.]

[3:52 p.m.]

Mr. Baker. We'll go back on the record. And let the record reflect it is 3:52 p.m.

BY MR. BAKER:

Q I want to go back just a minute to a topic we've talked about earlier, certainly a topic that has also been in the media, the relationship you had with Ms. Page.

Prior to the texts becoming public, was the relationship, the improper part of the relationship, was that known in the Counterintelligence Division prior to the texts?

A I am not aware if it was or was not. I don't believe so.

Q So were you ever called in by any of your superiors and counseled or talked to about the matter, any concerns they had about it or that they'd heard about it or

A Yeah, I don't want to get into a discussion about the relationship I had with Ms. Page or that discussion with others, because I think what I can tell you, maybe, if what you're asking is was, you know, anything inappropriate of that nature a decision point or anything like that, not to my recollection. But I'd rather stay away from discussion on

Q Not even I'm asking not even whether it was a decision point in anything. As part of their official supervisory duties, your superior I believe you testified earlier, you answer as a DAD, you answer to an assistant director. Do you have a recollection of an assistant director, totally unrelated to any casework, calling you



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in as a subordinate during any kind of official review or performance appraisal and mentioning that the relationship had been brought to their attention and just either admonishing you or letting you know about it or making any mention to you of it at all?

A Again, I think my preference would be not to get into a discussion about those sort of personnel type matters. I'm happy to answer questions you have about my work and my work performance and what I did and didn't do, but I don't want to go down the path of talking about things that were unrelated to work decisions or work activities with regard to the extramarital affair.

Q Well, wouldn't it be a work activity if a superior is calling you in to ask you about some sort of conduct in the workplace?

A I see that as a separate and distinct issue. You've got a personnel issue or potentially anything that has to do with that, as opposed to what we're here today to discuss, which my understanding is my actions with regard to the Clinton investigation, the Russia investigations, and other work type activity.

Q There's been talk about texts, texting. And there's been some emails that the committees have reviewed. What type or how many different platforms of communication did you engage with with Ms. Page?

A Well, I mean, it varied. So there were certainly there are the texts on the Bureau Samsungs. There were texts on personal iPhones that we had. We exchanged and this is you know, we exchanged Link messages, which are kind of an instant messaging application on our Secret side computers at work. We certainly talked

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on the phone, talked in person, emailed, both on and, again, this was work type email the O side, Secret side, TS side.

Q You, as a DAD in the Counterintelligence Division, do you work in a SCIF? Is your office in a SCIF?

A Yes.

Q So, when you're doing texts, you were not in a SCIF.

A Correct.

Q Okay. Because you wouldn't be allowed to have a

A Right.

Q personal communication device in one.

Did you use as a platform, with any frequency at all, any personally owned communication devices, any personal email accounts?

A We yes, both personal emails and, as I think I mentioned, personal iPhones.

Q Would you be willing to make the texts or contents of any of those personal communications available to the committee?

A I was asked by the IG to do it. I agreed to do it. I reviewed it, and there were not any still resident on my personal devices.

Mr. Goelman. Just to clarify, we were asked to provide any work related communications on Special Agent Strzok's personal devices. And he reviewed and found that there weren't any, and we told the IG that.

We have not agreed, nor do we agree now, to open up all of Special Agent Strzok's personal communications on his personal devices to the committee or anybody.

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BY MR. BAKER:

Q What about the official communications on the personal devices that you made available or reviewed for the IG, would they be made available to the committee?

A My recollection is there were no official communications on any personal devices or personal emails that I had in my possession.

Mr. Breitenbach. Did you make that determination, whether they were personal or work related?

Mr. Strzok. Yes. And there were you know, as a fact of the matter, following the at some point, I you know, it was related to personal reasons deleted all those. But they were the personal communications, not work ones.

Mr. Breitenbach. And, at any point, did the FBI, the IG, or any other investigator attempt to obtain legal process to obtain those personal communications?

Mr. Strzok. I am unaware of any.

Mr. Breitenbach. Thank you.

Mr. Baker. During any of the Midyear investigation meetings that you would have, when I assume at some point, and maybe I'm wrong, that there would be some discussion about possible charges. Often, in an investigation, you look at possible charges early on to figure what elements of a crime you might have to prove and adjust investigative strategy accordingly.

Was there discussions at any point about what possible charges could be levied based on the facts when the case was opened and then

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as the case went on?

Mr. Strzok. Yes. I don't know again, I came in after the case opening, but, certainly, in this case, as is my experience in most cases, there was a discussion with the prosecutors about what charges might be there and the elements of the crime, the strength and weakness of the evidence, and applying the facts against the law.

BY MR. SOMERS:

Q At what point did those discussions, let's say, begin?

A I recall what typically and there are different sorts of discussions. So I recall probably fairly early on. And I could not tell you what or when those dates were.

But, you know, typically, you look at the set of facts that you have before you, the set of allegations, and you say, okay, what laws do we have that might apply to this and what are the elements of those laws. And so that's kind of the initial way, as you're trying to scope an investigation and understand what the various investigative avenues are.

That evolves over time. You become aware of new facts, which may give rise to looking at different laws or different statutes. You begin to understand where the evidence is, where the facts are, and where it's not.

And then, from that, you can begin and certainly this is largely a prosecutor driven exercise begin to understand what charges are possible, likely, still unknown, or less likely.

So that it's a fluid process. It isn't a kind of

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Q Is the fluid process, are those discussions, I mean, are there pure discussions of well, let's just back up for a second. Which statutes were discussed that you recall?

A I could not give you an entire list. Broadly, I remember discussions across the course of the investigation about statutes regarding mishandling of classified information, statutes involving obstruction, statutes involving false statements, statutes involving Federal Records Act and that act.

I am sure there are others, but, again, I would have to go back to, kind of, the case file and consult with the team and particularly the attorneys about what they were thinking of.

Q Are those discussions, are those, here's what evidence we're finding, how does that fit with the law? Or are they pure legal discussions of the Espionage Act requires X to be proved?

A I think those are the same. I look at those as very similar and connected, so I would say both.

I think the goal I mean, you're investigating in a criminal case, you're investigating to determine whether or not there's a violation of law. You're not just investigating to get info. So investigations are driven towards establishing whether or not a violation of law occurred.

In intel cases, it's different, obviously, but with this and then, certainly, from the standpoint of, you know, any computer intrusion type statutes, whether we could show that or demonstrate that.

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But, to your question, both of those things are going on.

Q To the Clinton investigation, specifically servers

A Yes.

Q because you differentiated between a counterintelligence, I believe, investigation and a criminal investigation in that last response.

A Yeah. And so the Clinton investigation, I think I laid out earlier, you know, kind of, the three primary goals of the investigation, of: Was there classified information, and how did it come to be there; who put it there, and what was their state of mind, and what was the reason it came to be placed there; and did a foreign adversary gain access to it.

That last one is very intelligence in nature. I mean, yeah, maybe you could prove a criminal violation of some sort of computer intrusion, but the goal from that is much more of an intelligence community damage assessment sort of perspective of, you know, did foreign power X get this; if so, what does that mean, what's the impact in terms of mitigating whatever if there was classified information, what we would have to do to mitigate and protect things.

Q These discussions of the legal standards, were these FBI? Were they all FBI DOJ, or did you have FBI FBI conversations about the legal standards?

A I'm sure we had both. These are predominantly attorney driven conversations and predominantly DOJ attorney driven conversations.

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So, you know, again, prosecutors make a decision about what statutes to charge or not charge. And they are the ones whose job primarily is to focus on the elements of crime, the sufficiency of the evidence, the paucity of evidence, and all the considerations that go into admissibility and credibility and everything like that.

So, you know, it is frequently my experience that those are largely attorney and DOJ driven discussions.

Q So did DOJ tell you what was legally required to prove gross negligence under the Espionage Act?

A I remember a lot of discussion about the gross negligence point, and it was I'm not an attorney. I remember the attorneys talking at length about that, because it's obviously relevant to one aspect of 793. It also was relevant based on its, you know, appearance or not in the speech that Director Comey gave. But the attorneys did discuss that at some length.

Mr. Baker. When you say attorneys, that would include Department of Justice attorneys and FBI attorneys?

Mr. Strzok. Yes.

BY MR. SOMERS:

Q Do you recall attorneys telling you that intent was a required element of gross negligence?

A Well, it I don't recall with regard to the discussion of gross negligence. I do remember there's a problem and, again, I'm getting out and ahead of my nonlegal skis. One of the elements of 793 does not include an intent provision, and there was some legal question

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about that and the strength of that statute.

Q Were you ever told that any of the provisions in 793, that the Department would not charge under

A I was never told the Department wouldn't charge something. I think the discussion was always in the context of what the historical record of using those statutes had been.

Q I'm going to ask you sort of a related question. Based on your investigation, what is your understanding of why Secretary Clinton used a private email server?

A What she told us and I believe this, I think is that she used it for personal convenience, that she was not a technical person, that she wanted one device where she could do work and personal things, and, if I recall correctly, that she had set up or somebody in the Clinton arena had set up that server during her Senate time or that she began using it in that time and she simply wanted that same convenience.

Q So there was a mix of emails on the server?

A Sure. That's correct, yes. What do you mean by mix?

Q Of all those categories you just described of

A There were a variety of things in that server, including those categories of things that I described.

Q So the Clinton Foundation was on the server?

A I believe on one of the servers, if not others.

Q Were you given access to those emails as part of the investigation?

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A We were not. We did not have access. My recollection is that the access to those emails were based on consent that was negotiated between the Department of Justice attorneys and counsel for Clinton.

Q Didn't the FBI have possession of the server?

A Initially, no, and then we obtained possession of servers over time.

Q So, when you had possession of the servers, there was an agreement that you weren't able to look for Clinton Foundation emails on the server?

A The possession of those servers were based upon the negotiation of Department of Justice attorneys for consent. My understanding is, frequently you know, we wanted as an investigator, I want as much information as I can get. I don't want limitations. I don't want you to tell me a date range is off limits, a domain is off limits, anything is.

But the reality is, as you well know, we are constrained by the law. And I think there was a sense that, again, according to the attorneys, we lacked probable cause to get a search warrant for those servers and projected that either it would take a very long time and/or it would be impossible to get to the point where we could obtain probable cause to get a warrant, so they negotiated consent.

I think it's true, and somebody mentioned earlier that, you know, we were I was, but that the FBI team was certainly, I think, comparatively aggressive, which is my experience. Agents tend to be

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much more aggressive in trying to get information. Prosecutors look at it from a different set of perspectives.

But the answer is we had it voluntarily. We had it voluntarily in the context in the case of the servers, voluntarily in the context of a consent that was worked out between DOJ attorneys and counsel for Secretary Clinton.

Q So what does that mean in terms of a search of the servers, that it was a so you have access to the entire universe.

A Yes.

Q Does that mean, are we talking search terms? I mean, what was the

A I would have to go back and check the file. It would include things like search terms. We had a significant filter team that was put in place to work through the various terms of the various consent agreements. And those could be and this is not an exclusive list limits of domains, of date ranges, of people. But that's not an exclusive list.

Q Did you

BY MR. PARMITER:

Q Can I jump in just for a minute here and sort of drill down a little bit more on the specific statutes?

A Uh huh.

Q Let me show you, first of all we're going to mark it as exhibit A for majority.

So this is 18 USC 793. One of my colleagues, or perhaps it was

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you, mentioned gross negligence before. I believe if you turn to page 2, you'll find that in 793(f).

A Yes.

Q So you had mentioned a little earlier that you thought there was a not an intent requirement in one of the statutes. Do you see an intent requirement in (f)1?

A Again, what I hesitate to do I am not an attorney, so when I

Q Sir, I don't want your legal opinion. I'm just, like, wondering whether a plain reading of the statute indicates anything.

A My plain reading, understanding, and my historical recollection through application of this statute is that (f) does not contain a kind of scienter requirement.

Q Okay. At least not in (f)1.

A Correct.

Q (f)2 may, but

A Yes.

Q (f)1 does not.

A Granted.

Q All right. Great.

So, in your experience, what's the definition of Secret material?

A Secret material, if I recall correctly, is material that, if disclosed without authorization, could reasonably be expected to cause serious damage to national security.

Q Great. What about Top Secret material?

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A Same definition but, I believe, exceptionally grave damage to national security.

Q All right.

So, as Secretary of State would it be reasonable to conclude that whoever the Secretary of State is has lawful possession of classified material?

A It depends on what the classified material is. I don't want to go down a technical rabbit hole, but, as you may know, it's not only clearance level but need to know. I can envision scenarios where the Secretary of State might not have a need to know the details of some covert action program that didn't involve State.

But that's a long answer for a I don't agree exactly with how you worded the question, but

Q Okay. But it would not be the case the Secretary of State is an office that never is in contact with classified material.

A Correct. Correct.

Q Okay. So would it be reasonable to assume that the classified material recovered by the FBI from Secretary Clinton's private server related to the national defense, given the definition of Secret material?

A The classified information, yes.

Q Okay. Would it be also reasonable to conclude that, by being on a private, unsecure server, that the information had been removed from its proper place?

A Yes.

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Q Okay.

What role did you play in drafting the Director's press statement?

A I was one of several individuals who reviewed it, edited it. There was kind of a couple several kind of parallel tracks. One was kind of the case facts what we did, what we could say, assert, what we couldn't assert. There was a tremendous amount of legal back and forth about what was accurate, what was, you know, appropriate. And then just kind of a broader, how to effectively communicate what he was trying to say. But I was one of many people making edits to it.

Q At any point did the words "gross negligence" appear in the Director's statement?

A Yes, my recollection is that it did.

Q And when were those were those changed at some point?

A They were.

Q And what were they changed to?

A I believe "extremely careless" is the phrase that was used instead.

Q Do you recall the discussion surrounding that change or why it was deemed necessary and who was involved?

A I remember generally a discussion about that topic, amongst many other topics. My recollection is attorneys brought it up, and these, of course, were DOJ attorneys. And the discussion, as I recall it, was kind of getting into the nitty gritty of how "gross negligence" is defined as a term of art in statute and whether or not that should

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be used. But it was the OGC, it was the legal folks, the Director, people who had, kind of, that legal experience turning that around.

Q Okay. Did you make that change, or did someone else do it?

A I believe it was done from my computer because I had the biggest office. And so my recollection is several of us sat down and made the first cut of taking 8, 9, 10 people's comments and putting it all into the first revision or a revision. And then, as I'm sure you've seen from production, there are about 80 billion subsequent revisions by a similar number of people.

BY MR. BREITENBACH:

Q Yeah. Just to continue down this line, who is making the call to the Director to recommend charges or not to charge Mrs. Clinton?

A I think that is ultimately the Director's call based on his receipt of the facts from us.

So I think the investigative team me, Jon, you know, Bill would sit there and say, kind of, here are all the things we're saying. The attorneys would sit and say you know, and attorneys from, kind of, line the line OGC attorneys up through Deputy General Counsel and General Counsel saying, "Here's how we think about these facts as they apply to the law," as well as, "In our discussions with DOJ, this is their historical way that they have applied the law against facts like these," and that, ultimately, the Director took into consideration all those things and kind of came to his conclusions.

Q But it sounds like you sort of left the statutory interpretation to the lawyers.

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A Well, I leave the interpretation and legal understanding of that to the attorneys. My experience, certainly, is that it is very, you know, confoundingly difficult sometimes to get DOJ excited and interested in prosecuting baseline mishandling of classified information cases. So the historical record of that and I'll defer to the FBI for whether or not we've got statutory gaps in mishandling of classified information or not. But those decisions, prosecution decisions, decisions of whether or not facts represent a violation of the law, are almost always done ultimately by the prosecutors.

Agents participate in those discussions. Agents are critical in the gathering of those facts, and frequently there's a partnership there. But that choice, that decision, that moving forward is a prosecutorial one.

Q But, in this case, it wasn't.

A Right.

Q It was Director Comey making the prosecutorial or nonprosecutorial decision.

A That's correct. And I believe, if I recall correctly, the Attorney General indicated that she would accept the FBI's recommendation of

Q So is there a gap, do you think, as an agent, if your lawyers are telling you that a particular statute requires an element if there is another statute whose element is met by the evidence?

A I wouldn't call it a gap. My recollection and what I'm assuming, if what you're asking is whether or not the elements of 793(f)

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were met, that was

Q No. No, actually, if your lawyers are only telling you one part of a statute, and you I think you indicated that you're relying on your lawyers to interpret the law as it exists for you as the agent

A Uh huh.

Q and your lawyers are failing to advise you that a particular part of the statute would meet the elements of the offense based on the evidence that you as the agent have collected, is that problematic, in your mind, that you're is that a gap, in your understanding? Or is that something that

A I don't think that happens. So that hypothetical is not my experience, certainly in this case. I think you have different groups of attorneys. For instance, you have the DOJ attorneys who have their perspective. But we also have extraordinarily competent FBI attorneys who frequently will play the role of advocate for the agents. And agents have their experience in working cases that, hey, I remember we did it this time, why can't we do it now.

So, if that hypothetical were true, I might agree with you, but I don't think that's an accurate hypothetical.

Q Did you ask whether there was an element of the offense with regard to the mishandling statute that could have been met that did not include willfulness or knowledge that you're sending classified information?

A My recollection is we looked at the entirety of the you know, 794 was not even considered. But we looked at the entire body

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of statutes which applied to the mishandling of classified information and had extensive discussions about it between prosecutors and the investigative team and then certainly among the senior management team of the FBI.

Q So, I guess, to drill down, did you understand that there was the possibility, if you had found evidence of mishandling of classified information, that there was an offense that did not include, as you mentioned, a scienter or an intent or willfulness statute?

A Yes. And, as was pointed out by multiple attorneys, the use of that statute has been extraordinarily rare in U.S. history. There has been occasional use, as I recall, in UCMJ action. But it is both rare and, I believe, if I recall correctly, there have been some indications that it might be constitutionally defective because of lack of intent. And, as a result of that and other reasons, DOJ has used it exceedingly sparingly.

Q Well, it's never been held constitutionally defective, and it's still good law in the books, as you are aware?

A It is good law in the books. And what I'm telling you is, in the context of an analysis of that statute and applying it to the facts of this case, the attorneys were fairly unanimous that we did not bring a fact pattern like this we have not brought fact patterns like this to charges of that statute.

Q Okay.

Changing back to I know you're not interested in discussing any details of your relationship with Ms. Page, but I think it's

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important for us to know the level of knowledge that the Department or the Bureau itself, Bureau management, had with regard to any indiscretions that may have occurred. Did they?

A I don't know what they did or didn't. I would tell you and I think why it's relevant that why I'm saying this isn't necessarily relevant is that my understanding of Bureau regulation is that, whatever morally you may think of an extramarital affair, it is not prohibited by Bureau regulation or policy.

Certainly, if somebody is in your chain of command, if there's any sort of impropriety, of favoritism, or things like that, it is. But simply an extramarital relationship is not.

So, to the extent it's not, it does not strike me as relevant to my work and

Q Were you ever counseled on the affair?

A Again, I don't want to get into personnel counseling matters. I am happy to discuss my performance on work related matters, but, again, as I said, this was not something that was at variance with FBI regulation, and I

Q You know, I understand, and we're not going into any details. But I think it's important for us to understand, was there an awareness of your relationship when either or both were transferred from the Bureau, working on the MYE, to the special counsel investigation?

A And I'm telling you, I don't know the answer to how widely that was or was not known within the FBI. And I just don't having answered that a couple of times now, truly, I can't tell you I mean,

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outside of the setting and everything going on, this has been and the use and publicity of all this, extraordinarily painful and harmful and hurtful to my family. And I just don't want to continue engaging in that process. I think

Q I understand. But was it known to anyone prior to you being transferred to the special counsel investigation?

A Again, I don't think that is relevant to my work performance, and I don't want to discuss that.

Q I understand you don't think it's relevant, but was it it's relevant to us, because we need to understand the level of culpability with respect to the potential of someone being transferred his, I believe, already went down this line of questioning.

When an affair has the potential of being exploited by a foreign adversary, we do need to understand whether there was, in fact, a decision made by FBI management to transfer you to a special counsel investigation.

A Yeah, and what I would tell you is I don't know the extent to which it was or was not known. And I would defer to the various people, of their, you know, recollections

Q Does that mean I'm sorry to interrupt you, but

A about what they knew about it or didn't.

Q You don't know whether it was known. So would that suggest that you were not counseled?

A No. I am saying I don't know the extent to which it's known,

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and I don't want to get into a discussion of any personnel type discussions that I had with anybody in the FBI.

Q Okay. Through your career, have you ever, as a counterintelligence agent, made use of knowledge of an affair to recruit a source?

A No.

Q Are you aware of that ever being done?

A Yes.

Q Have you ever supervised an investigation where usage of an affair was made use of to exploit and recruit a source?

A Not to my recollection.

Q But you're fully aware that it is one of maybe a few avenues, I would say, possibly, and you might agree finances is another area of recruitment that the FBI might use to recruit a source.

A I think the important way, the right way to think of that is you want to find those things which a person would be susceptible for either enticement or blackmail or coercion. I've always found that blackmail and coercion are typically crappy ways to try and recruit somebody; it's much better to do it the other way.

But, at the end of the day, it isn't the individual of action; it's how that action plays in the mind of the person you're trying to recruit or whether or not it makes them vulnerable. And what I'm

Q Okay. Well

A telling you and what I think I answered in this question this morning is that the existence of my extramarital affair is not

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anything that ever could've been used to coerce me. It is not anything that could've been used to, you know, blackmail me or otherwise, you know, exploit a vulnerability.

Q So you don't believe, personally, that the existence of the affair becoming public to an adversary not public, but to an adversary would have made you susceptible to potential exploitation.

A I do not.

Q Thank you.

Mr. Gowdy. Agent Strzok, when we left, we were in October of 2016, and you were responding to a text where you wrote: I'm riled up. Trump is a fucking idiot, is unable to provide a coherent answer.

And if I remember correctly, that was in response to your watching the debate. In October of 2016, were you still working on the Russia probe?

Mr. Strzok. I was?

Mr. Gowdy. How about in November of 2016, were you still working on the Russia probe then?

Mr. Strzok. Yes.

Mr. Gowdy. All right.

This is a text from Lisa Page to you: The New York Times probability numbers are dropping every day. I'm scared for our organization.

Understanding you're not the author of that text but the recipient of it, do you know what organization she could be referencing?

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Mr. Strzok. What date, sir?

Mr. Gowdy. November the 3rd, 2016, is the date I have.

Mr. Strzok. Do you have a copy I could look at?

Yeah, Congressman, I believe she again, you would have to ask her, but my inference is she's talking about the FBI.

Mr. Gowdy. Were you and she both members of any other organizations other than the FBI?

Mr. Strzok. The Department of Justice, the executive branch of the United States, the Government of the United States. But my read of this is the FBI?

Mr. Gowdy. Some of those may overlap a little bit.

Mr. Strzok. Absolutely.

Mr. Gowdy. Did you ever ask her or did you ever discuss why the New York Times probability numbers dropping would have any impact on your organization, whether it's the executive branch, the Department of Justice, the FBI, or the Department of Justice?

Mr. Strzok. My sense, Congressman, looking back at the time was then candidate Trump was saying extraordinary amounts about the incompetence of the FBI, particularly with regard to the investigation of Secretary Clinton, was making very destructive and denigrating comments about the professionalism of the FBI. And I was concerned that those comments, particularly in comparison to most of the Republican candidates, were undermining the ability of the FBI to effectively do its job in the United States.

Mr. Gowdy. Oh, so despite the fact you're not the author of that

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text, you share those exact same concerns.

Mr. Strzok. No, I didn't say that.

Mr. Gowdy. Well, you just said that. You just referenced the reasons that you would be concerned with a Trump Presidency, but it was actually her text.

Mr. Strzok. What I think I answered was my inference from reading the text of what she meant.

Mr. Gowdy. Did you share those concerns?

Mr. Strzok. I certainly shared concerns about how then candidate Trump was referring to the actions of the FBI?

Mr. Gowdy. Did you share her concern that you were scared for the organization of the FBI if the New York Times probability numbers continued to drop?

Mr. Strzok. I wouldn't say I was scared. I think I thought there might be a severe test of the rule of law in the FBI.

Mr. Gowdy. Well, on November the 3rd, you did text: Jill Stein and Gary Johnson are F'ing everything up too.

What did "F'ing" stand for?

Mr. Strzok. Fucking.

Mr. Gowdy. So Jill Stein and Gary Johnson are fucking everything up too. What did you mean by that?

Mr. Strzok. My sense was, again, from a personal perspective, looking at the race, the Presidential race, that a variety of actors were causing debates and shifts and movement in a way that was causing core messaging or just general sentiment to be moved and shifted.

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Mr. Gowdy. Well, whose chances did you think Stein and Johnson were hurting, Clinton's or Trump's?

Mr. Strzok. No, I believe Clinton's.

Mr. Gowdy. Well, I could almost take from reading this text that you wanted her to win.

Mr. Strzok. Congressman, I had like many agents, I have, you know, certainly strongly held political opinions that are personal. And I have there have been Presidents that I've liked that have been elected; there have been Presidents that I didn't particularly care for that were elected. I can

Mr. Gowdy. So it's fair to say you were a Clinton supporter?

Mr. Strzok. Congressman, I think that's clear from the reading of the text, certainly, that I wasn't a Trump fan.

Mr. Gowdy. Well, just to be on the safe side, we'll get you to say it anyway, even if it is clear from the reading of the text. You were a Clinton supporter?

Mr. Strzok. Sir, my personal perspective was that I supported Secretary Clinton ahead of then candidate Trump?

Mr. Gowdy. And when did you decide to start supporting her? Did you support her in the primary?

Mr. Strzok. No. I you know, again, this makes me uncomfortable, that the legislative branch is inquiring about the personal views of an executive

Mr. Gowdy. Well, your texts make us pretty damn uncomfortable too, Agent Strzok.

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Mr. Strzok. If I can finish your question. In the primaries, I was considering Governor Kasich had a strong appeal, and I was undecided at some point. Traditionally, I've been very conservative in outlook from a law enforcement, military, national security perspective?

Mr. Gowdy. So I don't know whether that's a "yes" or "no." Were you a supporter of hers in the primary?

Mr. Strzok. Whose primary?

Mr. Gowdy. Hers, the Democrat primary.

Mr. Strzok. For

Mr. Gowdy. While you were working on her case, if that helps any. The time you were working on her case, were you a supporter?

Mr. Strzok. I don't know when there is no point in time where I can tell you I clearly became a, you know, my vote is going here or my vote is going there.

Mr. Gowdy. Well, 4 days later we're getting close to the election, I think referencing an article entitled "Victory by Mr. Trump Remains Possible," you said: OMG, this is fucking terrifying.

What does "OMG" stand for?

Mr. Strzok. Oh, my God.

Mr. Gowdy. Oh, my God, this is fucking terrifying. What was terrifying about a victory by Trump?

Mr. Goelman. Congressman, can you just tell us the date and time so we can follow along?

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Mr. Gowdy. November the 7th, 2016.

Mr. Goelman. The time?

Mr. Strzok. Yes, your question?

Mr. Gowdy. I think it was your lawyer's question whether or not I could point you to the text, and I gave you the date.

Mr. Strzok. Right, but I see it.

Mr. Gowdy. What did you mean by "fucking terrifying"?

Mr. Strzok. I'm sorry?

Mr. Gowdy. What did you mean by "fucking terrifying"?

Mr. Strzok. The prospect that candidate Trump might be elected President.

Mr. Gowdy. And just so I'm right in my mind, this is why you were also dispassionately, objectively investigating whether or not he colluded/coordinated with a foreign actor to interfere with the election?

Mr. Strzok. No. Those are independent things, Congressman. I have

Mr. Gowdy. No, no, no. Is it the same time, not whether or not you conflated the two. That's a separate question. Were those going on at the same time?

Mr. Strzok. Yes.

Mr. Gowdy. So, in November, when you said it would be fucking terrifying for him to become the President, you were investigating whether or not he had colluded/coordinated/otherwise conspired with a foreign actor to interfere with the election.

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Mr. Strzok. No, I don't think that's accurate. The allegations that have been made public are that allegations that members of his campaign may have been doing that.

Mr. Gowdy. Well, then why in the world would you be talking about impeachment if you didn't think he'd done anything wrong?

Mr. Strzok. Because, without getting into details here that are either classified or in the context of an ongoing investigation, my concern, based on the credible allegations that members of his campaign, numbers and coordination unknown, were actively colluding with the Government of Russia struck me as an extraordinary threat to America and represented

Mr. Gowdy. Well, had you already

Mr. Strzok. the most unbelievably severe and reprehensible sort of behavior that any American could engage in.

Mr. Gowdy. Had you already concluded that he knew about it or was part of it?

Mr. Strzok. I don't think I wanted I don't think I want to go into speculation about an ongoing investigation and what I

Mr. Gowdy. No, I think it's entirely appropriate whether or not you had already concluded that he had colluded/conspired/confederated with a foreign actor while you're investigating it.

Mr. Goelman. Are you talking, Congressman, about November 2016, or are you talking about the impeachment text the following spring?

Mr. Gowdy. I think they're

Mr. Goelman. What's the timeframe of your question?

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Mr. Gowdy. That's a good question. I think that there are texts that reference impeachment both the day after the election and in the spring of 2017.

Mr. Strzok. So which are you referring to? I think

Mr. Gowdy. How about both?

Mr. Strzok. Well, I believe my statements in use of that was much later into 2017.

My answer to your question is I had not made any judgment about the culpability or lack of culpability of any of the matters that I was aware of investigatively. We were absolutely still very much in the process of gathering information. There were some areas which were much stronger than others, as is true in most cases.

Mr. Gowdy. So the thing you found fucking terrifying, to use your words, was that some members of his campaign may have wittingly or unwittingly colluded/conspired/confederated with Russia, but you had no evidence that he knew anything about it.

Mr. Strzok. No. I think my recollection of that text is the prospect of his winning the Presidency. It is a personal opinion independent of the investigations of any members of his campaign.

Mr. Gowdy. On March the 14th, Lisa Page texted you: Finally two pages away from finishing "All the President's Men." Did you know the President resigns in the end?

And you replied: What? God, that we should be so lucky.

In March of 2017, were you still working on the Russia investigation?

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Mr. Strzok. Yes.

Mr. Gowdy. What did you think the President should resign what was the cause what would the cause of his resignation be?

Mr. Strzok. I think this is a figurative, snarky, tongue in cheek remark. It is not some legal analysis of a violation of viability of any active impeachment or crime. This is merely a personal, snarky expression of my personal belief and nothing else.

Mr. Gowdy. You just referenced four different ways of referring to the executive branch. Let's just go with the head of the executive branch. You think the head of the executive branch resigning is just a snarky thing to say?

Mr. Strzok. I think my personal opinion was that I had a not a no love lost for President Trump.

Mr. Gowdy. Were you investigating what Russia did and with whom, if anyone, they did it in March of 2017?

Mr. Strzok. Yes.

Mr. Gowdy. And you still thought it'd be a good idea for him to resign.

Mr. Strzok. I

Mr. Gowdy. But yet you're somehow able to separate your professional views from your private views.

Mr. Strzok. Absolutely. What every agent working every case does every day.

Mr. Gowdy. Well, let's get to that.

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On May 18, 2017, for your attorney's reference, you texted: For me and this case.

What case would you be referring to?

Mr. Strzok. What's the date on that?

Mr. Gowdy. May the 18th. Anything important happen around May the 17th or 18th that you can recall?

Mr. Strzok. Yeah. So, at that time, it was right around the time that Special Counsel Mueller was appointed, I believe.

Mr. Gowdy. Now, when you say "right around the time," how about the day after.

Mr. Strzok. Okay.

Mr. Gowdy. So, the day after Special Counsel Mueller was appointed, you're still working on the Russia investigation at this point?

Mr. Strzok. I am.

Mr. Gowdy. Have you moved over to the special counsel team yet?

Mr. Strzok. No, I have not.

Mr. Gowdy. "For me and this case." What case were you referring to?

Mr. Strzok. At that time, the Russia collusion investigations.

Mr. Gowdy. "I personally have a sense of unfinished business. I unleashed it with Midyear Exam. Now I need to fix it and finish it."

What is the "it"?

Mr. Strzok. Congressman, I don't we did this earlier, and I don't want to get into parsing individual words. I

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Mr. Gowdy. Well, actually, I do, Agent Strzok. That's why I asked you what does "it" mean. You wrote it. What does it mean?

Mr. Strzok. The text, I'm telling you, Congressman, is my sense that we had done Midyear Exam. We saw, and now it's been declassified, and this is me, but the intelligence community watching the Government of Russia take the results and the existence of that examination and use it to influence the election. They did it through social media; they did it through other means.

And my involvement in that case, watching that case go from start to finish, watching a hostile nation who, by the way, has credible allegations is colluding with members of a different campaign watching that information be weaponized by the Government of Russia and used in the context of our election, my feeling was: I've been in this from the beginning. I worked through, with Jon and others, Midyear. We came to a conclusion. The Government of Russia has taken this and created this entire mess. And I want to sit there and see this through and stop the Government of Russia from interfering in the elections of the United States of America.

Mr. Gowdy. What I find so fascinating about that answer, Special Agent Strzok, is what you also texted on May the 18th, which is: You and I both know the odds are nothing. If I thought it was likely, I'd be there, no question. I hesitate in part because of my gut sense and concern there's no big "there" there.

What's not there?

Mr. Strzok. The context of that quote is, as I looked at the time

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at the allegations, I was not certain at the time, one, if there was any sort of illegal activity going on, the nature of that. We had yet to determine, you know, was it going on, was it coordinated, was this a bunch of individual opportunists acting out of their own personal motives, and where that range of activity may lie, and not knowing that.

And, obviously, from the perspective of national security, if any campaign has a couple of outliers who may be doing things improperly, that's bad, but it is not nearly as bad as the prospect of a campaign who has a coordinated effort colluding with a foreign nation. There's a big range in there.

And that's it's independent of any party or any candidate. And I can't stress that enough. My concern, my desire to work on this wouldn't matter if it was candidate Trump or candidate Clinton or candidate Sanders or candidate whoever. My drive, my interest in doing this is, as a national security professional, was from the perspective of protecting the United States.

Mr. Gowdy. And I find that interesting, because on exactly the same day you texted those other things, you said: Who gives a fuck. One more AD versus an investigation leading to impeachment.

It sounds to me like you'd already made up your mind. Impeachment of whom?

Mr. Strzok. That's not true.

Mr. Gowdy. Impeachment of whom?

Mr. Strzok. That would've been impeachment of Trump, but the text clearly

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Mr. Gowdy. For what?

Mr. Strzok. But the text clearly does not say "will." My sense was it might. That's undefined in the text, and I had not prejudged or concluded that at all.

Mr. Gowdy. Who gives a fuck. One more AD versus an investigation leading to impeachment.

Mr. Strzok. Right. My sense from that text is there is

Mr. Gowdy. We just went from you didn't know whether he was involved or not to impeachment, and we're still on the same day, May the 18th.

Mr. Strzok. Right. If you recall what I just said, in my mind was a range of potential activities. One was nothing or some uncoordinated individuals doing something they shouldn't. On the other extreme

Mr. Gowdy. Wait a minute. Hang on a second.

Mr. Strzok. If I can finish, sir. On the other extreme, a coordinated conspiracy to collude with the Government of Russia. That is a big range. And I had not decided and had not prejudged

Mr. Gowdy. Well, you're looking at a range I'm not even looking at, Mr. Strzok.

Mr. Strzok. In the event of the most grave circumstance, that there was a coordinated effort by the Government of Russia to elect somebody here in the United States, that's an extraordinary allegation. And I think there's no national security professional out there worth his salt who would not want to be fighting to protect America against

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that.

Mr. Gowdy. Well, then why did you say "I hesitate in part"? Why were you hesitating? If it was just your desire to figure out what Russia did to this country, then why did you say you're hesitating?

Mr. Strzok. Because, Congressman, for the very reason I just answered. I was not, at that time, sufficiently aware of the facts to be able to make a judgment of whether or not it was nothing illegal or a set of self motivated individual actors on the one extreme, all the way to the other extreme of something that would be the most extraordinarily grave action in the Nation.

So my hesitation is simply I didn't know at that time where those facts were, because we were pursuing the facts, objectively, wherever they

Mr. Gowdy. Well, then why would you continue pursuing them?

Mr. Strzok. Because

Mr. Gowdy. You're an investigator. Why wouldn't you be interested no matter how it ends?

Mr. Strzok. Because every investigator is going to pursue it. The question is with me, where I wanted to be in the context of, on the one hand, I go and I focus on this set of allegations in this investigation; on the other hand, I stay in the FBI, I have a wide range of responsibilities of counterintelligence threats, of espionage investigations, and where I would get the most fulfilment, where I best could serve the Nation.

Of course, every investigator follows every fact to the end.

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And, sir, you know. I don't need to tell you that. You know that.

Mr. Gowdy. Well, before I turn it over to Johnny, 4 days later, this is you to Lisa Page: I'm torn, I think. No, I'm more replaceable than you are in this. I'm the best for it, but there are others who can. Okay. You're different and more unique. This is yours. Plus leaving a special counsel, having been a special counsel, resulting in an impeachment, as an attorney, is very different than leaving as an investigator.

There you are, 4 days into Special Counsel Mueller's probe, talking impeachment again, Special Agent Strzok.

Mr. Goelman. Congressman, is this the 21st then?

Mr. Gowdy. That'd be better. I have the 22nd. I hope it is the 21st.

Mr. Goelman. I don't know. I'm just trying to find the text that you're referring to.

Mr. Gowdy. I got it 4 days later, but maybe you found it 3 days later.

Mr. Goelman. I didn't find it. Hang on. I'm looking for it.

Mr. Gowdy. The 22nd is what I have.

It's an email. Show him the email.

Mr. Strzok. So could you repeat the question?

Mr. Gowdy. Yeah. This is 4 days after Special Counsel Mueller's probe has been announced. The day it was announced, you referenced impeachment. Four days later, you referenced impeachment. It sounds, I guess, to someone who might be a little bit cynical that

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you had already made up your mind how you wanted it to end. Is that true?

Mr. Strzok. I had absolutely not.

Mr. Gowdy. Well, then why would you just bring up impeachment?

Mr. Strzok. That was one of the possible and the most severe outcome of the investigation. And when you read it in the context of what was going on, President Trump firing Director Comey and on the one hand saying it had to do with the Clinton investigation and then telling a Russian diplomat that a great pressure had been lifted on the Russia investigations of him, when in the context of that footnote you'll see was news reporting that President Trump had asked intelligence community chiefs to take certain actions, my concern and thought was it was certainly possible. But in no way had I prejudged or decided that any investigative outcome was going to happen.

Mr. Gowdy. We may be out of time.

You got anything?

Mr. Ratcliffe. Let me at least get started then.

Agent Strzok, I know he asked some questions I wasn't in the room about the Midyear Exam, so I wanted to go back and explore with you when the decision was made not to charge Hillary Clinton.

And the first expression that I see of that is a memorandum that Jim Comey wrote, apparently, on May 2nd of 2016. Are you there familiar with that?

Mr. Strzok. Congressman, I believe so. Is that his first draft of what a statement might look like?

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Mr. Ratcliffe. It is. And, in fairness to you, you are not one of the four people that it was originally addressed to. It was addressed to Andy McCabe, Jim Baker, Jim Rybicki. That's it. But you're familiar with it?

Mr. Strzok. I am.

Mr. Ratcliffe. Okay. So are you familiar that in this I'm just going to call it a memo, Jim Comey expresses what he describes as his thoughts? Do you have any information that someone other than Jim Comey put together this initial draft?

Mr. Strzok. I don't.

Mr. Ratcliffe. Okay. So this is the draft of Jim Comey, who is a, what, about a 30 year Federal prosecutor?

Mr. Strzok. That's my understanding. I don't know his biography that well.

Mr. Ratcliffe. And so, in it, he expresses a couple things: one, the possibility of an FBI only press event, correct?

Mr. Strzok. Yes, that's my recollection.

Mr. Ratcliffe. I'll represent to you it says

Mr. Strzok. Okay.

Mr. Ratcliffe. "If I decided to do an FBI only press event."

The second thing is it sets forth some conclusions based upon what he reflects is 8 months of work. And one of the conclusions that he reaches in here is that, in his own words, that, after 8 months, that Hillary Clinton had committed the elements for an offense under the Espionage Act, that being handling classified information that she had

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access to in a grossly negligent manner. Correct?

Mr. Strzok. I don't believe he stated that she had violated that crime, if I recall that draft correctly.

Mr. Ratcliffe. Well

Mr. Strzok. Do you have a copy?

Mr. Ratcliffe. Do we have an extra copy? This is the only copy I have.

Mr. Goelman. We'll accept your representations as to what it says. It's just he's not going to be able to answer from memory what the document says.

Mr. Ratcliffe. Well, you reviewed the statute, right?

Mr. Strzok. Yes, I did.

Mr. Ratcliffe. Okay. And elements of a commission of an offense under that would include handling classified information in a grossly negligent manner.

Mr. Strzok. That's correct.

Mr. Ratcliffe. Okay.

In fairness, he goes on to explain why, despite the commission of the elements as they're written, that no reasonable prosecutor would bring the case in that first draft. Correct?

Mr. Strzok. I'm sorry. I'm reading it because I'm very familiar with the final version, but the prior ones I'm not at all well versed.

Yes, sir.

Mr. Ratcliffe. Okay. So a couple things that struck me about

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that is a very experienced former Deputy Attorney General of the United States, former United States attorney, Jim Comey, in his own words, came to the initial conclusion that Hillary Clinton was grossly negligent in the handling of classified information, and through a series of edits and revisions that was changed from "gross negligence" to "extreme carelessness." Correct?

Mr. Strzok. Yes.

Mr. Ratcliffe. Why was that done?

Mr. Strzok. My recollection was there was a great deal and we spoke about this before, when you were not in the room. There was a great deal of discussion by the attorneys about the I'm not an attorney. But the attorneys went and talked at length about the nature of "gross negligence," how that is defined, how it is poorly defined in some cases, what the application of that term with regard to the statute historically has been, how the Department has viewed the use of that statute and, in fact, for this, has not used it, concerns about the constitutionality of the statute based on the lack of a scienter requirement, as well as the fact that an analysis of the broad set of cases for mishandling classified information that we have prosecuted we, the Department of Justice, have prosecuted kind of fall into the big buckets that he articulates, and, based on that, that it was not consistent with applying that statute?

And the attorneys, there was some, as I recall it, discussion of, well, if we're going to use the descriptor "gross negligence," that is going to key to a specific legal definition of that term. Is that

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going to confuse things? Is it actually the appropriate use of the term or not? And so, again, amongst this kind of extended legal discussion, the decision was made to change that characterization to "extremely careless."

Mr. Ratcliffe. Okay. I appreciate that explanation. But regardless of whether it was gross negligence or extreme carelessness, it in some respects doesn't really matter, because the decision had been made that no reasonable prosecutor would bring this and the team had, as reflected in this, decided that she wasn't going to be charged.

Mr. Strzok. No, that's inaccurate. I think this is, as he states at the beginning, envisioning a scenario in which we didn't or he didn't recommend prosecution, what he might do.

My recollection is there was no final decision made until the end of the case. You know, you're both veterans of U.S. attorney and assistant U.S. attorney's offices. Any good investigator worth his salt after an intensive many, many months of investigation will frequently arrive at the point where you know if there are defects in the evidence that you have that might be insurmountable.

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[4:52 p.m.]

Mr. Strzok. So, in my mind, this is not a decision that somebody is or isn't going to be prosecuted. This is very much a: If we choose not to, I am thinking about doing this.

Mr. Ratcliffe. Okay. So if the decision was made at the end of the case, when is the end of the case?

Mr. Strzok. Shortly after her interview in the beginning of July?

Mr. Ratcliffe. Okay. Her interview was July 2nd, 2016.

Chairman Goodlatte. Mr. Ratcliffe, could you pause for just a second on that?

Just one question on that. Is there another document in which Director Comey says, envisioning a circumstance in which we will prosecute her, these are the things I want to consider?

Mr. Strzok. Mr. Chairman, not to my knowledge?

Chairman Goodlatte. Thank you.

Mr. Ratcliffe. So, if that's the case, there's a number of text messages back and forth between, frankly, different members of the team, but including you, reflecting the fact that a decision had already been made before her July 2nd

Mr. Strzok. Again, I don't think it's a fair characterization to say that a decision had been made. I think we saw the facts; certainly, with the prosecutors, they understood where the gaps and the problems were, and, you know, some level of understanding of whether or not we would be able to develop evidence to fill those gaps. But

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I would not say a decision had been made?

Mr. Ratcliffe. Again, not to but explain to me, then, why on July 1st you and Ms. Page exchanged texts about the fact that, in addition to the members of the Midyear team, the Attorney General, Loretta Lynch, knew that Hillary Clinton was not going to be charged and, therefore, was not a, quote/unquote, profile in courage?

Mr. Strzok. Because, as I indicated, I think the sense, particularly amongst the career prosecutors, in particular at DOJ but as well as those of us in the FBI, understood by that point in the investigation that any of the statutes that we had available to us, based on the way they had been applied and used in the past in prosecutions, had significant gaps in our ability to successfully and responsibly bring charges.

Mr. Goelman. Congressman, I think, by my watch, we are 4 minutes past the hour.

Mr. Ratcliffe. Okay. We'll pick up with that our next round.

[Recess.]

Ms. Kim. We will go back on the record. The time is 5:01.

Mr. Cummings. Mr. Strzok, welcome.

Mr. Strzok. Thank you, sir?

Mr. Cummings. In your experience, are criminal targets considered innocent until they are proven otherwise?

Mr. Strzok. Yes?

Mr. Cummings. And your job is to search for evidence or proof of their guilt. Is that right?

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Mr. Strzok. Guilt or innocence, yes?

Mr. Cummings. Or innocence. And if you don't find evidence of their guilt, ultimately, what do you do?

Mr. Strzok. You let them go. You close the investigation?

Mr. Cummings. So, in most investigations, even before the last witness has been interviewed, do investigators and prosecutors discuss whether there's enough evidence to charge a case with a search for additional evidence and whether those searches for additional evidence are successful?

Mr. Strzok. Yes?

Mr. Cummings. In your experience, when in the lifecycle of a case do those discussions start?

Mr. Strzok. They start very early on. The initial allegation, one of the first discussions with prosecutors involve, you know, what violations might be at issue and what the elements of those crimes are. And it continues throughout the case?

Mr. Cummings. So, even before the last witness has been interviewed, do investigators and prosecutors typically discuss the chances of success for a potential case, not just an indictment but a trial?

Mr. Strzok. Yes, that's a fair statement?

Mr. Cummings. So that's not unusual.

Mr. Strzok. It's not unusual. That's correct?

Mr. Cummings. And is the amount of probative evidence that has been discovered in the investigation a relevant metric in those

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discussions?

Mr. Strzok. Yes?

Mr. Cummings. Was Secretary Clinton's knowledge and intent key to the FBI's recommendation not to charge her?

Mr. Strzok. Yes?

Mr. Cummings. Why was the lack of evidence or intent fatal to the case?

Mr. Strzok. Again, I would defer to as I've said, I'm not an attorney, and I would defer to the expert attorneys both at the FBI and the Department of Justice. But in the historic my understanding of how statutes have been used with regard to the mishandling of classified information, those have been done in the context of the knowledge of the individual was always an element of those prosecutions?

And in the case of Midyear, in the case of this investigation, the Department of Justice, as well as the FBI, took a very exhaustive look at all the times that those statutes had been applied and charged with regard to the mishandling of classified information and developed a series of criteria, one of which, certainly, was the knowledge or the intent of the person who did it, and that that was a critical element.

Mr. Cummings. So when did you first understand that the evidence of Secretary Clinton's intent would be the lynchpin to the charging decision?

Mr. Strzok. I don't know that I would characterize it as the

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lynchpin. I would say that we understood maybe not so much the lynchpin, but one of the significant hurdles we had was being able to demonstrate through evidence that we knew she had an intent or a desire to knowingly violate any of the statutes that we were looking at?

Mr. Cummings. So is it safe to say you were looking for evidence of intent early on and in the document reviews and in the interviews?

Mr. Strzok. Yes, throughout?

Mr. Cummings. Now, sir, did you ultimately find sufficient evidence of Secretary Clinton's knowledge and intent to recommend charging a criminal case against her?

Mr. Strzok. Not that was consistent with past use of the statutes by the Department of Justice?

Mr. Cummings. Uh huh. And how was that so significant?

Mr. Strzok. Well, it's

Mr. Cummings. Past use.

Mr. Strzok. It's significant because there is a process. We have a way in which the laws are applied by the Department of Justice. We seek to do that in a manner that is blind. It does not take into account a person's position or race or sex or anything of that nature. And the consistency of that practice is one of the hallmarks of the rule of law?

Mr. Cummings. Uh huh. Now, did you investigate this matter as aggressively as you would any other matter?

Mr. Strzok. Yes?

Mr. Cummings. Did you investigate with the same determination

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to make a case as in any other matter?

Mr. Strzok. Yes?

Mr. Cummings. Can you point to specific instances where you investigated the matter aggressively and with the goal of finding relevant evidence to make a case?

Mr. Strzok. Absolutely. There are any number of them. And, you know, there was frequently a disagreement between the Department of Justice and the Bureau. My experience is typically that agents tend to be more aggressive than prosecutors because we're approaching things a little differently?

But with regard to this specific case, there are any number of things. Probably one of the primary examples are: Secretary Clinton gave the body, the corpus of her emails to attorneys to sort through, to determine what was work related and what wasn't. We came to know that those laptops existed, and we had investigative concerns that the sort process had not been rigorous, that there might have been things that it missed, and that there might be

Mr. Cummings. How did you come to that conclusion?

Mr. Strzok. That was what was told to me by our forensic examiners, by our analysts and our agents. As they looked at the body of emails that we had, we found work related emails through a host of material that we had obtained by consent or via search warrant in some cases that were not amongst the material that Secretary Clinton had produced as work related email?

One of the hypotheses by        and I forget who it was, but one of

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the great members of this extraordinary team, was that it was possible that just the mechanics of the sort process used had been faulty. And our desire was to you know, A, those laptops at one time had all of the emails on them; B, that, by getting that, we could go through and ensure that we did have all of the work related emails by Secretary Clinton and not just the ones that she had provided for us.

Certainly, whether it was a, you know, inadvertent or poorly designed search or, worse, if there was some nefarious purpose and not turn some things over I'm speaking too long.

The takeaway is that we felt strongly that we needed to get those laptops. Defense counsel disagreed vehemently. They viewed them as protected by a variety of privileges, and the Department of Justice initially didn't think that we should pursue that.

But we, I, the entire team advocated aggressively that these were essential to our understanding of the case and that we needed to get that material before we could conclude with a sense of legitimacy and completeness that we had gotten or looked at every possible place that those emails might exist.

Mr. Cummings. Well, when did your team complete the review of the emails?

Mr. Strzok. Sir, I would have to go back and check the record. That's a I don't know without access to the file. It was prior to the interview of Secretary Clinton, for sure. It was sometime in the spring of 2016, if memory serves correctly?

Mr. Cummings. Did those emails

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Mr. Goelman. '17?

Mr. Strzok. '16. '16.

Mr. Cummings. Did those emails reveal any, quote, "smoking gun," unquote, evidence of Secretary Clinton's intent?

Mr. Strzok. No?

Mr. Cummings. When did your team interview the individuals who had sent Secretary Clinton classified information in her emails?

Mr. Strzok. That took place throughout the course of the investigation. There was no set period where we went out and interviewed them. We identified as best we could the authors of every piece of classified information and went out and talked to them about how that material came to be placed into those emails?

Mr. Cummings. And, in those interviews, did you come up with any smoking gun?

Mr. Strzok. No?

Mr. Cummings. Did the investigation ever yield smoking gun evidence of Secretary Clinton's intent?

Mr. Strzok. No?

Mr. Cummings. Now

Mr. Strzok. Congressman, if I can back up to that last question. When you say "smoking gun," I am taking that to mean did we find any evidence that she acted with ill intent to do what she did, and that's how I'm responding to that question?

Mr. Cummings. Yes. Yes.

Mr. Strzok. Yes, sir?

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Mr. Cummings. The Inspector General report states and this is kind of a long quote, so listen carefully: Our review found that the Midyear team concluded beginning in early 2016 that evidence supporting a prosecution of former Secretary Clinton or her senior aides was likely lacking. This conclusion was based on the fact that the Midyear team had not found evidence that former Secretary Clinton or her senior aides knowingly transmitted classified information on unclassified systems because, one, classified information exchanged in unclassified emails was not clearly or properly marked, and, two, State Department staff introducing classified information into the emails made an effort to, quote, "talk around it," end of quote.

Is this conclusion consistent with your experience on this case?

Mr. Strzok. It is. I would add there are probably even further characteristics that created problems from any prospective prosecution. But I agree with the statements in that paragraph you just read?

Mr. Cummings. Okay.

To be very clear, at this point in early 2016, when the team had examined much of the body of evidence but had not found evidence of intent, did the team stop looking for evidence of intent?

Mr. Strzok. No?

Mr. Cummings. At this point in so, at this point in 2016, when the team had examined much of the body of evidence but had not found evidence of intent, did the team stop examining the evidence or interviewing pertinent witnesses?

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Mr. Strzok. No. We kept going?

Mr. Cummings. At this point in early 2016, when the team had examined much of the body of evidence but had not found evidence of intent, did the team stop conducting effective and aggressive interviews to solicit evidence of intent?

Mr. Strzok. No?

Mr. Cummings. Now, in fact, the next sentence states, and I quote: The Midyear team continued its investigation, taking the investigative steps and looking for evidence that could change their assessment, end of quote.

This is my question. At any point in the investigation, if the team had found any evidence of intent, would the Midyear investigative team have pursued that lead?

Mr. Strzok. Yes?

Mr. Cummings. And that includes in the actual interview of Hillary Clinton. Is that correct?

Mr. Strzok. Yes?

Mr. Cummings. All right.

Now, many of your personal actions and texts have been used as evidence that the FBI, its leadership, and the Justice Department overall is deeply biased and corrupt.

I'd just like to give you the opportunity to directly respond to anything you think is missing from the record or would better help the American people understand whether they should trust the career professionals at the FBI and DOJ who are protecting our country every

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day.

Mr. Strzok. Yes, sir, and thank you for that opportunity.

I would tell you FBI agents are people, and all of us have personal political opinions, and that is something that we all feel passionately about. But I can tell you, all of us, me, but everybody I work with, those personal opinions, when you walk in the door, those get left behind.

The FBI that I know and have been a member of is made up of people who pursue the facts where they lay and apply the law to those facts. I did not, nor would I ever, take any act based on my personal beliefs in the conduct of my official business, nor would anybody else that I know working at the FBI. I would not tolerate it in myself or others, and all those men and women at the FBI are exactly the same way.

I am deeply troubled by the way that the insinuation that somehow these personal beliefs are inappropriate or, worse, are necessarily evidence of some corrupt bias are being used to undermine the integrity of the FBI, the way that they are being used to destroy the image and trustworthiness of the FBI in the eyes of the American public for purely partisan ways. It is destructive, it is corrosive to the rule of law, and it is absolutely something terrible that's been occurring.

Mr. Cummings. All right. Thank you very much.

Mr. Strzok. Thank you, sir.

Mr. Johnson. Mr. Strzok, I'm Hank Johnson.

In the Clinton investigation, did you generally advocate for

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aggressively seeking and compelling evidence?

Mr. Strzok. Sir, good afternoon. Yes, I did?

Mr. Johnson. Did you generally advocate for or against the use of compulsory process?

Mr. Strzok. I typically advocated for the use of compulsory process, yes?

Mr. Johnson. Why?

Mr. Strzok. Because, in my experience, there is a point which negotiating with counsel hits a stage that is not productive or is taking too long. And my belief is that, if you have the ability, through a subpoena, certainly a search warrant, to go get that evidence, it is frequently the most effective way either to get it, or usually, frequently, in my experience, the threat of that will cause counsel to then come forward voluntarily and produce the information you want?

Mr. Johnson. Did Lisa Page advocate for or against the use of compulsory process in the investigation?

Mr. Strzok. She advocated for it?

Mr. Johnson. Why do you think she did that?

Mr. Strzok. I think you would have to ask her. My belief is that she felt a, you know, aggressive investigation is the appropriate way that the Bureau should be pursuing all its work?

Mr. Johnson. Were there disagreements in when to use or not use compulsory process between the FBI team and the DOJ team?

Mr. Strzok. There were?

Mr. Johnson. Generally, when there were disagreements, what was

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the DOJ's position?

Mr. Strzok. I don't want it wouldn't be right for me to generalize. I think, having said that, that typically Bureau agents and investigators and certainly me in this context tend to be much more aggressive in our desire to use compulsory process and to pursue information, because our motivation tends to be just to get the information. We want to build as comprehensive a picture and understanding of what occurred, whereas DOJ attorneys are looking at it from a little bit prosecutors from a different perspective. They are not only of course they want the facts, but they have concerns about how to introduce that at trial and whether or not this is something that is going to address a particular element of the crime?

And that, in my career, has been a very natural tension point. So I think it's entirely consistent in this case that we tended to be more aggressive, in many instances, in pushing for a compulsory process than DOJ was.

Mr. Johnson. Is it fair to say that, in the Clinton email investigation, that you adhered to the general philosophy, if you will, of FBI lawyers that you were going to demand and be on the side of those seeking aggressive investigation using compulsory process?

Mr. Strzok. Yes, I think it's fair that me and the investigative team were absolutely aggressive in trying to pursue the facts and, specifically, to include compulsory process?

Mr. Johnson. You treated this investigation the same way that you would treat any other investigation?

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Mr. Strzok. I did?

Mr. Johnson. Did you ever come to believe or think that career prosecutors disagreed with your more aggressive approach based on legitimate legal differences of opinion?

Mr. Strzok. Yes. If I'm hearing you correctly, I did believe that the disagreements were based on legitimate disagreements based on legal reasons?

Mr. Johnson. Did you think that the DOJ career prosecutors were making these decisions based on their personal political views?

Mr. Strzok. No?

[Strzok Exhibit No. 10

Was marked for identification.]

Mr. Johnson. Sir, I'd like to turn to what's been marked as exhibit 10, which is a section of the Inspector General's report. And I'd like to take you to chapter 5, section 3 and 4.

Mr. Strzok. What page is that, sir.

Okay. Yes, sir. Yes, sir.

Mr. Johnson. And I'd like to go through that section to discuss the use of compulsory process in the investigation.

Did you or have you had an opportunity to read this section of the IG report?

Mr. Strzok. I have.

Mr. Johnson. Are you familiar with the use of compulsory evidence in the MYE investigation?

Mr. Strzok. Compulsory instruments to get that evidence, yes,

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I am.

Mr. Johnson. I will direct you to specific parts of this excerpt, but if you need any additional time to review or read in depth, please let me know.

Mr. Strzok. Thank you.

Mr. Johnson. On the page numbered 79, the first paragraph after the subheader reads as follows: "Despite the public perception that the Midyear investigation did not use a grand jury, and instead relied exclusively on consent, we found that agents and prosecutors did use grand jury subpoenas and other compulsory process to gain access to documentary and digital evidence. According to documents we reviewed, at least 56 grand jury subpoenas were issued, five court orders were obtained pursuant to 18 U.S.C. section 2703(d) (2703(d) orders), and three search warrants were granted."

Were you part of the decision to issue any of the 56 grand jury subpoenas?

Mr. Strzok. Yes, I was aware of them. I was again, those issuance were at levels below me, but I was certainly aware of all of them.

Mr. Johnson. Were you part of the decision to issue any of the 5703(d) orders?

Mr. Strzok. Yes. 2703(d), yes, sir.

Mr. Johnson. Were you part of the decision to issue any of the three search warrants?

Mr. Strzok. Yes, sir.

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Mr. Johnson. In fact, if you turn to page 85, end of the first line, the IG report describes an instance where you and Lisa Page appear to author a list of instances where you had clashed with the DOJ prosecutors' decisions to negotiate with counsel.

The report reads, quote, "Strzok told us that at the time he wrote this email, he was 'aggravated by the limitations' that the prosecutors were placing on the FBI's ability to obtain evidence and felt that 'if you add up this delta over a bunch of decisions, all of a sudden it becomes substantive.'" "

Are these sections of the Inspector General's report consistent with your general experience on the Midyear review, that you were aggravated by DOJ's caution?

Mr. Strzok. At times, yes, I was.

Mr. Johnson. Is the description that you were aggravated by the DOJ's hesitance to seek compulsory process accurate?

Mr. Strzok. I was at times aggravated by it, yes, that's accurate.

Mr. Johnson. You were aggravated at times.

Mr. Strzok. At times, yes, sir.

Mr. Johnson. Generally, why did the FBI advocate for the use of compulsory process?

Mr. Strzok. Again, because I think, in my experience, that there comes a time you can ask for something, and frequently that becomes very slow, or you end up in a series of negotiations which overly limit access to the material that you'd like to have. And in those instances

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where for those items of evidence you have enough to either issue a subpoena or a search warrant or get a 2703(d) order, my experience is that you just do it. It's faster. It's more aggressive. It cuts to the chase. And more than that, it also sends a tone to all the parties, to opposing counsel, to the team, to the prosecutors, that, you know, we're being aggressive, we're driving down the process of this investigation to get to a resolution.

So I think it's important for all of those reasons.

Mr. Johnson. And, again, generally, why did the career prosecutors in this case favor obtaining evidence through consent?

Mr. Strzok. Sir, I think you need to ask them. I think that all I think every one of those decisions is a little bit different. I think that, again, for the reasons I mentioned earlier, they are looking at they're looking with a different lens at the material. They're looking at its relevance to the elements of the crime. They are looking at the legality and the admissibility of some of the evidence. They are looking at future back and forth with opposing counsel and developing a relationship over the span of a case. So I think every particular item probably has a different set of circumstances.

Mr. Johnson. Did you think that the career prosecutors disagreed with the FBI based on legitimate legal differences of opinion?

Mr. Strzok. Generally, yes. I think sometimes I was probably frustrated. I wished they were a little more gung ho. But, generally, yeah, I think it was absolutely legitimate disagreement.

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Mr. Johnson. Did you think that the DOJ career prosecutors were making these decisions based on their personal political views?

Mr. Strzok. No.

Mr. Johnson. In your experience, did any senior political leaders at DOJ intervene in the decision to seek or not seek compulsory process? And I'll give you these names.

Loretta Lynch?

Mr. Strzok. Not to my knowledge.

Mr. Johnson. Sally Yates?

Mr. Strzok. Not to my knowledge.

Mr. Johnson. Matt Axelrod?

Mr. Strzok. Not to my knowledge.

Mr. Johnson. John Carlin.

Mr. Strzok. Not to my knowledge.

Mr. Johnson. Did any of the agreements on how to obtain evidence affect the thoroughness of the investigation?

Mr. Strzok. No.

Mr. Johnson. In your experience, is it common to have disagreements between FBI agents and DOJ prosecutors working on a case?

Mr. Strzok. Yes.

Mr. Johnson. Is it common for the FBI to want to move more quickly or aggressively and for the DOJ to ask for more evidence or to take a more cautious approach?

Mr. Strzok. Yes, that's fair.

Mr. Johnson. Based on your answers to this section, is it fair

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to say that you were aggressive in suggesting that the Clinton email investigation make use of compulsory process?

Mr. Strzok. Yes.

Mr. Johnson. And is it also fair to say that you believe that prosecutors disagreed with your suggestions based on legitimate legal differences in opinion and not because of political bias?

Mr. Strzok. Yes.

Mr. Johnson. Okay.

Sir, I want to turn your attention to the reopening of the Clinton email investigation after the discovery of emails on Anthony Weiner's laptop. Were you a part of the process of reopening or the decision to reopen the investigation?

Mr. Strzok. Yes.

Mr. Johnson. Did you help draft the December 2016 letter that Director Comey sent to Congress announcing the reopening of the Clinton email investigation?

Mr. Strzok. I believe it was October 2016. Yes.

Mr. Johnson. You participated in the drafting of that letter?

Mr. Strzok. I did.

Mr. Johnson. Was it your understanding that that letter would be to Congress and would not be made public?

Mr. Strzok. My understanding was it was likely to immediately be made public.

Mr. Johnson. Well, let me ask you this question. Did you still support sending the letter even if it would become public?

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Mr. Strzok. I ultimately supported the decision to send the letter by Director Comey, to send the letter to Congress.

Mr. Johnson. Why did you support sending that letter to Congress?

Mr. Strzok. Congressman, it was an extraordinarily difficult decision, and I was one of a number of people who was in the debate in advising Director Comey. I think he has spoken at length and eloquently about his thought process before this body as well as in his book and in public. It was a decision that none of us took lightly and a decision that, I think, for all of us, was right on the margin. I think for everybody it was a 51 49 sort of thought.

I think, at the end of the day, given the fact that Director Comey had made the speech that he did on July 5th and the inference that, if there was a change, that he in subsequent statements to Congress that he had made, that for a variety of reasons, but certainly one of those reasons, that were we to reopen active investigation, that he and the FBI had an obligation to notify Congress.

So I don't want to speak to all of the reasons. That's not a question for him, and I think he's answered that. But that's my understanding of one of the many reasons why it was done.

Mr. Johnson. Did you agree with the decision to reopen the email investigation after the discovery of the emails on Anthony Weiner's laptop?

Mr. Strzok. Yes, I did.

Mr. Johnson. And you supported the sending of the letter that

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you helped draft to Congress?

Mr. Strzok. With not nearly the same surety that I had that we needed to reactivate the investigation, but, yes, I did support it.

Mr. Johnson. You knew that it would be made public?

Mr. Strzok. I did. Well, I yes, I suspected it to a level of belief that it was almost certain.

Mr. Johnson. And you knew that it would hurt the Hillary Clinton campaign, did you not, if it became public?

Mr. Strzok. I did. Yes, I did.

Mr. Johnson. But, still, you acquiesced in sending the letter?

Mr. Strzok. I don't think "acquiesce" is the right word. I think, after debate, I agreed with the decision.

Mr. Johnson. Okay. Thank you.

Mr. Strzok. Yes, sir.

Ms. Kim. We'll go off the record for a second. Thank you. The time is 5:32.

[Discussion off the record.]

Ms. Kim. We're going to go back on the record. The time is 5:33.

Mr. Cicilline. Mr. Strzok, I'm David Cicilline from Rhode Island.

Mr. Strzok. Sir, good afternoon.

Mr. Cicilline. Good afternoon.

I just want to begin with one brief question where Mr. Johnson left off. I think you said you agreed with the decision and maybe even participated in the discussion about the appropriateness of notifying

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Congress about the reopening of the Clinton investigation.

Mr. Strzok. Yes, sir.

Mr. Cicilline. And you knew at the time that that was likely to be made public and likely to do harm to her candidacy.

Mr. Strzok. Yes.

Mr. Cicilline. And did you contribute to that decision as a result of bias that you had toward Hillary Clinton?

Mr. Strzok. No.

Mr. Cicilline. What contributed to your rendering that decision along with your colleagues?

Mr. Strzok. It was solely driven by the objective pursuit of the investigation and the right thing to do with regard to Bureau policies and past actions.

Mr. Cicilline. So, when we heard our colleagues spend a lot of time today suggesting you had bias against President Trump, or candidate Trump, how would that square with your decision to divulge something that you knew would be harmful to her election and may, in fact, have significantly contributed to her loss?

Mr. Strzok. Sir, I think that's the absolute deep underlying fallacy and irony of this entire line. The things that I did immediately sending agents to contact New York, advocating that we needed to open the case as soon as I found out that there was potentially relevant information, drafting the letter to Congress, while at the same time saying nothing, keeping extraordinarily compartmented the work we were doing with regard to the Russian

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influence investigations all of those actions universally and none of these were driven by these considerations, but all of those actions were to the detriment of the candidacy of Secretary Clinton and to the benefit of candidate Trump.

So it's extraordinarily "ironic" is probably a very kind word, that that's the perception being attempted to be portrayed.

Mr. Cicilline. Thank you.

I now want to turn your attention to the July 5th, 2016, statement that Director Comey drafted on the Clinton investigation recommending not to prosecute Secretary Clinton, and I'd like to walk you through what happened in a little more detail.

Can you describe the general process that Director Comey used in drafting the July 5th statement on the Clinton investigation, and, particularly, what was your role in drafting or editing the statement?

Mr. Strzok. So I don't know how he drafted it. When I was forwarded my recollection is that I was forwarded an email by Deputy Director McCabe of something Director Comey had written a draft. I don't know the process or how he did it, but, in any event, it was forwarded to me. A small number of folks on the team and kind of asked for, you know, thoughts, what do you think about this.

And then, following that point in time, there were enumerable discussions amongst the investigative team about that statement and things ranging again, I mentioned earlier, factual accuracies, things that we could state, the most appropriate and accurate way to state things, interpretations of law, past practice of law,

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characterization of law, and putting that all together in a way that would be understandable by somebody who wasn't a lawyer.

Mr. Cicilline. And the first time that you saw that was receiving a draft that you understood was prepared by Director Comey himself, correct?

Mr. Strzok. That's my understanding.

Mr. Cicilline. And that would've been in an email that you received from Mr. McCabe on May 6 of 2016.

Mr. Strzok. I don't know that. If you do, I'll take your representation.

Mr. Cicilline. Okay.

Who held the authority to approve the final language of the July 5th, 2016, statement?

Mr. Strzok. Director Comey.

Mr. Cicilline. So you didn't have the authority to approve the final language or the statement recommending not to prosecute Secretary Clinton. Is that right?

Mr. Strzok. That's right.

Mr. Cicilline. And did you ever make edits or suggestions, modifications to that statement with the purpose of helping Secretary Clinton or damaging the Trump campaign?

Mr. Strzok. No.

Mr. Cicilline. Did anyone else, to your knowledge?

Mr. Strzok. Not to my knowledge, no.

Mr. Cicilline. Did you ever push back on the group consensus on

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the legal conclusions that were made during the drafting process? Some of them you have discussed already in this testimony.

Mr. Strzok. "Push back" I think I don't know that I would use that word. There was a lot of robust discussion about the various legal aspects. But all of the conclusions, I think, were supported by the facts and law and precedent.

Mr. Cicilline. And were the members of the Midyear Exam FBI team free to express their concerns throughout the drafting process?

Mr. Strzok. Yes.

Mr. Cicilline. And do you recall any member of the team expressing significant disagreements about the statement's final wording?

Mr. Strzok. I do not.

Mr. Cicilline. Did anyone significantly disagree with the final language in Director Comey's July 5th, 2016, press statement?

Mr. Strzok. No.

Mr. Cicilline. Now, there has been a lot of excitement by my colleagues on the other side of aisle about the initial statement being drafted before the FBI officially closed the Clinton investigation in July 2016. And some have even suggested something suspicious about that.

Would you explain do you believe that Director Comey acted improperly or prematurely by drafting an initial statement before Secretary Clinton and other interviews occurred? Can you explain why or why not? And is that an unusual practice in the normal course of

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an investigation?

Mr. Strzok. So I don't think it is unusual to think about the violations or exposure any particular individual may or may not have. This was unusual in that that statement was made with regard to an individual that we were not going to recommend charges. But setting that aside, I don't think the fact that prior to the conclusion of a case, particularly one that's particularly intensive and has had a lot of work done, that prosecutors and agents arrived at an understanding before the case is complete that there are significant flaws in some or all potential charges or absolutely strong, sustainable charges.

So it is not my observation is that, in a big case, it can frequently occur that people have an idea well before the end of the case whether or not you're going to be able to overcome hurdles to prosecution.

Mr. Cicilline. Thank you.

I'm going to now ask you to turn your attention to an exhibit that I'd ask be marked as exhibit 11 and ask, do you recognize this email?

[Strzok Exhibit No. 11

Was marked for identification.]

Mr. Strzok. I do.

Mr. Cicilline. And was it written by you alone, or was it a reflection of a collaborative discussion?

Mr. Strzok. It was a collaborative discussion.

Mr. Cicilline. And the email has a redacted name. Do you remember who besides you and Jon Moffa collaborated on this email?

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Mr. Strzok. I don't. It's one of two people, Ms. Page or another OGC attorney.

Mr. Cicilline. And if you turn to the second page, under the subheader, "Topic for Further Discussion," you wrote: "6) Whether her conduct rises to the legal definition of gross negligence." Do you see that?

Mr. Strzok. I do.

Mr. Cicilline. Why did the team need to have further discussion about whether Secretary Clinton's conduct rose to the legal definition of gross negligence?

Mr. Strzok. Because this my recollection, sir, is this came up in the context of going through the draft statement. Some of the attorneys, if I recall correctly it was not me, but I think it was one of the attorneys raised the question, okay, well, he's saying here gross negligence. Is that what he means, that is, I'm not an attorney, but that is that carries a legal definition with it. Clearly it's part of the statutes, but it also goes to, you know, an application across a variety of statutes.

And so, as I recall the issue being raised by the attorneys, it was: Hey, we need to talk about this because I'm not sure that it is exactly right here. And that presence there on that list, this topic number 6, is simply flagging that for future discussion.

Mr. Cicilline. And, in that discussion, do you recall whether or not a member of the team was concerned specifically about using language that is also a legal standard and that that might result in

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some confusion?

Mr. Strzok. That is my recollection of part of what the concern was.

Mr. Cicilline. And were you the first to raise this concern, or was it a view of others in the group?

Mr. Strzok. I didn't raise it. It was the view of others in the group. And my recollection is, certainly, on the team with the DOJ attorneys, this issue of demonstrating intent and the scienter elements was something we had discussed in the past. I don't know if, in the context of the Director, this point had been raised or not. It may have been, but I just don't remember.

Mr. Cicilline. Do you recall whether you had a view on this question?

Mr. Strzok. My view was that it was complicated, and I didn't understand the issue in the way the really bright attorneys did.

Mr. Cicilline. Did the team ultimately reach a consensus on whether Secretary Clinton had acted in a grossly negligent manner?

Mr. Strzok. I think the closest I would say and I would defer to the attorneys. I think, as I recall it, there was some concern as to whether or not we could demonstrate that because of how that was defined in various ways in various courts. But, again, that is my nonattorney, nonlegal understanding of the issue.

[Strzok Exhibit No. 12

Was marked for identification.]

Mr. Cicilline. Now I'm going to ask you, Mr. Strzok, to look at

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a document that has been marked as exhibit 12. This is an exhibit of a resolution introduced by Republican Members of Congress on May 22nd, 2018, requesting that the Attorney General appoint a second special counsel to investigate the Department of Justice and the FBI.

On page 4, the first clause begins, and I quote, "Whereas Director Comey, in the final draft of his statement, allowed FBI Agent Peter Strzok to replace 'grossly negligent,' which is legally punishable under Federal law, with 'extremely careless,' which is not legally punishable under Federal law."

Do you see that paragraph?

Mr. Strzok. I do.

Mr. Cicilline. And, Mr. Strzok, do you agree with the characterization that Director Comey, and I quote, allowed you to replace "grossly negligent" with "extremely careless"?

Mr. Strzok. No.

Mr. Cicilline. At the time "grossly negligent" was used in the initial draft, did Director Comey's statement conclude that the FBI recommended prosecution of Secretary Clinton?

Mr. Strzok. It did not recommend that.

Mr. Cicilline. Did the edit of replacing "grossly negligent" with "extremely careless" change the FBI's substantive conclusion in any way?

Mr. Strzok. No.

Mr. Cicilline. Do you recall specifically whether that edit was made by you or someone else?

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Mr. Strzok. It was not made by me. A bunch of us were sitting in my office. It is possible I was typing that in, but it was that change was not submitted by me.

Mr. Cicilline. And was that change a reflection of the opinion of the group?

Mr. Strzok. It was certainly the opinion of the attorneys, who I think explained to the group in a way that we said, yes, we agree or that makes sense, to the extent we understand it.

Mr. Cicilline. And why, ultimately, was the edit made?

Mr. Strzok. I think because, one, the director decided he wanted it made; two, I think it was the consensus that it was, from a legal and common reading perspective, the most appropriate or a better way to say what Director Comey was trying to convey.

Mr. Cicilline. So the assertion that's made in this official document by Republican Members of Congress about you is false as it relates to you changing the word.

Mr. Strzok. That's correct.

Mr. Cicilline. Now I'm going to ask you, Mr. Strzok, if you would turn to page 3, where the fourth clause states, and I quote, "Whereas according to transcripts obtained by the Senate Judiciary Committee, former Director Comey was prepared to exonerate Hillary Clinton as early as April or May of 2016 when he began to draft a statement announcing the end of his investigation, before up to 17 key witnesses, including former Secretary Clinton and several of her closest aides, were interviewed."

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Mr. Strzok, is it accurate to say former Director Comey was prepared to exonerate Hillary Clinton as early as April or May of 2016?

Mr. Strzok. I don't believe that's accurate.

Mr. Cicilline. If the FBI's interviews of Secretary Clinton and others produced new evidence that supported prosecuting Secretary Clinton, would the FBI have ignored that evidence and stuck with the existing draft statement?

Mr. Strzok. No.

Mr. Cicilline. In other words, did the initial draft statements in the spring of 2016 lock in the FBI's recommendations not to prosecute regardless of any new evidence?

Mr. Strzok. No.

Mr. Cicilline. But the FBI did not actually receive new evidence in these interviews that supported prosecuting Secretary Clinton. Isn't that correct?

Mr. Strzok. That's correct.

Mr. Cicilline. And now I would ask you to turn

Mr. Strzok. Congressman, let me I would expand on that a little bit. The information that we developed subsequent to the drafting of that statement did not get us to the point where I think Director Comey could reasonably conclude that charges were appropriate.

Mr. Cicilline. And I just want to say that the IG report, at page 238, and I quote, found: We found no evidence that Comey's public statement announcing the FBI's decision to close the investigation was

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the result of bias or an effort to influence the election. Instead, the documentary and testimonial evidence reviewed by the OIG reflected that Comey's decision was a result of his consideration of the evidence that the FBI had collected during the course of the investigation and his understanding of the proof required to pursue a prosecution under the relevant statutes, end quote.

Mr. Strzok, is that conclusion consistent with your experience?

Mr. Strzok. Yes.

Mr. Cicilline. So bias or an effort to influence the election was not part of the FBI's decisionmaking in any way.

Mr. Strzok. Correct.

Mr. Cicilline. Do you have any reason to believe that Director Comey's recommendations against prosecuting Hillary Clinton was influenced by any improper conversations, including political bias?

Mr. Strzok. No.

Mr. Cicilline. Was your opinion influenced by political bias?

Mr. Strzok. No.

Mr. Cicilline. Or was your opinion based on facts and evidence, as you've already stated?

Mr. Strzok. Yes.

Mr. Cicilline. So I want to just turn just for a moment now, Mr. Strzok, to this whole notion of political bias. I know the suggestion has been made that the vast majority of the FBI and the agents that serve the FBI are Democrats and they are biased in favor of Democrats. Do you think that's a true statement?

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Mr. Strzok. No.

Mr. Cicilline. Are FBI agents and professionals such as yourself allowed to have personal political affiliations and opinions?

Mr. Strzok. Yes.

Mr. Cicilline. When the FBI staffs a politically sensitive investigation for example, a public corruption case does the FBI requester the personal political persuasion of its agents in making those staffing decisions?

Mr. Strzok. No.

Mr. Cicilline. Why not?

Mr. Strzok. Because I don't know that it would be legal. That is not a consideration that is taken into account, in my experience, in staffing investigations.

Mr. Cicilline. And is it also not the expectation that an FBI professional, whether they have a political persuasion or opinion, will understand their obligation to separate that from their duties at the FBI?

Mr. Strzok. They will understand that, yes.

Mr. Cicilline. In fact, when the FBI puts together a team of investigators, is the consideration ever, I need a couple of Republicans or a couple of Democrats?

Mr. Strzok. Never.

Mr. Cicilline. Does the FBI ask about the political affiliations of its own agents?

Mr. Strzok. Not to my knowledge.

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Mr. Cicilline. And, in fact, is it explicitly forbidden for the FBI to ask about political affiliations for staffing investigations?

Mr. Strzok. That's my understanding, yes.

Mr. Cicilline. And how do FBI agents know not to let political bias interfere with their political work?

Mr. Strzok. Because it is engrained in everything we do. It is part of our training. It is part of the law. It is part of the code and culture of who we are.

Mr. Cicilline. And, in your experience, in your time at the FBI and with the Justice Department, have you seen evidence of anybody applying political bias in their investigation of any subject matter?

Mr. Strzok. Not to my knowledge, no.

Mr. Cicilline. Is there any reason to believe that Jim Comey's political affiliation affected the way he investigated Secretary Clinton's email server?

Mr. Strzok. No.

Mr. Cicilline. Now, the final area do I have time?

Ms. Kim. Yes.

Mr. Cicilline. You indicated in response to some earlier questioning that you in responding to some of your describing some of your tweets, that you were contemplating some possibilities about the potential involvement of the Trump campaign or officials within the Trump campaign to have actively coordinated with Russian adversaries during the course of the Presidential election.

Mr. Strzok. Yes.

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Mr. Cicilline. And I take it that any good investigator, as you're learning facts and conducting interviews and gathering evidence, part of your responsibility is to sort of contemplate possibilities.

Mr. Strzok. Yes.

Mr. Cicilline. It helps you decide where to go and what additional evidence to look for.

Mr. Strzok. Yes.

Mr. Cicilline. So you came at some moment in this investigation where the I think you described it as the gravest possibility you began to contemplate what you call the gravest possibility.

Mr. Strzok. Yes.

Mr. Cicilline. And what was the gravest possibility, as you saw it?

Mr. Strzok. The gravest possibility I saw, based on the allegation that Russia was colluding with members of the Trump campaign, the gravest possibility was that candidate Trump himself was engaged in collusion with the Government of Russia to gain the Presidency.

Mr. Cicilline. And I'd take it, as a national security professional, that if you saw evidence that proved that to be true, you would consider that to be worthy of removal from office.

Mr. Strzok. If that were true, I would, yes.

Mr. Cicilline. And without telling us the nature of the evidence in this setting, did there come a time during the course of this

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investigation that the reality that that grave description we just gave did you see evidence to support that claim?

Ms. Besse. I'm sorry, Congressman. If I may interrupt

Mr. Cicilline. Do I have a choice?

Ms. Besse. For Mr. Strzok to answer that, it goes into, sort of, what he looked at during the investigation that's now under the purview of the special counsel. So I will instruct him not to answer that question.

Mr. Cicilline. Okay. Even if I I certainly respect that, and I'm not asking you in any way to comment on what you saw or the quality. I'm asking you to describe your state of mind after having done that.

Ms. Besse. His state of mind is going to be based on evidence that he was privy to and information that he knew

Mr. Cicilline. Okay. I'll try something else.

As you spent time during the course of this investigation doing your work of interviewing witnesses, looking at evidence, did that grave example that you used, as you would consider the gravest, most dangerous thing, did you develop more or less concern that that was a possibility?

Ms. Besse. Congressman, I think that would also

Mr. Cicilline. I'm going to ask a much more skilled staffer to help me.

Mr. Goelman. I don't know that it's a matter of skill. It's the question.

BY MS. KIM:

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Q Mr. Strzok, I'd like to touch quickly on a letter coming out of the Senate today. So Senator Lindsey Graham sent a letter to the Deputy Attorney General. I am asking the questions that are being posed to the DOJ today.

A Uh huh.

Q So he asked: Did you, Mr. Strzok, have any role in retaining or supervising the confidential informant who Lindsey Graham characterizes as targeting the Trump campaign and Trump associates at the beginning of the Russia probe?

A I can answer that, but my concern goes to a point that was made earlier, that, by answering that, that is confirming that, in fact, an asset does, in fact, exist. And I don't know that that's a path that we can go down.

Ms. Besse. I'm sorry. Is that a letter that was drafted to go out or went out today?

Ms. Kim. It has gone out today, yes.

Ms. Besse. So the FBI would have to look at that and make a decision as to how and if it can respond to that. So I don't think that Mr. Strzok can respond to that.

Ms. Kim. I understand. Let me try to phrase it in a more general way.

Mr. Strzok, have you had any role in instructing a confidential informant to infiltrate or investigate a major Presidential campaign?

Ms. Besse. Again, if it's based on his involvement in a specific investigation, he will not be able to answer that question.

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Ms. Kim. I understand the FBI's equities. The concern that I have is that, by not being able to clarify that he has never participated in the infiltration of the campaign, his good name is unnecessarily being dragged through the mud.

Mr. Cicilline. Can I just say one thing? If, for sake of argument, the answer to that were "no," then it's clearly not revealing anything about an investigation because it's a fact that didn't happen. So I think if the answer is "no," you can answer "no" without having to comment on an ongoing investigation.

Ms. Kim. And one more thing I'll raise is I am rephrasing almost exactly a question I asked earlier to which Mr. Strzok was allowed to respond.

Mr. Goelman. Was allowed to respond?

Ms. Kim. He was indeed.

Mr. Goelman. Can we just have one moment?

Ms. Kim. Yes.

[Discussion off the record.]

Ms. Kim. I think we'll go back on the record. It's 6:00 p.m.

BY MS. KIM:

Q Mr. Strzok, have you ever been a part of the FBI's efforts to infiltrate a U.S. political campaign?

A No.

Q Have you ever been a part of an effort to put a spy in a U.S. political campaign?

A No.

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Q I think if that's the best we can do, you've given those answers, and I have no reason to doubt that you are

Mr. Cicilline. Can I add one thing?

To your knowledge, at the time that you were at the Bureau, have you ever heard of that happening?

Mr. Strzok. No. No, I do not have personal knowledge of that happening?

Ms. Kim. Did you have any role in reviewing, approving, or supplying information for the FISA warrant obtained to surveil Carter Page?

Mr. Strzok. I think we've asked and been unable to answer that in the past?

Ms. Besse. Yes. I think how it was phrased earlier was about whether you signed

Ms. Kim. An affidavit.

Ms. Besse. Right. So may we confer?

Ms. Kim. Sure. Certainly.

[Discussion off the record.]

Ms. Kim. We will go back on the record. It is 6:01.

Mr. Goelman. The witness has been instructed by counsel for the agency not to answer that question, and we'll abide by that direction.

Ms. Kim. Thank you very much.

I'll turn it over to Mr. Raskin.

Mr. Raskin. Thank you very much.

Mr. Strzok, the criticism of you seems to come down to the

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suggestion that the few texts that were identified somehow reflected a general conspiracy that was going on to fix the Presidential contest. Was there any political conspiracy at the FBI to alter the outcome of the election?

Mr. Strzok. Not that I'm aware of.

Mr. Raskin. Okay. And do your texts reflect a conspiracy or an agreement between you and your close friend to alter the outcome of the election?

Mr. Strzok. No.

Mr. Raskin. Okay. Is all of this much ado about nothing?

Mr. Strzok. I believe so, yes.

Mr. Raskin. Do you view it as a massive distraction and red herring?

Mr. Strzok. I don't know that I'm ready to, kind of, go through what I think it is. I do believe, yes, it is absolutely a distraction and is not accurate in any way.

Mr. Raskin. Okay.

When we first got some portion of the texts that were disclosed to us by the Department of Justice, I noticed that there were these offhand political slams, I suppose I would call them, directed not just at President Trump but at Eric Holder, I think Hillary Clinton. I think my friend Martin O'Malley came in for some hits. Bernie Sanders I think was described at one point as an idiot, which was a word that was also used for President Trump.

Even at the informal level of personal banter, which your texts

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about the President appeared to me, would you agree that you were making the same kinds of offhanded casual comments about other political figures that people do in friendships all the time?

Mr. Strzok. Yes.

Mr. Raskin. And even within the paranoid view of these texts as relating to, you know, some kind of ongoing belief system, if we accepted that, we would have to accept that basically the dialogue reflects a general irreverence or a general skepticism about politicians. Isn't that right?

Mr. Strzok. That's fair.

Mr. Raskin. Okay.

And as I read the dialogue, it could have appeared in the texting history of probably tens of millions of American. I mean, even the most damning nuggets that your critics have seized upon, things like "he's an idiot," could probably be found in tens of millions of texts.

I mean, I suppose you're no expert on that, but would you agree that the things that were said were said in the course of general political vernacular that people speak to with their friends?

Mr. Strzok. I do agree.

Mr. Raskin. Okay.

Okay. That's all I've got. Thanks.

Ms. Kim. We will be going off the record now. It is 6:06.

[Recess.]

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[6:12 p.m.]

Chairman Goodlatte. We'll go back on the record at 6:12 p.m.

Agent Strzok, you were asked earlier who made if you made the decision on how to classify the Midyear Exam investigation, and you said that you did not. Is that correct?

Mr. Strzok. Mr. Chairman, that's correct.

Chairman Goodlatte. Who did make that decision?

Mr. Strzok. I don't know. That was done before I joined the case, and it would have been somebody at headquarters. But I don't know who did that.

Chairman Goodlatte. Who was in charge of the case at headquarters?

Mr. Strzok. My understanding was that it was run out of the Counterintelligence Division initially. Section Chief Sandy Kable had that effort and he had folks in his section working on it. At the time, he reported to Randy Coleman, who was Bill Priestap's predecessor, and then the chain, the deputy at the time was Mark Giuliano. The EAD, I don't know who that was at the time.

Chairman Goodlatte. Who ordinarily would make that classification?

Mr. Strzok. Ordinarily, if well, because it was at headquarters, that is hard to answer. In the field, ordinarily that would be the case agent and the supervisory special agent on the squad that was opening the case.

At headquarters, that would typically I don't think there's a

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typically when it's at headquarters.

Chairman Goodlatte. Now, on the Trump Russia investigation, who was the subordinate supervisor to you that you referenced earlier?

Mr. Strzok. There were a couple of them. There was a supervisory special agent. There was a supervisory intelligence analyst. Jon Moffa and I, as we did in Midyear, kind of had parallel roles, but we were, for the Russia influence investigations, kind of at a higher level. But there was both the supervisory special agent and the supervisory intelligence analyst.

Chairman Goodlatte. Now, I want to talk to you about your communications with Lisa Page.

Earlier you were asked whether you didn't think that some of the expressions you made involving various obscene comments about Donald Trump were hateful. I think you said you wouldn't call them that. You would call them a reflection of personal belief in a private conversation.

Mr. Strzok. Yes, sir.

Chairman Goodlatte. So do you not believe that you can make a statement of personal belief in a private conversation that is of a hateful nature?

Mr. Strzok. Well, I do believe you can make a statement in a private conversation that is of a hateful nature.

Chairman Goodlatte. So would you characterize the statements that you made about Donald Trump in the private conversation as being hateful?

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Mr. Strzok. I would not.

Chairman Goodlatte. Why would you not?

Mr. Strzok. Because my when I think when you ask me what it means for me to hate somebody, I do not hate President Trump. That's in my mind, that is reserved for something entirely different from that.

I would characterize these, again, as I did before, private expressions of personally held belief, certainly emotive, certainly charged, but not hateful.

Chairman Goodlatte. Now, you were asked about a text in which you referenced being in a place where there were Trump supporters, and how did you characterize them?

Mr. Strzok. Sir, what I think I characterized them as earlier is that I was struck by the difference in the way political support existed in a constituency in southern Virginia so radically different from the same State just 100 miles away that was of vastly different character.

Chairman Goodlatte. You said you could smell.

Mr. Strzok. Oh, yes, sir, I did say that.

Chairman Goodlatte. And what does that mean?

Mr. Strzok. Sir, I and, again, I appreciate Congressman Gowdy trying to dissect what that meant.

For me, that was a quick analogy. I'm typing a text. It was just as likely if I could have used "see" or "hear." It was not anything other than just it is strikingly apparent to me the level of Trump support here and how different that is from northern Virginia.

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Chairman Goodlatte. Now, you talked about risking the source versus pursuing the investigation as an explanation for your text involving a reference to an insurance policy. Can you explain to me why you would be saying this to Ms. Page in the first place?

Mr. Strzok. Yes, sir, because she was my recollection from the text was part of a discussion that we had in the context of having received information from an extremely sensitive source, and that the debate one of the debates on how to pursue this information was how much risk to put that sensitive source in because, in my experience, the more aggressive an investigation, the greater chance of burning or compromising that source.

And the reason, I believe, I mentioned it to Ms. Page, and certainly from the context of the text in saying she threw it out, there was a kind of thought process or a set of a proposal by some that, look, the polls, the pundits, everybody, Republicans, Democrats, think it's very unlikely that candidate Trump would win the Presidency.

And because of that, some people were arguing these allegations of collusion, whatever they may or may not be in terms of accurate, it doesn't really matter as much because he's not going to get elected. So we can take, as many counterintelligence investigations do, 3, 4 years, because we have that time.

My argument back to those people advocating that was, look, we can't assume anybody, one or the other, is going to get elected, even if it's unlikely, even if it's unlikely that you're going to die before you're 40, even if it's unlikely that he, President then candidate

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Trump would be elected President. We need to do our job because the mission of the FBI, what the American people, what Congress, what candidate Trump expect is that we would go out and aggressively look at those allegations because, if he were elected, some of those people which might be wrapped up in those allegations might be placed in positions of significant authority and responsibility in the national security staffing of the White House.

Chairman Goodlatte. So you call that an insurance policy?

Mr. Strzok. Sir, that's an analogy that I use to try and say, when there is something unlikely that probably isn't going to happen, nevertheless you

Chairman Goodlatte. Can you understand why somebody reading that would believe that the insurance policy was a way to stop Donald Trump from becoming President or preventing him from continuing on as President based upon improperly using the aggressive investigation that you refer to here?

Mr. Strzok. Mr. Chairman, I would tell you, one, it wasn't. And two, I think the most commonsense reading of that, particularly given my explanation, makes it is the most persuasive, simplest understanding of that, because it's true, and that it was not.

I know many people have said, you know, there's this inference, and many people can have many interpretations of it, but I'm I wrote it and I'm telling you what I meant.

Chairman Goodlatte. Did you ever have any conversations with Director Comey regarding these texts?

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Mr. Strzok. No.

Chairman Goodlatte. At any time?

Mr. Strzok. No.

Chairman Goodlatte. Never.

Did you ever have any conversations with Lisa Page that are printed other than the ones that we have been have been made available to us?

Mr. Strzok. I don't understand your question, sir.

Chairman Goodlatte. The question is, are there existing texts other than the ones that you and I both have been provided for in preparation for this?

Mr. Strzok. I believe there are texts that the inspector general is in the process of recovering. I don't have those and haven't seen them. But there is a my understanding, the FBI data systems had some sort of faulty software that did not preserve all the texts and that the IG is recovering some of those.

Mr. Goelman. I'm sorry, Mr. Chairman, can I have 1 minute?

[Discussion off the record.]

Mr. Strzok. Right. So, sir, would you re ask the question?

Chairman Goodlatte. Yes. So the question is, are there other communications, written communications with Lisa Page, other than the ones that we are asking you about based upon documents produced to us and to you in preparation for today?

Mr. Strzok. Yes. My understanding is that the inspector general recovered texts that are purely of a personal nature that were not

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produced to me, to FBI, and I don't believe they've been produced to the Hill.

Chairman Goodlatte. And who made the determination that they were of a personal nature?

Mr. Strzok. I don't know.

Chairman Goodlatte. You don't know. And was the inspector general involved in his office, or was it somebody at the FBI or somebody in the Department of Justice?

Mr. Strzok. No. My belief is that the entirety of the texts were produced to the inspector general and the inspector general did the separation, but you'd have to ask him.

I also know that there has been a in the production kind of review to say, okay, you know, if there are things that are personal to redact it. But my understanding, but you'd have to ask the IG, is that the IG and his staff did that separation.

Chairman Goodlatte. Have you ever had conversations of the nature regarding, I call them reflecting animus, if not hatefulness, with regard to these communications with Ms. Page with any other person?

Mr. Strzok. I have had conversations with some close friends about my personal beliefs.

Chairman Goodlatte. Are they are these communications written?

Mr. Strzok. No. The ones

Chairman Goodlatte. No texts with anybody other than Lisa Page?

Mr. Strzok. I have had communications, including texts with

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friends, about personal topics, including my personal political beliefs.

Now, to, sir, to your question as of this nature, content, no.

Chairman Goodlatte. Reflecting what I would call you've decided to characterize it simply as a personal opinion, but personal opinions can be characterized by yourself and by others as reflecting an attitude, including a hateful attitude or an attitude of animus towards somebody. Have you done that?

Mr. Strzok. Not of the same nature, volume, no.

Chairman Goodlatte. All right.

Have you had conversations with other officials at the FBI regarding these texts?

Mr. Strzok. Yes.

Chairman Goodlatte. With whom?

Mr. Strzok. Then Deputy Director McCabe, Associate Deputy Director Bowdich.

Chairman Goodlatte. Were these conversations before these texts became known to the public or after?

Mr. Strzok. These were before the texts became known to the public.

Chairman Goodlatte. Who else?

Mr. Strzok. Sir, I'd have to think about it. What I'm what I'm the reason I'm pausing is there may be in the context of friends, whether or not discussing the fact that we had had these exchanged and, you know, reasons for returning to the FBI.

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I remember speaking to both deputy director then Deputy Director McCabe and associate then Associate Deputy Director Bowdich in the context of the when I returned to the FBI and my placement in the Human Resources Division. But I can't give you a specific answer to whom else I might have discussed the texts with.

Chairman Goodlatte. How about after they were made public?

Mr. Strzok. Yes, the same answer. There were I could not give you a list of people. There were folks obviously who were aware of it. A large number of folks, you know, expressing support.

Chairman Goodlatte. Surely you must remember some of them.

Mr. Strzok. Sure, yes, I do. I mean, I remember a lot of people being very supportive and reaching out and saying, "Hey, hang in there," and things of that nature. So, yes, it was obviously very well publicized and known.

Chairman Goodlatte. So are there texts on personal devices that haven't been produced to the inspector general or to the Congress?

Mr. Strzok. Not that I am aware of, but I don't know where the

Chairman Goodlatte. Whether they were personal or not?

Mr. Strzok. Not that I'm aware of, and I don't know the status of the IG's work.

Mr. Goelman. One second.

[Discussion off the record.]

Chairman Goodlatte. Are there texts or emails or other written communications with anyone else inside or outside the Department of Justice or the Federal Bureau of Investigation with whom you have had

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a personal relationship of a nature similar to the relationship you have had with Lisa Page?

Mr. Strzok. No.

Chairman Goodlatte. None whatsoever?

Mr. Strzok. If you're implying an extramarital or romantic relationship?

Chairman Goodlatte. Correct.

Mr. Strzok. No.

Chairman Goodlatte. You were asked, I think by the minority, regarding FBI morale

Mr. Strzok. Yes, sir.

Chairman Goodlatte. related to this. After the Comey announcement of the decision not to indict former Secretary of State Hillary Clinton, were there expressions of low morale that you received from anybody in the Department related to that announcement and decision?

Mr. Strzok. Sir, I wouldn't characterize it as low morale. I think it is absolutely fair to say that there were a significant number of agents who either disagreed or didn't understand the reasoning behind the decision not to charge her or with the decision to make a statement about it. But I would not characterize those concerns or questions, I would not at all equate those with low morale.

Chairman Goodlatte. And how about after the decision made by Director Comey to reopen the investigation and the announcement through a letter to me and others to reopen the investigation just days before

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the Presidential election? What kind of expressions were made to you by others regarding their attitude toward that at that time?

Mr. Strzok. I don't recall any specific statements. My general my recollection of the general sense was this case just keeps continuing, and it was neither a morale thing at all. I wouldn't even say it's positive or negative other than, oh, you know, wow, we're still here, still with this case. But that's a general sense, Mr. Chairman, not a specific text or any conversation.

Chairman Goodlatte. You indicated that you were surprised and stunned by the firing of Director Comey.

Mr. Strzok. Yes.

Chairman Goodlatte. Did you ever speak to the deputy attorney general or anyone in his office regarding your reaction to the deputy attorney general's comments reinforcing the decision to terminate Director Comey?

Mr. Strzok. Not to my recollection.

Chairman Goodlatte. Did you review those comments by the deputy attorney general?

Mr. Strzok. Yes, I read them, if you're talking about his the material that he provided to the White House that was used and released in the context of the reasoning for the firing for Director Comey.

Chairman Goodlatte. Correct.

Mr. Strzok. Yes, I read them.

Chairman Goodlatte. And what was your reaction to that?

Mr. Strzok. My reaction I had two reactions, Mr. Chairman.

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The first was the kind of independent assessment of the deputy attorney general about the precedential nature of what Director Comey had done and his assessment of that and whether or not I thought that was a valid assessment.

And then my second reaction was, particularly in the face of the statements by President Trump to Lester Holt, to Russian diplomats, that the reason he had fired Mr. Comey had nothing to do with the rationale in the deputy attorney general's letter and everything to do with the Russia investigations gave me great pause about what the reasoning truly was behind Director Comey's firing.

Chairman Goodlatte. Getting back to this issue regarding Trump, you can smell the Trump supporters, what are the different demographics between northern Virginia and southern Virginia that would allow you to smell that difference?

Mr. Strzok. Sir, again, smell, smell is the analogy that I pulled. It could easily have been see, heard.

What I observed from my very quick text, which was not at all a scientific description, was that my observation was the area that I was in, in central southern Virginia, was almost exclusively and very demonstrably pro Trump, from the number of signs in front of homes and bumper stickers, and was very much different from my experience here in northern Virginia where it was a much more evenly split population.

And my observation was simply, we're the same State, we're 100 or however many miles apart, and it is radically different, and just that was striking to me.

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Chairman Goodlatte. Now, you also testified earlier that the existence of these texts could never have been used to blackmail you. Why do you say that?

Mr. Strzok. Because, sir, I am not my sense of duty, my devotion to this Nation, if you or anybody else came to me and said, "Pete, I'm aware of your extramarital affair and I have all these texts and I am going to do whatever it is unless you do this," I would not do that; that my love of country and my sense of who I am could not be bought, let alone bought by something like this that, again, I absolutely regret, that caused extraordinary pain to my family. But the notion that something like that could be used to turn me against my country is absurd.

Chairman Goodlatte. Isn't that a very common consideration by not just the Department of Justice and the FBI when they do background checks on all kinds of applicants for all kinds of positions all across our government?

Mr. Strzok. It is a consideration, but I would say a couple of things.

One, in my experience, successful recruitments, whether by the United States or whether by a foreign adversary, has rarely been in my experience through blackmail about an affair. It occurs but it's not frequent.

The other thing, I'm maybe being a little cynical, but if you look at the number of people in the government who have or are having affairs, I would think that would cast some problems with your proposition.

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Chairman Goodlatte. Well, not with the impact of it, because, obviously, that's why these questions are asked.

If you were asked that question for review for a new position with the government, a promotion or a transfer to another agency or department or appointment to a position that required confirmation by the United States Senate, how would you have answered that question? It's on every form.

Mr. Strzok. Sir, what I would answer is, truthfully, and I would to the extent that it and I don't know. I would have to review the SF 86 form to see how that's worded but certainly with regard to, you know, your hypothetical of a confirmation hearing to say what I said here: I deeply regret the relationship, the affair, and the pain that it's caused my family, and I always will. And I take responsibility for that. And I am seeking to make amends and make things right where I've caused pain in my personal life.

Chairman Goodlatte. Would you acknowledge that that would be grounds for suspending a security clearance?

Mr. Strzok. I don't think it would be grounds for suspending a security clearance. I think it is one of a mosaic

Chairman Goodlatte. Really?

Mr. Strzok. I think it is one of a mosaic of factors that would be taken into account.

Sir, I am personally familiar with a number of individuals who have had extramarital affairs who retain after knowledge of that has become known who've retained their clearances. So it is a factor,

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but it is not the sole determinant factor.

Chairman Goodlatte. So what would you say are those other factors?

Mr. Strzok. I think there are a host. And again, I'm not a the people who do security clearances have a are very professional and they have a set of guidelines.

But I think a wide variety of things from I don't even want to speculate down the list. But financial exposure, alcoholism, gambling problems, there are a host of things that go into the consideration about the determination to grant a clearance.

Chairman Goodlatte. So are you a registered voter in the Commonwealth of Virginia?

Mr. Strzok. I'm an independent, sir.

Chairman Goodlatte. But you're registered to vote?

Mr. Strzok. This question came up earlier. I am registered to vote. And what I couldn't recall in Virginia is whether or not you have to register as an independent to not

Chairman Goodlatte. There's no party registration in Virginia. I know that very well.

Mr. Strzok. I believe I will

Chairman Goodlatte. So no party registration, but you are registered to vote in Virginia?

Mr. Strzok. Yes, sir.

Chairman Goodlatte. Okay. So do you generally vote in elections?

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Mr. Strzok. Yes, I do.

Chairman Goodlatte. Consistently?

Mr. Strzok. Yes.

Chairman Goodlatte. General elections and primaries?

Mr. Strzok. General elections certainly; primaries, it varies.

Chairman Goodlatte. Important primaries, like Presidential primaries?

Mr. Strzok. Yes.

Chairman Goodlatte. Did you vote in the Presidential primary in 2016?

Mr. Strzok. I did.

Chairman Goodlatte. And which party did you cast a vote in?

Mr. Strzok. Sir, I see a bedrock of our democracy being the privacy of an individual's vote, and I don't think it's appropriate at all.

Chairman Goodlatte. I didn't ask who you voted for; I asked you which primary you voted in.

Mr. Strzok. I actually because, again, you would know better than I. I don't know if Virginia I think you may be allowed to vote in both, but I don't recall.

Chairman Goodlatte. No, you're not allowed to vote in both. You have to pick.

Mr. Strzok. Yes. And I don't recall. If I voted, I believe I voted in the Democratic primary because I did not vote in the Republican primary. But I'm not certain I voted in the Democratic primary.

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Chairman Goodlatte. Yet earlier you said you were considering voting for John Kasich.

Mr. Strzok. I was.

Chairman Goodlatte. All right. But if you decided to vote in the Democratic primary, John Kasich would not have been on the ballot in that primary.

Mr. Strzok. That's right.

Mr. Goelman. Was he still in the race?

Mr. Strzok. Yeah. I don't know if he was yeah, sir, that's a good question. I don't know if Governor Kasich was in the race at the time of the primary or not.

Chairman Goodlatte. All right. In a Supreme Court case handed down just last year, the court reviewed whether statements made by a juror that indicated racial bias required the piercing of jury deliberations.

Justice Kennedy wrote the opinion of the court holding that racial bias exhibited by a juror provided an exception to the rule that jury deliberations must remain confidential because it is necessary to ensure that our legal system remains capable of coming ever closer to the promise of equal treatment under the law that is so central to a functioning democracy.

On several occasions you have referenced that the texts, in your questions, were simply personal opinions exchanged with a close confidant and in no way reflected your intent to act on your opinions. Is that correct?

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Mr. Strzok. Yes, sir.

Chairman Goodlatte. Yet, if you made these statements while on a jury, it is hard to imagine that you would not be kicked off immediately because of the risk that your bias would undermine a functioning democracy, to quote Justice Kennedy.

Do you still hold that personal opinions, even in the face of this Supreme Court precedent, should not have tainted your involvement in any investigation relating to Secretary Clinton or President Trump?

Mr. Strzok. Sir, I don't think that Supreme Court decision applies at all. I think you're talking about apples and oranges. I think the Supreme Court decision is talking about opinions about protected classes, race, religion, sexual orientation, things that by law you must not take into account.

I see that as entirely different from political belief, which is not only specifically enumerated in the First Amendment, saying you're entitled to it, but that this very body held in passing the Hatch Act that there are things which in the interest of a functioning government you're not allowed to do, and anything else not only is allowed, but it's encouraged.

So when it comes to political opinion, that is something that our Nation, through the Constitution, has said we, unless specifically prohibited, want to encourage everybody, government employee or not, to engage in, which is very, very different from a protected class of race, sexual orientation, gender, or anything else.

And one more thing, sir. I disagree with you. You've said just

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now and before that you make this equivalence that political opinion equals bias, and I couldn't disagree more. I have political opinions. I do not have bias, because bias implies act, and I have never acted on the basis of any of my political opinion.

Chairman Goodlatte. So you're sitting in a jury box and there's a lawsuit involving President Trump and you have before you or candidate Trump before, because most of this occurred before he was elected President, right, most of the comments you made he was not President of the United States you have an attorney before you who reads to the judge the comments that you've made repeatedly over many months' period of time reflecting what some of us would characterize as hatefulness or an animus, and you do not think that that judge would order you struck from that jury?

Mr. Strzok. Sir, I don't want to I can't put myself in the hypothetical of what would happen in that event. In the context of if that same attorney had followed each of the jurors home and listened to their conversations over a backyard barbecue where they discussed

Chairman Goodlatte. No, that didn't happen here.

Mr. Strzok. But this is the analogy, sir.

Chairman Goodlatte. No.

Mr. Strzok. If they were to get those personal opinions and read the thinking everybody has a personal opinion, sir, whether you're in your mind or writing it

Chairman Goodlatte. Everybody has a personal opinion. Everybody has a personal opinion. But the personal opinion is weighed

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by the court to determine whether or not they can give a fair and impartial decision in a case that's before them.

Do you believe that a judge, acting in those circumstances, would view the comments that you made and knowing that you made them in private, not thinking they would ever be made public that judge would leave you on that jury?

Mr. Strzok. Sir, I can't answer that question.

Chairman Goodlatte. Okay. Thank you. Those are all the questions I have.

Mr. Ratcliffe. Agent Strzok, I was asking you about when the decision was made not to charge Hillary Clinton. And we were talking about a text exchange between you and Lisa Page on July the 1st where she related that the Attorney General was hardly a profile in courage since she knows she meaning Hillary Clinton is not going to be charged. Do you recall that?

Mr. Strzok. I do.

Mr. Ratcliffe. Okay. As it turns out, the very next day, July 2nd, is the day that Hillary Clinton was interviewed, correct?

Mr. Strzok. I believe the 2nd or 3rd, but the 2nd sounds right, sir.

Mr. Ratcliffe. Saturday, July the 2nd?

Mr. Strzok. Yes.

Mr. Ratcliffe. And you were part of that interview team?

Mr. Strzok. I was.

Mr. Ratcliffe. How many folks from the FBI and DOJ attended

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Secretary Clinton's interview?

Mr. Strzok. There were three from the FBI and there were five from DOJ.

Mr. Ratcliffe. Who were the three from the FBI?

Mr. Strzok. Me and two case agents.

Mr. Ratcliffe. Who were the five from the Department of Justice?

Mr. Strzok. Dave Laufman, who's a section chief, and then four non SES, two AUSAs from EDVA and two NSD attorneys.

Mr. Ratcliffe. Okay. So eight folks from the Department of Justice and the FBI?

Mr. Strzok. A total of eight, yes.

Mr. Ratcliffe. A total of eight, okay.

Do you recall what prompted that text exchange earlier that week between you and Ms. Page?

Mr. Strzok. I think it was the it was the announcement by the then attorney general following I believe it was following the meeting she had had with President Clinton on the tarmac that she was going to accept the recommendations of the FBI as to the charging decision.

Mr. Ratcliffe. Right. And probably the most famous tarmac meeting that in American history.

Mr. Strzok. I'm not an expert on tarmac meetings, but it certainly was notable.

Mr. Ratcliffe. Do you recall let's put it in context do you recall that Director Comey called that tarmac meeting a game changer,

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the reason that he held a press conference without the Department of Justice?

Mr. Strzok. I don't recall him using I remember him saying the word "game changer." I don't recall he may well have said it in regard to that. I do know that it was a certainly very significant consideration in his

Mr. Ratcliffe. Do you recall the attorney general testifying before Congress and admitting that that meeting cast a shadow over the Department of Justice?

Mr. Strzok. I don't recall that, but I'll take your representation of it.

Mr. Ratcliffe. Okay. Well, do you recall a text exchange with Ms. Page that week where you described it as stupid, stupid, stupid on June the 30th?

Mr. Strzok. I think that's right, but I just want to read the context.

Mr. Ratcliffe. Well, regardless of what the text says, it's June the 30th.

Mr. Strzok. I think that's Lisa Page saying that, sir.

Mr. Ratcliffe. Okay. Regard and my point about it being the most famous tarmac meeting, much of the country was speculating about what happened and what was said in that meeting.

Mr. Strzok. Yes, I was, too.

Mr. Ratcliffe. Got a lot of media attention?

Mr. Strzok. It did.

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Mr. Ratcliffe. All right. And do you know what was said in that meeting?

Mr. Strzok. I don't.

Mr. Ratcliffe. So 5 days after that meeting, that I'll represent to you Jim Comey called a game changer and that the Attorney General said cast a shadow, you went in with eight folks from the Department of Justice to interview Mrs. Clinton?

Mr. Strzok. I went in with seven, but there were eight of us, yes.

Mr. Ratcliffe. Okay. And that wasn't a recorded interview?

Mr. Strzok. That's correct.

Mr. Ratcliffe. All right. But we do have a 302?

Mr. Strzok. Yes, sir.

Mr. Ratcliffe. Okay. Have you had a chance to review the 302?

Mr. Strzok. Not recently, no, sir.

Mr. Ratcliffe. Okay. But at any point in time?

Mr. Strzok. Oh, yes, sir.

Mr. Ratcliffe. Okay. This is my only copy, so I'd like to get it back. But tell me where in that 302 there's a discussion with Hillary Clinton about the tarmac meeting.

Mr. Strzok. Sir, so this is the LHM summary of the investigation, not the 302. But I'll stipulate to you having a copy of the 302.

My recollection is that I would need to review that 302 to see if we asked about that or not. I don't recall whether we did or not.

Mr. Ratcliffe. Well, you told me earlier, I asked you the question do you know what was said in that meeting, and you said no.

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Mr. Strzok. I do not know what was said in that meeting.

Mr. Ratcliffe. I'll represent to you the 302 doesn't reference the word "tarmac" anywhere.

So my question to you is, if eight of the Department of Justice and FBI's truth seekers were in a room with Hillary Clinton about a meeting that everyone in the country was talking about that had happened 5 days earlier, why didn't she get asked a single question about the meeting between her husband and their boss at the Department of Justice?

Mr. Strzok. Sir, I'm not certain that she wasn't. I would need to it may be the case, but I don't recall at this point. And I would need to look at the 302 and talk with the folks in the room to see whether or not we did and what she said and the reasoning behind it. I just don't remember that fact and whether or not it was asked about or not.

Mr. Ratcliffe. Again, you already told me that you don't know what was said in that meeting.

Mr. Strzok. I do not know what was said in the meeting on the tarmac, that's correct.

Mr. Ratcliffe. Okay. So if Attorney General Lynch talked to the subject's husband, Bill Clinton, about serving as the attorney general in the in a Clinton administration, how would we know that?

Mr. Strzok. I do not know how we'd know that, sir.

Mr. Ratcliffe. Well, they could have talked about that?

Mr. Strzok. I don't want to speculate. It's possible they could have talked about anything, but I have no idea what they did or didn't talk about.

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Mr. Ratcliffe. But if they talked about anything, wouldn't it be reflected in the 302?

Mr. Strzok. Secretary Clinton was not part of that conversation. President Clinton was.

Mr. Ratcliffe. Yeah. If a question was asked what does the 302 do, for the benefit of the folks reading this transcript?

Mr. Strzok. 302 records the statements of the interview of the person being interviewed.

Mr. Ratcliffe. And would it record all of the topics covered?

Mr. Strzok. Yes.

Mr. Ratcliffe. And if a topic included a discussion about a tarmac conversation between the subject's husband and the boss of five of the people that walked in that room, would that be in the 302?

Mr. Strzok. It would be.

Mr. Ratcliffe. And if it's not, would that reflect that no question was asked about that topic?

Mr. Strzok. That is a possible explanation for it. That's a hypothetical and that is

Mr. Ratcliffe. What other explanation would there be?

Mr. Strzok. That's hard to answer. I would want to review that 302 and talk to the agents, because honestly, Congressman, I don't remember whether or not that was asked or not, sitting here now.

Mr. Ratcliffe. And if it wasn't?

Mr. Strzok. Congressman, I would note to you the purpose of our investigation was to understand how classified information came to be

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placed on her server. It was not to talk about the staffing of her administration. It was not to talk about the Clinton Foundation. It was not to talk about the price of tea in Chappaqua. It was to understand the circumstances by which she set up a private server and how classified information came to be placed on that server.

So our interview and the scope of that interview were was to address those concerns. And what we don't do if we're this is not this is very much a standard procedure. We're going to go into that interview to ask the matter about which we are investigating. If we have allegations of another crime, of course, we might ask about that.

But at this point, the optics of a what I believe to be a very ill advised meeting on the tarmac were not indicia of illegal activity. So for us to get into a discussion, as I think about it, we may have asked. You're saying we didn't. My sense is, if we did not ask, it's because it had nothing to do with the matter and facts we were investigating.

Mr. Ratcliffe. But you're telling us under oath that eight folks from the Department of Justice and FBI wouldn't think it was important to ask a question of the subject's husband having a meeting with their boss?

Mr. Goelman. Just for the record, he's not under oath, Congressman.

Mr. Strzok. I'm saying to you that the it is not at all true that we did not see it as important or relevant.

Mr. Ratcliffe. You just answered a question about it.

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Mr. Strzok. Without, sir, without talking to the team about what the reasoning about asking that or not, I can't give you a definitive answer. My sense, and I'm doing the very dangerous thing of speculating, my sense is that we were focused on that interview on the facts at hand in the investigation.

But I would defer to talking to the team, because, again, it's been a couple of years and

Mr. Jordan. Well, just a quick follow up. I didn't plan on asking this. Was it more important than the price of tea in Chappaqua?

Mr. Strzok. Congressman, good afternoon.

Yes, absolutely, it was more important. I don't know that, again, with regard to the relevance to the question as to why Secretary Clinton set up a private server and whether or not classified information came to be placed there, whether or not she knew that and her involvement.

Mr. Jordan. Did you ask about the price of tea in Chappaqua at the interview with Secretary Clinton?

Mr. Strzok. No, we did not.

Mr. Jordan. No, you didn't. But you can't tell us whether you asked about the fact that her husband just met with the Attorney General just 2 days before your interview?

Mr. Strzok. Congressman, what I'm saying to you is I don't recall asking about that and I don't know whether we did or didn't. If we did not, it was my assumption because we were focused on the gravamen of the case and the investigation.

Mr. Jordan. When did you first get a chance to look at the dossier?

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Mr. Strzok. I think that's a I defer to FBI counsel as to whether or not I can answer that question.

Mr. Jordan. It's been the dossier the whole darn thing has been printed in the press. I just want to know when you first saw it.

Mr. Strzok. That's true, and that's a different question.

Ms. Besse. Congressman, what's printed in the press may not be accurate and may not be what he was privy to. So I would not allow him to answer that question.

Mr. Jordan. Have you read the dossier?

Mr. Strzok. I have.

Mr. Jordan. You have?

Mr. Strzok. I have, yes.

Mr. Jordan. When did you first read it?

Mr. Strzok. Again, that gets into a level of investigative detail about an ongoing investigation that I don't think the FBI or the special counsel want me to answer. I am happy to answer it, but I defer to what I think the appropriate FBI equities are in this regard.

Ms. Besse. Congressman, I would not allow him to answer that question because it gets into the special counsel's investigation.

Mr. Jordan. I'm not asking about the special counsel we've been through this I'm not asking about the special counsel investigation. I'm asking about what you all did in the Russia investigation that was launched in late July. I want to know when you first had access to the dossier and when you first looked at it.

Ms. Besse. The FBI investigation was subsumed into the special

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counsel's investigation. So anything that Mr. Strzok did on the investigation while it was under the FBI's purview would still be a part of the special counsel investigation.

Mr. Jordan. Did you read it all at once, Mr. Strzok, or did you read it in parts?

Mr. Strzok. Again, sir, same answer. I don't think I can tell you about the timing and manner I read it without getting into details about the investigation.

I am happy there is a very straightforward answer that I'm happy to provide, but the FBI practice, which I believe and understand and support, is that we do not talk about ongoing investigations.

Mr. Jordan. Do you ever communicate with Christopher Steele?

Ms. Besse. Congressman, that's another question I would instruct the witness not to answer.

Mr. Jordan. All I'm asking is if he ever talked to him.

Ms. Besse. It goes into his responsibility as an agent on the investigation itself, so it would still

Mr. Jordan. Did you ever talk to Glenn Simpson?

Chairman Goodlatte. Let me interrupt you, because I think this is very important.

We have an investigation going on here into the disparate handling of the Hillary Clinton investigation and the so called Trump Russia collusion investigation. And we're entitled to know answers, not about anything substantive found in that investigation, but we're entitled to have answers about how Mr. Strzok, who was a central player in that

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investigation, handled his own responsibilities and what he did or didn't do, not related to the substance, but related to the process and form. And I think that this question is entirely appropriate.

Ms. Besse. Mr. Chairman, my position would still remain the same. Because while it is a part of your investigation, it does impact what the special counsel is doing. And we would have to confer with the special counsel in order to be able to appropriately respond to your question.

Chairman Goodlatte. What he whether or not he talked to somebody before the special counsel was even appointed?

Ms. Besse. He talked if he

Chairman Goodlatte. We're not even asking what he talked to him about. We're just asking whether he talked to him.

Ms. Besse. Mr. Chairman, the fact that he would have talked to him would have been as a result of him being an investigator in that specific

Chairman Goodlatte. Maybe, maybe not. Mr. Steele has been involved in other matters for the FBI, has he not?

Ms. Besse. And it would still go to whether again, if it is an ongoing or if the FBI has other investigations, I don't know that we can sort of confirm or deny any such thing. So I would still instruct him not to answer that question unless until we confer with the special counsel.

Chairman Goodlatte. Well, you can be sure we will. I would prefer not to involve the special counsel since we have

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Mr. Jordan. Agent Strzok

Chairman Goodlatte. clearly attempted to stay away from that.

Mr. Jordan. Agent Strzok, who paid for the dossier?

Mr. Strzok. Sir, under guidance from agency counsel, I am not able to answer that question.

Mr. Jordan. The whole world knows who paid for it. I'm asking you, do you know who paid for it?

Mr. Strzok. Again, under direction from agency counsel, I can't answer that question.

Ms. Besse. If Mr. Strzok learned that information as part of his duties investigating or being participating in the investigation, I would instruct him not to answer.

Chairman Goodlatte. So is it the position of the Department of Justice under Federal investigation that you're going to stonewall answers to questions that do not go to the substance of Mr. Mueller's work?

Because we have, for months now, investigated what the events were leading up to that without ever asking questions about the investigation has found with regard to Trump Russia collusion.

Ms. Besse. Mr. Chairman, I'm not in a position to really tell you what will or will not impact Mr. Mueller's investigation since I'm not part of that. So I cannot have the witness answer questions that may impact the investigation without knowing for sure from the special counsel that it will not impact

Chairman Goodlatte. So if Mr. Jordan asks the witness, "Have you

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ever met Robert Mueller?" are you going to allow him to answer that question?

Ms. Besse. Yes, because Mr. Mueller was also once the FBI Director.

Chairman Goodlatte. Right. So the question that we just asked was related to an individual who has worked for the FBI for many years. Why can't he answer that question?

Ms. Besse. I don't believe that individual was an employee. Mr. Mueller and Mr. Steele are in two different levels, so I would not compare the two.

Mr. Jordan. Agent Strzok, ever communicate with Glenn Simpson?

Mr. Strzok. Sir, I think it's the same answer.

Mr. Jordan. It's not even close. It is not even close. Christopher Steele was hang on, if you could, Mr. Chairman, please it's not even close.

Glenn Simpson is not form (b)(3),(b)(7)(E) per FBI Glenn Simpson is a journalist. Did you ever talk to Glenn Simpson?

Mr. Strzok. May I answer that question?

Ms. Besse. May we confer?

Chairman Goodlatte. Yes. I just want to say, and I'm going to leave because I've got to go somewhere else, but all of these questions will be raised with the Director and with the deputy attorney general of the United States tomorrow morning if we're not getting answers today.

Ms. Besse. Sure, Mr. Chairman.

[Discussion off the record.]

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Ms. Besse. Congressman, any questions that relate to Mr. Strzok's involvement in the investigation in the Russian collusion that's under the purview of the special counsel I will instruct him not to answer.

Of course, if the Director or the deputy attorney general make a different decision or the special counsel makes a different decision then we can answer those questions. But for right now, I will instruct the witness not to answer as it relates to that ongoing investigation.

Mr. Jordan. Did you ever talk to Bruce Ohr?

Chairman Goodlatte. Let me say one more thing. So we're going to have this discussion publicly or privately with those individuals, and we will subpoena Mr. Strzok to return and answer the questions at a time that's appropriate because we feel very strongly we are entitled to his answers.

Mr. Jordan. Agent Strzok, did you ever talk to Bruce Ohr?

Mr. Strzok. On advice of agency counsel, I've been told not to answer that question.

Mr. Jordan. Holy cow. He works in the Justice Department.

Mr. Strzok. He does.

Mr. Jordan. Never talked to him?

Mr. Strzok. May I answer that question?

Ms. Besse. You can answer that question.

Mr. Strzok. I have.

Mr. Jordan. When?

Mr. Strzok. Without looking at my calendar, it would be difficult

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for me to tell you. My recollection is I met him either two or three times in 2016 into 2017. I know I have not seen him in I have not seen him this year, but those three meetings I'd have to refer to my calendar.

Mr. Jordan. What'd you talk about?

Mr. Strzok. May I answer that question?

Ms. Besse. If the conversations did not involve anything relating to an ongoing or possible investigation.

Mr. Jordan. You talked to him in 2016 and 2017? What'd you talk about? You said three times.

Mr. Strzok. So, Congressman, let me refresh my recollection on that as I think about it and make sure I'm absolutely accurate about that.

Sir, so I talked to him in 2016 and 2017, as I indicated. And based on the direction of agency counsel, I cannot discuss the content of our discussions.

Mr. Jordan. Ever talk with Nellie Ohr?

Mr. Strzok. No. Agency counsel may get angry with me, but no.

Mr. Jordan. So you can answer that. She worked for Glenn Simpson, Fusion. You can tell me you didn't talk to her, but you can't tell me you won't answer whether you talked with Glenn Simpson.

Mr. Strzok. Sir, I was answering that question in the context of her being Bruce Ohr's wife.

Mr. Jordan. Well, I know she was Bruce Ohr's wife, but she also worked for Glenn Simpson and Fusion. You're saying you never talked

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to her.

Mr. Strzok. I did say that, and that's accurate.

Mr. Jordan. All right.

I'll yield because we've only got 10 minutes. I'm going to yield to the gentleman from North Carolina, but I may want to jump back in.

Mr. Meadows. So let me go fairly quickly.

Towards the end of July 2016 there's a text message between you and Lisa Page talking about: Do you want me to reach out to Gurvais Grigg? Well, it says Gurvais. I assume it's Gurvais Grigg.

Mr. Strzok. My understanding, it's pronounced Gurvais.

Mr. Meadows. Huh?

Mr. Strzok. Gurvais.

Mr. Meadows. Okay. Yeah. So Gurvais Grigg, do you know who that is?

Mr. Strzok. I do.

Mr. Meadows. And so what is Mr. Grigg in charge of?

Mr. Strzok. At the time, I believe he was involved in the Bureau's interface with the election and the transition offices of folks

Mr. Meadows. Electronic surveillance and so forth?

Mr. Strzok. No. No. At the time he does something currently with regard to that I think in the lab, but at the time he was the Bureau had an office set up to deal with initially both the nominees, and that whoever won the election, that then the FBI's interface for providing them briefings and things of that sort, he ran that effort, is my recollection.

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Mr. Meadows. Yeah. So there was another text message and you said: Well, why should you reach out to him. And I think Lisa Page just says: We want to see if he has the five names already.

What would that be in reference to? Do you recall?

Mr. Strzok. Sir, what's the date of those texts? I don't recall offhand.

Mr. Meadows. June July 29th, 2016. It's a redacted form, but in the redaction it would say: Or just ask if the names if he has the names already, was under the redaction on it.

Mr. Goelman. What time, Congressman?

Mr. Meadows. It would have been at 23:17:11, so 11:17 at night.

Mr. Strzok. So do you have a copy of the unredacted version? Sir, so my recollection was that

Mr. Meadows. Why would you be reaching out to him in regards to your investigation of either Hillary Clinton or Donald Trump? Why would you be reaching out to

Mr. Strzok. It was not in regard to either of those investigations. My recollection in dealing with him was that we were providing and coordinating counterintelligence briefings to both of the candidates and their staffs, and part of that was determining who it was from the campaign that was going to receive those briefings. And because he had that role on kind of the transition team staff, he was the person that would know it.

My assumption and, again, this is only an assumption is it was redacted because it's irrelevant to either the Clinton investigation

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or the Russian influence investigations.

Mr. Meadows. Yeah, and perhaps so. That since we don't have a privileged log, we wouldn't know that. But let me go on a little bit further.

You mentioned that you didn't show any bias because you didn't act on that, earlier. Is that correct?

Mr. Strzok. Sir, no. I don't think that's what I said. I said

Mr. Meadows. So would you

Mr. Strzok. I said I do not have bias, that political belief and opinion is something that is different and distinct from bias. And I don't agree with the analogy that if you have opinion, therefore you're biased that way.

And what I said about bias was in response to, well, what makes bias, and my belief that bias is when somebody is acting on those beliefs.

We all have political beliefs. Every one of us in this room.

Mr. Meadows. Sure.

Mr. Strzok. And that doesn't make us biased.

Mr. Meadows. So would you agree with the inspector general's report that you prioritized the Russia investigation over the Hillary Clinton investigation, would you agree or disagree with that?

Mr. Strzok. I disagree with that conclusion.

Mr. Meadows. So you didn't prioritize it?

Mr. Strzok. I did not prioritize in that it was not a binary decision. There was not a "I'm moving resources from this Clinton case

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to this Trump case" or vice versa.

If I may, sir

Mr. Meadows. So the 30 day window where you didn't look at the Anthony Weiner laptop was just because it wasn't it didn't float back up to the top?

Mr. Strzok. Sir, I'm glad you asked that. What I would like to draw you to are the facts of what happened.

Mr. Meadows. No, I know the facts.

Mr. Strzok. Within hours of finding out about that

Mr. Meadows. Hold on just a second, and I'll let you answer. I'll let you answer before your counsel takes back your mike. So if you can keep your answers succinct because we've got limited time.

Mr. Strzok. Yeah, absolutely, sir. I think I disagree with both the inspector general's broad suggestion and yours just now that I waited. If you look at what the record reflects

Mr. Meadows. Mine was a question.

Mr. Strzok. it was an immediate action on my part to assign supervisors and their subordinate agents and analysts to follow up.

I did that within hours, and they followed up within hours. And they were left with at the time the understanding that New York would that the material was crashing, hadn't finished processing, and that New York was going to let them know when it happened.

My experience is that processing computer evidence is like black magic. It can take 2 days. It can take 2 months. And so I do not find that unreasonable at all.

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Mr. Meadows. All right. S (b)(6),(b)(7)(C) per FBI Agen (b)(6),(b)(7)(C) per FBI works for you. Is that how you say his name?

Mr. Strzok. Sir, I don't want to get into non SES personnel.

Mr. Meadows. Does he work for you? I mean, I'm giving you the name, and it showed up in some of your text messages. So does (b)(6),(b)(7)(C) per FBI work for you? This is a confidential briefing of which that answer is critical. Does he work for you?

Ms. Besse. Congressman, the Director has not authorized us to acknowledge the names or to divulge names of agents or employees who are not at the SES level. So that specific question

Mr. Meadows. But where in statute does it say that you have that ability to do that and keep that from Congress? Is there anywhere in statute that gives you the right to do that, counselor?

Ms. Besse. Congressman, it may not be in a statute, but I believe it's based on

Mr. Meadows. Fine. All right. Let me go on a little bit further since we're out of time.

(b)(6),(b)(7)(C) per FBI worked for you. I will make that assumption based on org charts and what we have. Are you aware of any time that 302s were modified, changed, or adapted?

Mr. Strzok. Sir, I am

Mr. Meadows. With regards to either investigation?

Mr. Strzok. Sir, without making any representation about the names you were throwing out there, my experience is that every 302 in the course of being drafted is a collaborative effort between the people

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who conducted that interview. And I it is the rare, unusual example of a 302 that is not edited and revised in the course of the drafting of that.

Mr. Meadows. There are allegations that you instructed (b)(6),(b)(7)(C) per FBI to change 302 that would materially have altered either a prosecutorial or the lack thereof decision in that. Would you deny those claims?

Mr. Strzok. Sir, what I would say and I think I can answer your question without any specifics is I did not, have not, in the course of drafting any 302 make any change or do anything other than ensure that 302 was an accurate representation of the statements of the person being interviewed.

Mr. Meadows. Okay. The IC that started this, the intelligence community, the IC, under earlier questioning, you said you don't recall ever being told that there were anomalies in the metadata when they came in to alert you of the case or their concern about potential foreign invasion into the Hillary Clinton server. Is that correct?

Mr. Strzok. Sir, what I think I said is I do not recall being aware personally of that. I would not be the logical person on the team. We had a variety of forensic experts whose job it was

Mr. Meadows. Right. But we have people

Mr. Strzok. to look at things like that and that then they would bring that to my to the team, to Mr. Moffa have and my attention if there were anomalies or anything unusual or of note in the course of the investigation.

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Mr. Meadows. But my understanding was you were in the initial meeting when they brought this to the attention of you and others, that you were in the initial meeting. And then the last contact they had with you was 10 minutes after the exoneration speech by Director Comey, that you called and called them back to say close out the case and give the proper paperwork for closing out the referral.

Is that not accurate?

Mr. Strzok. Sir, I am I do not recall a meeting where the IC IG made any reference to changes in the metadata

Mr. Meadows. Mr. McCullough.

Mr. Strzok. What I can tell you, Congressman, is that our technical experts, any allegation of intrusion, any review of metadata that might be indicative of an act, was pursued by our technical folks, and I am very confident that they did that thoroughly and well. I am certainly unaware of anything that we did not pursue or had not pursued.

Mr. Meadows. Did you ever use devices, either your personal or your official devices, in a capacity to try to keep information from being detected from others?

Mr. Strzok. Yes, from my spouse.

Mr. Meadows. Okay. How about from others that might be willing to investigate at a later date?

Mr. Strzok. No.

Mr. Meadows. There are text messages which suggest that devices were used in such a way as to not allow them to be recoverable. And you're saying that that's not accurate?

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Mr. Strzok. I do not recall ever using it to prevent it from being recovered, any official work type communication, to prevent it from being recovered, no.

Mr. Jordan. One quick question, Agent Strzok. When a FISA application is put together, what is the typical timeframe it takes to compile that application so that it's then ready to go to the FISA court?

Mr. Strzok. Again, my experience is that varies wildly. I've seen FISA applications go through within a day, and I've seen some literally take years.

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Mr. Jordan. And any any timeframe reference you can give us on the FISA application that was taken to the court to get the warrant for Carter Page; how long did that one take to put together? Was it a day, or was it a year?

Mr. Strzok. So, first off, I think any discussion of any specific FISA becomes classified, and then I'd defer to agency counsel if that's something that I'm

Mr. Jordan. I'm not asking about specifics. Again, I'm asking how long did it take to put together?

Mr. Strzok. Sir, I wouldn't I think it's threading close to classified information to talk about the timeframe for a specific FISA, but, one and I'd defer to agency counsel. I understand we're looking at a

Mr. Jordan. Did you ever talk to George Papadopoulos?

Mr. Strzok. Sir, that's squarely in the realm of the area that agency counsel has directed me not to speak about.

Mr. Jordan. Thank you.

Mr. Meadows. So, Agent, let me go back. Are you aware of any surveillance, any confidential informants, confidential human sources, which obviously are two different things, that shared information with the FBI during the month of July?

Mr. Strzok. Yes. I'm aware of the Bureau term now, we had a variety over the years, but current term is "confidential human sources." I think you're talking about human sources. Yes, I'm aware

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of CHSes who provided information to the Bureau in the month of the July.  
I assume you mean '16, but every July.

Mr. Meadows. 2016, yes. Thanks.

Mr. Strzok. Yes.

Mr. Meadows. So, at that point, was there an ongoing investigation that we now know as "crossfire hurricane"? Was that ongoing at that point?

Mr. Strzok. It in late well, two things, sir. I am not going to comment on the name of what that investigation may or may not have been because, again, that's classified.

Mr. Meadows. I think the FBI leaked it to the New York Times, but we'll leave it at that. So whatever it may be.

So, at this point, you are saying that there were confidential human sources, plural, that you had information from during the month of July?

Mr. Strzok. Sir, I want to say this, and I know nobody in this Chamber would ever take anything out of context and repeat it in the media, but to be very clear, of the thousands of cases that I had oversight responsibility of, I was aware in those thousands of cases

Mr. Meadows. I'm talking specifically

Mr. Strzok. there were CHSes providing information. I am not making any representation whatsoever whether or not there were CHSes providing information about the Russian influence investigation.

Mr. Meadows. Well, obviously, that's where you were the lead investigator

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Mr. Strzok. I know it clearly is not

Mr. Meadows. and it seemed like it was going, so let me go ahead and make that distinction. In the month of July, was there any information from confidential human sources given to you as it relates to the Russia investigation?

Mr. Strzok. Following advice of counsel, I can't answer that question. It's answerable, but I, under advice of agency counsel, I can't answer that.

Mr. Meadows. Did you get any of that in June?

Mr. Strzok. Again, same answer.

Mr. Meadows. All right. Did you ever give information to Christopher Steele?

Mr. Strzok. Same answer.

Mr. Meadows. What do you mean "same answer"?

Mr. Strzok. Same answer. Under direction by agency counsel, I can't answer that question.

Mr. Meadows. And what reason is that? Counsel?

Ms. Besse. Congressman, anything that relates to an ongoing investigation that's

Mr. Meadows. Well, I would like to point out to the counsel that the investigation I'm asking about concluded because there's a new investigation. The special counsel actually started a new independent investigation investigation, mind you. And so the investigation I'm talking about was the one that actually concluded, so are you maintaining the same argument?

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Ms. Besse. Which investigation are you saying concluded, Congressman?

Mr. Meadows. Well, obviously, the investigation that Mr. Strzok was the lead investigator on. He's no longer the lead investigator of an investigation. We have a new independent counsel that is doing a separate investigation, counterintelligence investigation. So, at this point, are you suggesting that everything is off limits if Mr. Mueller happens to be looking at anything that Peter Strzok has done?

Ms. Besse. My understanding is that it was not concluded. It was subsumed into the special counsel investigation. So it is it's not that it ended and another one began. That same information became a part of the special counsel investigation. So I would instruct the witness not to answer.

Mr. Breitenbach. Time is done.

[Whereupon, at 7:22 p.m., the interview continued in classified session.]

COMMITTEE SENSITIVE

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



COMMITTEE ON THE JUDICIARY,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: JOHN GIACALONE

Thursday, June 21, 2018

Washington, D.C.

The interview in the above matter was held in Room 2226, Rayburn House Office Building, commencing at 10:07 a.m.

COMMITTEE SENSITIVE

Mr. Somers. Good morning. This is a transcribed interview of John Giacalone, the former Executive Assistant Director of the Federal Bureau of Investigation's National Security Branch.

Chairman Goodlatte and Chairman Gowdy requested this interview as part of a joint investigation by the House Committee on the Judiciary and the House Committee on Oversight and Government Reform to conduct oversight into the Department of Justice's investigation of former Secretary Clinton's handling of classified information and related matters.

Would the witness please state his name, the last position he held at the FBI, and his current employer and job title for the record?

Mr. Giacalone. John Giacalone. Last job with the Bureau was the Executive Assistant Director of the National Security Branch. I am currently a vice president of global safety and security and business continuity at the Hilton Hotels.

Mr. Somers. On behalf of the chairman, I want to thank you for appearing here today, and we appreciate your willingness to appear voluntarily.

My name is Zachary Somers, and I am the majority general counsel for the Judiciary Committee.

I will now ask everyone else here in the room to introduce themselves for the record, starting to my right with Art Baker, who will be leading our questioning today.

Mr. Baker. I am Arthur Baker, investigative counsel for the House Judiciary Committee majority staff.

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Mr. Parmiter. And I am Robert Parmiter. I am chief counsel for crime and terrorism for House Judiciary majority.

Mr. Breitenbach. Ryan Breitenbach, senior counsel, House majority, Judiciary.

Mr. Castor. Steve Castor. I am with Mr. Gowdy's staff for the Committee on Oversight and Government Reform majority staff.

Mr. Koren. Michael Koren, professional staff for Mr. Gowdy's staff, majority, Oversight Committee.

Mr. Buddharaju. I am Anudeep Buddharaju, House Oversight, Mr. Gowdy's staff.

Mr. Brebbia. Sean Brebbia, senior counsel, Oversight, Mr. Gowdy's staff.

Ms. Hariharan. Arya Hariharan, Judiciary Committee minority staff.

Ms. Kim. Janet Kim, Oversight Committee minority staff.

Ms. Shen. Valerie Shen, Oversight Committee minority staff.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, Oversight Committee minority.

Mr. Morgan. I'm Matt Morgan, Judiciary Committee minority staff.

Ms. Adamn. Marta Adamn, Oversight Committee minority staff.

Mr. Castor. It's like a wedding. We've got all the minority staff on that side; we've got all the majority staff on this side, for now.

**(b)(6),(b)(7)(C) per FBI** special agent with FBI.

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Ms. Husband. Shelley Husband, Judiciary Committee majority.

Mr. Somers. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I will go over.

Our questioning will proceed in rounds. The majority will ask questions for the first hour, and then the minority will have the opportunity to ask questions for an equal period of time if they so choose. We will go back and forth in this manner until there are no more questions and the interview is over.

As I noted earlier, Mr. Giacalone is appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that Mr. Giacalone declines to answer our questions or if counsel instructs him not to answer, we will consider whether a subpoena is necessary.

Typically, we take a short break at the end of each hour of questioning, but if you would like to take a break apart from that, just let us know. We will also take a break for lunch at the appropriate point in time.

As you can see, there is an official reporter here today taking down everything we say to make sure we have a clear written record. We ask that you give verbal responses to all of our questions.

Do you understand that?

Mr. Giacalone. Yes, I understand.

Mr. Somers. So that the reporter can take down a clear record, we will do our best to limit the number of Members and staff directing

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questions to you during any given hour to just those Members and staff whose turn it is. It is important that we don't talk over one another or interrupt each other if we can help it.

Both committees encourage witnesses who appear for transcribed interviews to freely consult with counsel if they so choose. And you are appearing today with counsel.

Could counsel please state her name and current position for the record?

Ms. Bessee. Cecilia Bessee. I am the Acting Deputy General Counsel for the Litigation Branch in the FBI's Office of the General Counsel.

Mr. Somers. Thank you.

We want you to answer our questions in the most complete and truthful manner possible, so we will take our time. If you have any questions or if you do not understand one of our questions, please let us know.

If you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection. And it is okay to tell us if you learned the information from someone else; just indicate how you came to know the information.

If there are things you don't know or can't remember, just say so, and please inform us who, to the best of your knowledge, might be able to provide us a more complete answer to the question.

Mr. Giacalone, you should also understand that, although this interview is not under oath, you are required by law to answer questions

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from Congress truthfully. Do you understand that?

Mr. Giacalone. Yes, I do.

Mr. Somers. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Mr. Giacalone. Yes, I do.

Mr. Somers. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Mr. Giacalone. Yes, I do.

Mr. Somers. Is there any reason you are unable to provide truthful answers to our questions today?

Mr. Giacalone. No.

Mr. Somers. Finally, I'd like to note that, as the chairman of the Judiciary Committee stated at the outset of our first transcribed interview in this investigation, the content of what we discuss here today is confidential.

Chairman Goodlatte and Chairman Gowdy ask that you do not speak about what we discuss today in this interview to anyone not present here in the room today to preserve the integrity of our investigation.

This confidentiality rule applies to everyone present in the room today.

That is the end of my preamble. Do you have any questions before we begin?

Mr. Giacalone. Nope.

Mr. Somers. All right. The time is now 10:14, and I am going

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to turn it over to Mr. Baker to begin the first round of questioning.

EXAMINATION

BY MR. BAKER:

Q First of all, Mr. Giacalone, I know from your bio and from other information that I have, you have had a very long and distinguished career at the FBI. Your experiences, your investigation, your management goes across a very broad variety of programs. And before we get started into any of the real purpose that we're here for today, I want to thank you for that service. Those experiences are going to be very valuable as this joint committee investigation proceeds.

As our general counsel indicated, you have voluntarily appeared here today. I understand not only are you here voluntarily, you are here and forfeiting the opportunity to participate in a barbecue and crab feast on the beachfront of your current employer.

A That is true.

Q Okay.

You left the FBI in February 2016. That would be before a lot of the matters of this investigation that have gotten a lot of media attention actually happened. This would be before certain press releases; this would be before certain letters to Congress.

Your role and I'm going to back up in just a second to go through exactly what your title and what all that meant. But your role in this particular investigation, Midyear Exam, was really at its genesis back in July 2015, sort of on the front end of things. Is that correct?

A That's correct.

Q Okay.

So, once you had agreed to come in here today, did you do anything to prepare for today's interview?

A I did have a prep session at the FBI that lasted about an hour.

Q And when did you have that?

A Last Monday or Tuesday.

Q So that was at the FBI?

A Correct.

Q And whom did you meet with?

A Cecilia and her staff.

Q Okay. Did you meet with anybody else while you were there?

A I had lunch with Pete Strzok.

Q Okay. Anybody else?

A No. That's it.

Q Okay.

Was this the only time in a when you retire from the FBI, it's my understanding that, you know, you turn your equipment in, you surrender your badge, you surrender your gun, they walk you to the door, and they literally throw you out on the street. You cannot get back into the building again without going through some escort procedure. Is that correct?

A No, that's not correct. I have access to the building. I'm a green badger. So the executive staff there's a few folks in the



executive staff that have nonpaid contractor status, so I have a green badge. I have access to the building.

Q So a nonpaid contractor status, what exactly is that?

A It's a green badge. I couldn't explain it any more than that.

Q Do all executives get that?

A No, not all executives, but at the senior levels, if you want to maintain your clearances and you want to have access to the building, they make that available.

Q So, with the green badge, you're pretty much able to come and go from FBI headquarters?

A I could, yes.

Q Do you apply for this green badge status?

A I requested it when I left.

Q Okay. Is that the same thing as a special government employee where I mean, are you still bound by rules and regulations about having to have your clearances and need to know and

A Same rules and regulations apply.

Q But do you know if you are categorized as a special government employee?

A That I don't know.

Q And

A I maintain a Top Secret clearance still

Q Okay.

A that the FBI holds. So I'm bound by all the rules of

classification rules.

Q So, when your clearance even though you're off the rolls as a retiree, when your clearance expires or needs to be reupped at 5 years, the Bureau take cares of that?

A The Bureau does the 5 year reinvestigation.

Q At what level is the cutoff to get this green badge status?

A Oh, I don't know. I was, you know, EAD, so I don't know if anybody below an EAD can get it. I think Sean Joyce had one for a little while as a deputy director. Only a few folks have the ability to get the access, I think.

Q So let me rephrase my original question. The rank and file FBI employee who retires, my scenario would be correct for them. They basically surrender their equipment, they go through a debriefing, they're escorted out the door, and if they choose to return to the Hoover building for any reason, they have to go through a process where they have a physical escort that accompanies them through the building.

A Correct.

Q Okay.

Where are you currently employed? We talked about the nice event today you're not participating in.

A Hilton Worldwide.

Q And your role there?

A I'm the vice president of the global safety and security and business continuity operations.

Q Okay. When did you retire from the FBI? We said it was

around February 16.

A February 28th, the last day of the month, 2016.

Q Okay. The FBI and a majority, if not all, of Federal law enforcement positions and some others have a mandatory retirement age of 57 years old. With some exception, you can extend beyond that, but, by and large, at 57 years old, as a special agent of the FBI, you are, by law, mandatorily retired. Were you mandatorily retired?

A No. I was 50 years old and 10 months.

Q So you had 6 or 7 years still to go.

A Six years and a month.

Q And did you retire for any particular reason or time to what was your reason for retiring?

A So I had done 25 years of service near 25 years of service. I think I was a month or 2 short of that. And I had the age. I had three kids that were either in college or on the way to college. I was making \$180,000 a year. The tuition bill is \$120,000 a year. And I had the opportunity to increase any salary so that I could pay my bills and put food on the table. That's why I left.

Q Okay.

You had indicated you were an EAD. In the course of this investigation and in other attempts at congressional oversight, we hear different ranks and different things. And most people, I think the general public is more familiar with the general FBI position of special agent. But not everyone at the FBI is a special agent, and not all executives at the FBI are special agents.

It's my understanding, I believe you were both. You were a special agent and an EAD. What is an EAD?

A The Executive Assistant Director is well, in my role, had the responsibility over the entire National Security Branch. So I had responsibility over all counterterrorism operations, all counterintelligence operations, all weapons of mass destruction operations globally. So that was what that EAD position was responsible for.

Q In the hierarchy at the FBI, at the very top of the pyramid is the Director Director of the FBI. Below that is the Deputy Director. I believe below that is an associate deputy director. Is there anything below that before EAD? Where is EAD in that hierarchy?

A EAD is right below the Associate Deputy Director.

Q So, to be in the EAD, or when you are an EAD, you're a pretty high, significant ranking person in the FBI.

A Correct.

Q Okay.

You indicated some of the national security programs that your particular EAD spot had supervisory oversight of. What was your investigative specialty, for lack of a better word, in the national security program, as you were coming up? I know you have some criminal background that we'll talk about, but you also, at some point in your career, transited or shifted towards national security. What was your specialty under the national security umbrella?

A Counterterrorism operations.

Q Okay. So counterintelligence wasn't necessarily your specialty, as far as actually working the cases on the street.

A Correct.

Q You assumed and learned about counterintelligence matters as you advanced through the supervisory ranks and landed at EAD.

A Correct.

Q Okay.

In the early part of your career, you did criminal work?

A Yes.

Q And could you elaborate on what you did?

A I worked organized crime, La Cosa Nostra, the Lucchese family in New York City.

Q Okay. Would it be fair to say that, not necessarily the investigative techniques that are used I mean, interviews are interviews, sources are sources. Is there a difference in managing cases if they're on the national security side of the house, you're using some techniques that aren't available on the criminal side, as opposed to managing cases on the criminal side?

A There's some different nuances, but, overall, the move from organized crime to counterterrorism was pretty easy was a pretty easy shift, right, because you're looking at enterprises in both operations, you know, taking apart the enterprises. In organized crime, it was a family; in counterterrorism, they were cells. So very similar, structure wise. And the goal was always to take out the top folks, and then the bottom would follow.

So the processes were very similar. You used some different tools. You obviously used FISA on the national security side, title 3 on the criminal side. But you still employed informants, you still did a lot of the same investigative techniques. The interviews that you would do in criminal work you would also do in counterterrorism work.

Q Would it be fair to say that, in the post 9/11 world, the FBI made a calculated, concentrated effort to shift somewhat from criminal investigations and become more of an intelligence driven national security agency?

A They moved thousands of folks into, you know, the national security branches post 9/11. I initially started by moving into the intelligence world. I ran an intelligence squad in Philadelphia for a year before I moved over to the Joint Terrorism Task Force in Philadelphia. Then I stayed in Philadelphia as a JTTF supervisor for about 4 1/2, 5 years, with a little break to go to Baghdad in 2005. And I also got a master's degree in national security from the U.S. Naval War College in 2006 into '07.

Q Okay.

I want to back up just a minute. When you began your climb through the FBI ranks, ultimately landing at EAD, not only are you assessed to get at that level and move up to that level based on knowledge you have of different types of investigations organized crime, terrorism, whatever you also did a career development program of some sort.

You've moved around a lot and been in different field offices, to ultimately land at EAD. Is that correct?

A Yeah. I could tell you exactly the number of spots, right?

So New York City, I was a case agent for 9 years and change. Then I went to headquarters as a supervisor, so New York to Washington. Did a year on inspection staff while I was in Washington after I did 2 years in La Cosa Nostra desk.

Then I went to Philadelphia, where I opened up the first intelligence squad in Philadelphia, and then moved over to the Joint Terrorism Task Force. Did, like I said earlier, time in Baghdad in 2005; the War College, 2006 into '07. Left Philadelphia 2008 '09 timeframe, went to Pittsburgh as an ASAC. The family remained in Philadelphia while I was in Pittsburgh.

Then went to Washington, where I led the Domestic Terrorism Operations Section. Moved the family from Philadelphia then back to D.C., because I told my wife we'd be there for a while. In 7 months, I got tapped on the shoulder asking me if I could go to New York City. An unhappy wife said, "You can go to New York City by yourself."

So I went to New York City. I ran counterterrorism operations in New York City for 2 years, the largest Joint Terrorism Task Force in the country. You know, 500 plus agents, detectives, analysts participated in that operation. We did a lot of great things in New York.

And then, trying to get back to my family, a little over 2 years later, I went back as the DAD of Ops Branch 2 in the International

Terrorism Operations Section, where I again was responsible for DT, the terrorism use of the internet groups.

Did that for several months before being promoted to the Assistant Director of Counterterrorism Operations, where I ran all counterterrorism operations for about a year. And then I was promoted to the Executive Assistant Director of National Security. So I did that till I left.

That covers the 25 years. So a bunch of different spots in the 25 year timeframe.

Q So you've worked a lot, not just with FBI agents and FBI personnel. You've worked a lot, it seems, with detectives and law enforcement officials and officers from other Federal and State and local agencies. Is that correct?

A Just about my whole career, right? It's all about partnership. You know, I recognized early on that you couldn't get anything done by yourself, that you needed to have partners to help you get the job done, which is why I was always operating in a task force environment.

Even when I didn't have the opportunity to sit with multiple agencies, where we had I was on the Organized Crime Task Force in New York City. I brought in IRS, I brought in the Department of Labor so that we could really bring the full force of the government and the local law enforcement authorities to bear and really do a job on a number of different cases that we did in organized crime, targeting the Lucchese family.



So we had great successes working labor racketeering at JFK International Airport with the air freight industry, I had great successes taking down organized crime control of the garment center in New York City, all because we worked in close partnership with other agencies.

Q So would it be fair to say you know how to staff an investigation and you know how to conduct an investigation?

A I've done both.

Q So you feel competent in conducting, overseeing a large investigation.

A Yes.

Q You will know when an investigation is being done correctly or incorrectly and what shortfalls an investigation may have. Is that correct?

A Correct.

Q And you would know, if an investigation was deficient, what steps would need to be taken to get that investigation back on track for being conducted within the norms of a valid investigation.

A Yes.

Q You indicated, when you were ticking off the multitude of assignments that you've had, I believe sometime in 2008 you did some sort of well, actually, there were two things you mentioned that interested me. You had done an assignment in 2008, I believe, relating to a project called the DI0G.

Hold that thought for a minute, because I think you also said you

had done some time on an inspection staff. What is the inspection staff, and what is the purpose of an assignment there? What is their role in the Bureau, and what is your role in that assignment?

A So, back in I think it was 2002 timeframe, in order to become an ASAC, you had to get a certain number of field inspections complete so that you could put together your package. The field inspections the inspection staff really inspected the entire Bureau. I participated in the majority of my inspections were field office inspections. I also did two legat inspections, but they also inspect headquarters units, as well, and sections and programs, right? But my experience was pulling apart field offices.

And then, based on your experiences, they usually put the criminal guys to look at the criminal programs, the counterintelligence guys look at the counterintelligence programs, cyber, cyber, et cetera, et cetera. So it was really to pull apart field offices to see if their programs were running effectively and efficiently.

So I did that for 12 months, and I think I completed 13 inspections, because I got called on doing a special at some point after I was done with my year. So I did about 13, I think, field inspections.

Q Okay.

You touched on it briefly; so when you're inspecting a field office or an FBI entity, elaborate a little bit on just exactly what that is. You talked about pulling it apart. Elaborate on that a little bit. What is it you were doing?

A So, the level I was at, we were looking at investigative programs. So you go in and look at the organized crime drug program of a field office, and you would look to see if they had the right goals and objectives in place, if those goals and objectives were measurable and achievable, what kind of work they did in support of those goals and objectives, what type of source coverage they had to effectively go after the target you know, things of that nature.

Q Okay. When you conclude an inspection at a field office, what kind of rating, summary rating, does a field office get? What does the field office want to get when the inspectors are leaving town?

A Well, they want to be seen as being run effectively and efficiently.

Q Okay. So, not only do you know how to staff and conduct investigations as a street agent, a brick agent, you know how to go in and reverse engineer another case that someone else has done or a program that someone else has done and see what deficiencies they may have or see what efficiencies they may have.

A It's all part of the educational process as I went through my career.

Q Okay. So, when you get to the top or near the top of this FBI pyramid as an EAD, would it be fair to say you've pretty much seen and done everything there is to do in the Bureau? You know how to work there's always something you haven't seen, but

A Yeah, correct.

Q you know how to work a case and you know how to look at

a case and assess it for whether it's being run properly. Is that fair?

A I knew investigations.

Q Okay.

We talked a moment ago, and I had you hold the thought, of an assignment you had in 2008 relating to a project that I'll just call it the DIOG. Could you elaborate on what that was?

A Gosh, I can't remember what we used to call the rules and regs, but

Q Probably the attorney general guidelines.

A No, no, it wasn't the guidelines. It was the internal

Q Oh. MIOG and MAYOP?

A Yeah, MIOG and MAYOP, there you go. Thanks. The MIOG and MAYOP were these massive documents that were all over the place and, in some cases, you know, repetitive guidance on different things.

So the job of that group was to put together a domestic investigative operations guideline that would be a one stop shop for investigators, analysts, supervisors, et cetera.

So we pulled a lot of information from the old MIOG and MAYOP and put it in one place. We cleaned up the language, we got rid of the things that were unnecessary, and we tried to lay out a streamlined manual, one place that an agent and analyst could go to see what the rules and regulations were for a particular situation.

Q So an FBI investigation, something generated by the FBI, would be governed by rules, regulations in this DIOG.

A Yes.

Q And the DIOG stood for Domestic

A Investigations and Operations Guidelines.

Q Okay. So it was really an effort at consolidating a bunch of different places an investigator would have to go

A Basically.

Q to find out if they were in compliance.

A Correct.

Q So, in addition to you being an inspector and knowing how to look at and assess efficiencies and deficiencies in other people's cases and programs, and in addition to being able to staff investigations and conduct the street part of an investigation, you have a pretty good handle on, really from the beginning of this DIOG project, what rules and regulations existed at the FBI to keep an investigation, quote/unquote, "in compliance."

A Yes.

Q Okay.

Back to your EAD position, who was in the position before you were promoted? Who did you replace?

A Andrew McCabe.

Q So Andrew McCabe was the EAD of the national security program before he was promoted?

A Yes.

Q Okay. And who was promoted to EAD national security when you retired?

A Michael Steinbach.

Q Okay.

During your tenure as EAD, who was the Assistant Director of the Counterintelligence Division?

A Andrew Coleman and Bill Priestap.

Q We talked in general terms about what an EAD does and how

A Let me Randy Coleman, not Andrew Coleman. Randy Coleman. He'd be mad at me if I screwed up his name.

Q Okay. Thank you for that.

What was your role as an EAD as it pertains to the Midyear Exam investigation? What was your role in that?

A So I think I received initially, I received the referral from the IG. McCullough, I believe, his name was. So I saw to it that Randy Coleman and his team opened an investigation so that we could begin to look at what we had, right?

So the referral was predication enough to initiate the investigation. We set up a meeting with the Director, I don't remember if it was that night or the following morning, to just bring to his attention that we got the referral and we were going to open the investigation.

And then post conversation with the Director and, at that time I think this is important I told the Director, this is one of those situations that was a no win situation, right? You were going to open this case up and you were going to upset the U.S. Government, right? You're going to upset the Democrats for opening up a case on the Democratic candidate. You're going to upset the Republicans if

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you couldn't prove that she, in fact, you know, was guilty of what was being alleged.

Q "She" being who?

A Ms. Clinton, Secretary Clinton.

So fully recognized right at the gate that it was a political bombshell, but we we're an apolitical organization, right?

So I had the referral, we were going to open up the case, and we were going to wait to put together a team, and we were going to conduct a thorough, down the middle investigation, which is what we did.

Q Okay. So you just indicated that, you know, it was going to be stood up as a thorough investigation, and that's what happened.

A While I was there, absolutely. And I would assume after I left it continued in that vein.

Q Was there ever a discussion and I think you're uniquely suited to answer this based on your broad program experience. Was there a discussion how how did this become a counterintelligence matter versus a public corruption matter on the criminal side? Was there a discussion about that? Or how did it land where it landed?

A I don't know that there was ever a discussion saying that it should've been a public corruption investigation. It was because we looked at it as a spillage of classified information that it fell within the counterintelligence realm.

Q Okay. So the facts that came to you from the inspector general of the IC, just the facts lent itself to have the program or the violations, whatever, that the Counterintelligence Division would

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normally work.

A Correct. Classified information on an unclassified system would be a counterintelligence operation.

Q Okay.

Just out of curiosity, how does a case we can be specific about Midyear Exam. How does a case get a code name? How is a name generated for it?

A Gosh, I don't I don't even know.

Q Is there any special meaning behind "Midyear Exam"? It's my understanding it's just a randomly generated computer process.

A That's what I thought too. I thought it was just sort of plucked off

Q Okay.

A a computer system, but I'm not sure. I never really cared what they were called, right? A case was a case. You had your targets, and you conducted your investigation.

Q Okay.

You mentioned earlier, when you were going through some of your experiences, you mentioned something about a special. You were called away, or you worked a special. What is a "special"?

A Did I say that? A special would just be something that would be not you know, a little out of the ordinary. Right? So it could be almost anything. It could be the DIOG piece that was different from my normal day of running a squad. It could be even going to Iraq for, you know, 3 or 4 months, you know, like I did in 2005. It was something



I considered something outside of my normal job responsibilities.

Q Is there ever an occasion where the assignment of the name "special" isn't just because it's unique to what you normally do, but the case itself, because of its sensitivity or the way it's funded, is there ever a status assigned to a particular case, it's a headquarters special?

A I've heard it before. I mean, I don't know if there's anything fancy that makes a case more special than another case.

Q Okay. Okay.

How was the team assembled? You get this referral; there's a decision made, how it's going to be classified, what division is going to get it. Obviously, a pretty resource intensive investigation. How was the team decided?

A Well, counterintelligence it was a counterintelligence investigation. I relied on Randy Coleman to put the team together. So I gave Randy that assignment, and he put the team together to attack the issues based on his expertise and the expertise of the team.

Q I mean, to the best of your knowledge, did headquarters have sufficient personnel to work the case from headquarters? Were resources brought in from other field offices?

A My understanding I recall resources being brought in from, I think it was Washington field office.

Q Okay. Do you have any idea how many resources?

A The group was, I believe, bigger than a dozen or so folks. I don't have an exact number. I don't recall.

Q Okay.

To the best of your knowledge, once the team was assembled and the case started, you know, actually being worked, did resource needs be identified as something specific that they needed? They needed more resources? I would assume it would evolve to needing more, but I don't know.

A I'm not certain, but I do believe that we did enhance the resources at some point or another.

Q Okay.

To the best of your knowledge, were any other field offices drawn from for personnel?

A I can't recall that.

Q Okay.

Do you remember any of the names of the people that were sort of at the top of the managers, of the decisionmakers for the team?

A Obviously, Randy. Randy was the key decisionmaker. Sandy Kable, I think, who acted for Randy from time to time, briefed me a few times. Pete Strzok, obviously. John Moffa I think it's John Moffa was the analyst. Those are the names I recall.

Q Okay.

Because of the sensitivity of the matter I mean, you indicated you knew it was going to be a sensitive matter right from the get go. And I think any type I mean, correct me if I'm wrong. Would it be fair to say that any case involving political figures, public figures, are sensitive?

A Because of the impact.

Q Okay. Was there any evaluation or assessment before this team was assembled of whether particular team members may have political beliefs that were sort of above and beyond just a private citizen going to a voting booth and having a particular opinion about a party?

A So, in my career, I don't ever remember ever asking an agent who was working an investigation what political party he or she was from or, you know, who they voted for any of that. So I wouldn't think that we would do that in this investigation either.

Like I said earlier, the FBI is an apolitical organization. People within the organization, though, I'm sure, have leanings either to one party or another. But when you are conducting an investigation, you put that on the side and you conduct the investigation.

And that's what I viewed while I was there. That's the way I've always operated in my 25 year career. It doesn't matter, you know, political party, it doesn't matter, you know, race, it doesn't matter creed. None of those things matter, right? What matters is right and wrong. And you are a witness to the truth, and you try to find out what is right or wrong.

Q Would any consultation with the Office of Integrity and Compliance be had if someone is either, themselves, politically active from a donor standpoint or spouse is active in donating to a political cause? Is there any of that that goes on?

A The same thing, right? Like, the answer is the same as I

previously stated. You know, down the middle, apolitical, while you're conducting the investigation.

If you cut an FBI agent, he's still going to bleed, right? So people are going to have feelings. But, at the end of the day, when you're conducting an investigation, that's all put to the side and you go straight ahead at the target.

And if you can prove the case, you know, you then move to the next level. And if you can't prove the case, you close it out, and you move on to the next target. But there's no politics involved while you're conducting the investigation.

And, as a result of that, there was never any need, in my 25 year career, to find out, like, what party somebody belonged to before, you know, I assigned him or her a case.

Q So how were the people that ultimately ended up on the Midyear team was there just a solicitation, "Hey, we need to staff this?" Did people apply? Were they hand selected?

A No, no. So, like I said, Randy put the team together. I believe he hand selected most of those folks. You'd have to ask him, you know, specifically how he went about putting that group together.

But those were folks that were experienced in dealing with that type of investigation, right, knew how to deal with and handle classified information, you know, knew how to address spillage issues and were, you know, experts in those areas.

So he didn't just randomly put out a canvas. You know, he picked people.

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Q And did he pick Peter Strzok?

A I believe he did.

Q Okay. You know Mr. Strzok.

A Yes, I do.

Q Your relationship with Mr. Strzok personal, professional, both?

A The first time I've seen Pete since I retired was last Monday or Tuesday. But he was an expert in conducting those types of investigations.

Q And he is considered as an expert in the Bureau and the intelligence community?

A Yeah. I mean, he's done those types of cases before. He did a great job while I was there conducting the investigation. I got, I think, weekly briefings from Pete and Mr. Moffa about the progress of the case. I got a brief every day from either Randy or Randy's acting, who was Sandy Kable, while the investigation was being conducted. And, you know, those guys did, you know, a yeoman's work of making sure that we uncovered every stone that we could uncover while I was there.

BY MR. SOMERS:

Q When you had lunch with Mr. Strzok recently, did the subject of the inspector general's investigation come up?

A Yes.

Q And what was discussed about the inspector general's investigation?

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A You know, to be honest with you, I was disappointed in some of the things that I had, you know, read in the news, and that's basically it. I told Pete: Listen, Pete, I'm disappointed. Right? I mean, he's entitled to his opinion like I'm entitled to my opinion, but, at the end of the day, I was more upset about the affair than, I think, you know, anything else.

Q And, I mean, you had discussed a few minutes ago, you know, you're supposed to be straight down the line, politics aren't supposed to come into play. Obviously, you had no if you had knowledge of some of the things you've read about the IG report and Mr. Strzok and how he appeared in the IG report, would that be a reason you might remove someone from an investigation?

A I think you'd have no choice. I mean, I think that's what you saw with the Mueller investigation.

Now, that being said, there was no indication that he exhibited any bias while he was conducting the investigation while he was working for me. He went 110 miles an hour. We were always looking for new ways to uncover information and evidence.

So I had no indication that he even would politically lean the way, I guess, some of these text messages show that he leaned. At no point in time during my management of the case did he exhibit anything that would provide any slight indication of some of those things that were, you know, posted and put out in the media.

Q And you had no knowledge of the affair?

A No. Which I think occurred after I left.

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Q Yeah. And, sort of, the same question on that. Knowledge of an affair like that in the Counterintelligence Division, would that be grounds for removing someone from an investigation?

A I believe because Page is an American, right? So probably not. If she was a Chinese spy, it would be a little different.

Q Well, is an affair, is that a concern in terms of a security clearance for someone?

Mr. Baker. For the purposes of blackmail, I assume.

BY MR. SOMERS:

Q Yeah. Well, for any purpose.

A I guess blackmail is a potential issue. I don't know that this particular affair, though, the way I don't know. Like, I couldn't I couldn't weigh in.

I wouldn't remove a guy from a squad or from a case because he was having an affair with somebody. Right? I might counsel that guy because, you know, it has serious consequences on your personal life, right, and your family life that could potentially impact your professional life.

But, you know, people are big boys and big girls, right? I mean, I'm not the affair police. So I don't know that I would have how I would have reacted to that. I definitely would have counseled him, though.

BY MR. BAKER:

Q But isn't that behavior something that a hostile intelligence service would see as a vulnerability and try to exploit,

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especially if the person that's participating in that

A We're seeing it exploited now, right? I mean, so yeah. I mean, it's but for the same reason why it hasn't had any kind of impact on his behavior as far as that I witnessed, conducting the investigation, I mean, I don't know how it you're asking me to predict something I can't predict.

Q But just as a general principle, someone who I mean, I think an FBI employee, in general, but specifically an FBI employee, an FBI agent who is involved in counterintelligence I believe he, you know, had done some work in counterespionage

A This is also 2017, right? This isn't, like, 1940, where if you were married more than one time you couldn't get elected President, right? We have Presidents that get elected now

Q No, I understand that.

A that are married multiple times.

Q But from the standpoint of a hostile intelligence service that wants to make inroads into a government agency to exploit whatever files or knowledge they need to exploit, wouldn't the fact of an extramarital affair that your wife doesn't know about be an opportunity

A It could be an opportunity, yeah. And it also could be an opportunity for him to come clean with his wife the first time somebody brought it up. Right?

So, like I said, this is a different time and age. This isn't a puritan society. And, unfortunately, these things happen more



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frequently than they probably should, right? And, as a result of that, it's stuff that people are more comfortable confessing to, admitting to, and, you know, moving on from.

So, you know, there's a lot of things that are different today than they were in the '40s and '50s, you know, where the Russians would use every single potential inroad, you know, to gain access.

I mean, if you ever saw the movie "Good Shepherd" on how the CIA was started, there was illicit relationships there too. It didn't screw that guy up any, right? He put together a pretty good organization and targeted Russians pretty vigorously, you know, over his long career.

So, I mean, could it happen? Yeah, it could happen. Unlikely, though.

Q You had indicated earlier that, with your green badge status, when your clearances start to expire or whatever, the Bureau will, you know, facilitate the reupping of them. What exactly happens when a clearance is reupped and someone in that

A There has to be there has to be a value, right? The Bureau has to get value out of providing you with a clearance. So, you know, if I am considered to still maintain that value either with the access I have to different parts of the world, different sources of information, they will move forward and provide me a clearance, right? If I have no value, then they won't move forward with my clearance.

If I could add value because of my experiences, you know, in dealing with the organization, to provide guidance on something that

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might be of a classified nature, where they can call me in, then they will up my clearance. If I can't provide that guidance, then they won't provide me with a clearance, right?

So it depends upon what I can do in return for the organization. And I think, you know, you went through it pretty eloquently. I've done a lot of different things over the 25 years. They can call me in if they need me to speak to a group of SACs, and I'm happy to come in and speak to a group of SACs. They can bring me in to help out with the public private partnership piece that they've been working on, and I'd be happy to come in and do that, right?

And all those things require that I have access, and that's why, I think, we continue with our relationship.

Q For a rank and file employee, someone still on the rolls, how often are they

A I don't know. But there are rank and file employees that still maintain security clearances. Whether the FBI holds them or DHS holds them, I don't know, but

Q But when you hold a clearance, you do get periodically investigated is what I'm getting at.

A Every 5 years.

Q So I guess what I'm curious about, wouldn't an affair or any kind of financial difficulty, all the big ticket items for vulnerability, wouldn't that be looked at or discovered?

A So finances are definitely looked at. You do a financial disclosure every year.

I just went through a reinvestigation. I don't remember them ever asking me a question about having an affair. They ask you if you're married. They don't ask you if you're married and if you have a girlfriend or boyfriend, right?

So I don't remember, you know, that ever coming up in my reinvestigation. I could've not been paying attention to it because I'm married 25 years and I'm afraid to death of my wife, but, you know, I don't recall ever seeing that.

Q Okay. But an onboard employee, I think, would be polygraphed as part of the 5 year reup.

A Everybody gets polygraphed. I got polygraphed as well.

Q And there's no question asked about, even just general, is there anything that you think you could be exploited by?

I'm just curious how that behavior is missed by I mean, I understand what you're saying about being or not being morality police and it's a new age and a new era. But there's a considerable amount of money spent on maintaining clearances and investigating folks to make sure that they are, you know, still suitable, and, apparently, these behaviors are not being caught?

A So all right, all right. If we were to fire everybody having an extramarital affair, right, in the U.S. Government, we'd have a lot of empty offices, right? So I don't know how else I can answer that question.

Q I understand that, but that is not just any and not to look down on just any government employee. This is, in your words,

the number one expert in counterintelligence matters, who also finds himself in the middle of two although we're focused today on one of the biggest cases in the FBI's history that also had somehow or another gotten derailed to bring a bunch of discredit to the Bureau.

Did you ever hear a saying in your early tenure in the FBI, "Don't embarrass the Bureau"? Did you ever hear at Quantico, "Don't embarrass the Bureau"?

A Yes.

Q You mentioned you had lunch with Mr. Strzok. And I believe you were aware, through media reports or maybe skimming the IG report, where we are today on what did and didn't happen. Would you say the Bureau has been embarrassed?

A Yes.

Q Okay.

You had indicated you had a lot of folks reporting up to you on a fairly regular basis, it sounded like, on Midyear. Who did you brief and how often?

A There was a briefing cycle. Right? So every day, at the end of the day, I was briefed by my entire team, right? So the weapons of mass destruction guy would tell me what's going on in weapons of mass destruction; counterterrorism; counterintelligence. I had intel for a little while, and then intel spun off to its own branch.

And then I would go, in turn, brief the Deputy Director. And if it was something specifically important, sometimes the Deputy Director would take me in to chat with the Director.

That was a daily occurrence.

Now, with regard to Midyear, I kept because we were keeping Midyear quiet, right, and we didn't want leaks. We conducted those regular briefings. And then Randy would stay behind, and he would give me the daily summary of the events of what happened with Midyear. We'd go through them. I would take it and then go brief Deputy Director Giuliano. Occasionally, I would brief the Director as well. But, for the most part, it was Randy to me, to the Deputy.

Q And during your time at the Bureau while Midyear was going on, before your retirement correct me if I'm wrong it doesn't sound like you saw or had any undue influence from up the chain of command to do anything different. It sounds like this was run like a normal investigation, from what you said.

A Correct. You know, I've had a lot of experience doing investigations, and I ran my investigations, and nobody ever said do this or do that. I guess I never screwed anything up, right, so nobody ever had to say, you know, do this or do that, provide me, you know, day in, day out guidance.

I had never had any undue influence from anyone in my entire career, right, from the time I was case agent working cases. It was a little different then, right, where a supervisor would provide guidance as you were learning how to do certain things. But, you know, for the most part, when I was managing cases, I never had anybody say you should've done this or you should've done that. I ran the cases the way I saw that I needed to run them, and were pretty successful.

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Q And, in this particular case, it would be the same thing. You ran it the way you saw fit, and there was nothing unusual about what you were told to do or what was being reported up to you.

A Like I said, I wasn't told to do anything, right? I told the Deputy Director and the Director that we were going to open a case based on the referral. Then I instructed Randy to put together a team and begin the investigation, and then we began the investigation.

Q You had indicated earlier when you talked briefly about your education, you have an advanced degree from a war college. You're not a lawyer?

A Correct.

Q Okay. Do you recall

A Is that good or bad?

Q All depends on what side you have what side you're on and what you have hanging on your wall.

A Yeah. I'm not a lawyer.

Q I think this would have happened during your tenure. We're trying to get a handle on when the earliest discussions about what charges, if any charges, what possible charges or violations might have happened or should be investigated.

You indicated a spillage, it lands in the Counterintelligence Division

A I don't remember the U.S. code, the specific U.S. codes, or when those discussions, you know, took place.

Initially, we were looking to get the full server and start

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pulling it apart, right? We knew that we had, I think, 30,000 or so emails to review. So the team was focused on reviewing those 30,000 emails to see what, if any, classified information was on the system.

And we knew from Inspector General McCullough that there were a number that he had identified. So we, obviously, you know, had those. But we wanted to pull apart everything to see what else was there.

And I think there was another 30,000 or so that were removed. So we tried to figure out ways to access those 30,000 through other agencies that she might have been communicating with to see if they had a copy of them. Because I think there was a BleachBit or something that was used to wipe out those 30,000 or so emails. So we looked for other ways to get those.

We looked to get tablets and computers from the State Department, to check with the State Department systems to see what they had.

We wanted to first try to capture the full universe of areas where this touched and then pull it apart to see what kind of classified information we had or other communications that went to show intent.

Q Okay.

I want to back up in a minute, but you hit on a key word, "intent." There's been a lot of discussion about some of the statutes that could have, should have, been looked at, been charged. So it sounds like there were discussions. And I assume the General Counsel's Office of the FBI were in some of these discussions. And I assume

A During my tenure, no discussions about charging, right, because we were investigating. We were trying to see what we actually

had and what statutes could have possibly lined up with what we had.

Q Okay.

A But we didn't talk about charging anybody

Q Okay.

A on my part.

Q But you looked at statutes to sort of align the investigative strategy.

A Yeah. Well, you always have to have, like, some idea as to what you're looking at, right, so that you can then sort of work towards the elements of those crimes to build the case.

Q Sure.

So what statutes did you think, based on what you I mean, it sounds like you had an awful lot of devices, servers and handheld devices, maybe all over the place. It sounds to me like it might have been very difficult in the very beginning of your investigation really to get a handle on where everything was and everyplace you had to go. Is that fair?

A Yeah, that's fair. I mean, we also recognized that, you know, we didn't want to impact the Presidential election, right? So we wanted to make sure we got through it, through all the information that we had and, you know, got it done in a reasonable amount of time, which is why we had a large team, you know, looking at things.

But, yeah, there was a lot of information. You know, the server was pretty big. It took a long time for the guys to get through it. Like I said earlier, I mean, these guys really did work their tails



off trying to dig into all the information, all the devices that we had.

We had some, I think, BlackBerrys that somebody took a hammer to. We tried to, you know, see if some of the technical guys could put it back together again so that we could extract data from that.

I mean, everything that these guys could have done, you know, we looked to do, to try and get this investigation, like I said earlier, as thoroughly looked at as possible.

Q And in that early stage where you're assessing all the devices and servers and whatnot, do you feel there was an adequate number of devices that were recovered to do forensic exams?

A Yeah, for what we were trying to accomplish, yes.

Q Okay.

And what was the early goal of the case? Describe what you were trying to accomplish when you get this referral

A We were trying to identify classified information on a system.

Q Okay. So charging ideas came way later, but you were looking at charges to sort of guide what actions and things to look at. Do you remember the statutes or anything?

A Like I said earlier, I don't remember the statutes.

Q Okay.

And this may have happened after your tenure. Do you ever remember some private entity, a private entity, privately funded, that took it upon themselves to go looking on the, quote/unquote, "dark web"

for documents from any of the Clinton servers that may have ended up somewhere and actually found one on a foreign server? Does that ring a bell?

A No.

Q Okay.

Do you know or do you have a sense, based on your investigation, what the State Department's security policies on use of personal devices I mean, were they strict on their personnel security in that regard? Were they not so strict and this was not just a one off where Secretary Clinton was using nonofficial devices?

A Well, she used a private server for a long time, so obviously they weren't strict, right? I can't comment any further than that, though. I mean, I don't know what their policies are.

[11:05 a.m.]

Mr. Somers. At the point you were involved in the investigations, was there any discussion or why, why was she using a private server? Was there any conclusion on that?

Mr. Giacalone. That's what we were trying to figure out. We were trying to figure out what the reason was, if there was any, you know, criminal intent as to as to why she was using the server: Was it to avoid handing information, you know, over at the end of her time as Secretary? Was she doing something that she wasn't supposed to be doing? That's what we were trying to find out, and why was the big question that we needed to answer. And while I was there, we didn't really find any kind of smoking gun why as to why she was doing it. There were a number of classified documents that we did discover, but at the end of the day, you know, we didn't have the answer to the why.

Mr. Somers. And you mentioned like a BlackBerry that was smashed; I don't know if it was multiple or just one. Any conclusion there as to why that occurred?

Mr. Giacalone. No. I mean, why does one smash a BlackBerry with a hammer? If you find out the answer, you let me know.

BY MR. BAKER:

Q Are you aware of any best cyber practices where hard drives on desktops are smashed as the best way to dispose of a device?

A No, that's not the best way to dispose of a device. I mean, I'm not a cyber guy, but you can still extract data from a smashed device. Right? So what's the best way to do it? I couldn't really

tell you. I mean, I think some of the techniques that they have now with the bleaching and I don't know, maybe melt it would probably be a better way to do it, but smashing it with a hammer or trying to physically destroy it, you can still extract a certain amount of data off of those things. I mean, these guys are pretty amazing what they can do with some of the technology that's available today. So I wouldn't think that's the best way to do it, but like I'm not an expert in that area.

Q Could you describe some of the investigative techniques once you got this referral, you surveyed the lay of the land at what you needed to go seek and find to really find out where documents may have been transmitted, where they may have landed. What type of investigative techniques were used by the FBI to

A So you had, you know, a team of technical experts to try to pull that server apart, right, and to try and extract as much information off of it as you could to try and piece together the 30,000 or so that emails that we didn't have. So, early on, it was largely technical. It was largely, you know, teams reading the emails that we had to try and determine what kind of classified information we had on the servers. It was then it was, you know, the basic investigative techniques. We were trying to get some witnesses, so where the server was, you know, originally housed, you know, talking to some of those folks to try and, you know, figure out like again intent and the whys and the wherefores. So combination of technical and logical would be the basic investigative steps that we took, you know,

early on.

Q Subpoenas, search warrants?

A We did subpoenas. We didn't serve any search warrants under my watch. We had drafted a search warrant. We were dealing with a cooperating subject and their attorneys through Justice. Every Thursday, I believe, I sat down with the entire group, the investigators and DOJ, and we found out what we needed, you know, what we needed, what we had asked for, what we hadn't gotten, and then made sure because of my premeeting with my team that I put Justice on the spot and got the things that we needed that they weren't getting maybe the quickest service on.

I had no issues or problems holding people's feet to the fire to make sure we got what we needed to conduct the investigation. And overall, I could say, you know, we got things in a fairly timely manner, right? Had we done a search warrant to grab the server, we might have taken more than we actually needed, right, which would have taken us longer to get through stuff that we really didn't even need to be looking at. Getting the server from the subject through her attorney it took us three iterations I think to get the whole server, but we didn't lose any time. We went through what we got when we got it before we got the whole thing and got through the review of the server in a fairly reasonable amount of time.

So, as far as the overall setup, we didn't really waste any time, we didn't lose too much time, and we used the tools that we had available, which grand jury we had. We had we could have written

and served a search warrant if we needed to.

Q So you did have grand jury?

A Yes.

Mr. Somers. It has been confirmed in an inspector general report.

Ms. Besse. Let's not go into the grand jury.

Mr. Giacalone. Was in it a report?

BY MR. BAKER:

Q That's all I wanted to know. There was use of that technique?

A So, if that's out there, I don't want to get in trouble. That's 6(e) protected.

Q That's all I wanted to go down with that anyway. I'm going to jump forward. I certainly reserve the right to go back in another panel.

You have been around the building many times with your experiences in and out. You have been to different field offices. Have you ever seen, heard of, been asked to become a member of, heard rumor about anything called a secret society?

A No.

Q Is there a Society of Former Special Agents?

A Yes.

Q What is that?

A That is retired special agents that, you know, they get together at different parts of the country, different briefings from

time to time. They have lunch, a couple beers. They try to raise money for worthy causes. It is not secret, though. I mean, you could probably find it online.

Q So that is not the secret society that's been alluded to?

A There's no secret society that I'm aware of. I mean, I did half my life in the organization, and, you know, from street level to, you know running a major branch, never heard of it until I read about it in the paper, I don't know, a couple months ago. It is laughable.

Q What was the Society of Former Special Agents' response to some of the things relating to the investigation?

A I think, early on, it was largely inappropriate, right, because you have a bunch of folks that you see on TV making comments about things they have absolutely no idea about, right. So, like my experience ended with the investigation February 28. I'm not going to comment on something that happened in July. I have no idea what the decisionmakers had to make those decisions, right, so how can I how can I Monday morning quarterback that? So some of these guys, I think, really embarrassed themselves and did a disservice to the organization by commenting on things they have absolutely no idea of whys and wherefores. So it is disappointing.

I have been retired for, you know, 2 years and, I don't know, 4 or 5 months. I have no need to be on television, right. I have no need to, you know, have my ego stroked, which is the only thing I can think of as why some of these guys are doing what they're doing, but I'm not going to comment on something I have absolutely no idea what's

going on.

At some point, I think they put together a brief for retired folks to help bring people up to speed so they wouldn't embarrass themselves by saying stupid things on television. I can't remember exactly when that was, but I know I participated in the phone call, I think, where I think it was Pete Strzok delivered sort of a soup to nuts as to, you know, what they had found and what they had done at different stages of the investigation.

Q Okay. I think that pretty much wraps the first hour.

Mr. Somers. We can go off the record now and take a short break.

[Recess.]

BY MS. KIM:

Q We're back on the record. The time is 11:25. Mr. Giacalone. My name is Janet Kim I am a counsel for Ranking Member Elijah Cummings of the House Oversight Committee. Together with my colleagues Arya and Valerie here today, I will be asking you some questions about your involvement in the Midyear investigation.

A Okay.

Q As a general matter, before we start, I want to know if you have read the inspector general's report?

A All 500 pages, no.

Q Are you generally familiar with its conclusions?

A From what I have seen in the news. I did read the executive summary.

Q And I assume you were provided the parts about you before



publication. Is that correct?

A Well, I asked for them.

Q And do you generally agree with the report's findings that there was no evidence of political bias in the investigative steps that DOJ and FBI took?

A That's consistent with my experience while I was running the investigation.

Q Great. Thank you. I would like to jump back in time to the initiation of the Midyear investigation.

I understand that you were present for the ICIG's referral to the FBI. Is that correct?

A Correct.

Q Can you describe the type of files or work product that were forwarded as part of that referral?

A No, I can't.

Q Is that because there were no files or work product forwarded?

A Nothing went to me directly, right. So I wouldn't have even seen that.

Q I understand the ICIG or ICIG investigators briefed the FBI in person. Were you present at that briefing?

A I spoke to McCullough a couple times. I don't know if I was present during a formal briefing. If I was, I don't recall.

Q Do you recall a meeting where you and Mr. Strzok were present with Mr. McCullough?

A I don't recall that. I mean, I'm not saying it didn't happen; I just don't recall. I went to thousands of meetings.

Q Sure. So then, stepping back, talking about that referral generally, did you take the ICIG's referral seriously?

A Of course.

Q And typically, when the FBI receives a referral from an IG's office, does the FBI conduct its own independent investigation of those allegations?

A In my experience, yes.

Q Does the FBI ever investigate matters in tandem with the referring IG's office?

A That I don't know. That "in tandem," do you mean with him as a partner during the investigation? No

Q That's correct.

A No, he was separate from our investigation.

Q There's been some questioning around the various designations that went with the Midyear exam. I'll try to go through these one by one. What does it mean for an investigation to be designated as a sensitive investigative matter?

A It had some elements into it that made it so, usually political type investigations or investigations that deal with public officials are sensitive.

Q Was the Midyear exam a sensitive investigative matter?

A I believe it was.

Q And is that because Secretary Clinton is a political figure?

A Well, yes, it was going to impact potentially the Presidential election. So we took it very serious, which is why we wanted to keep things quiet and to a small group.

Q Does the SIM designation affect in any way the investigative steps that the team is empowered to take?

A No. Depending upon what type of investigation it is, and a SIM is usually going to be a full investigation. You have access to all the tools that you need to conduct that type of investigation.

Q Thank you. I believe you already spoke about the designation, the unofficial designation, perhaps, of, quote, a headquarters special. Can you explain to me what a headquarters special is?

A Like I told like like I offered earlier, I mean, it just has something that makes it different from that day in and day out investigation, right. I think what Art was referring to earlier, though, was different assignments that were considered specials, right, so when I did the DIOG piece that was on a special separate from my normal day in and day out duties. When I went to Iraq, that was different from my normal day in and day out duties. As far as the investigation meaning special, I mean, it was a sensitive matter, right, but

Q But that didn't limit your investigative tools or steps in any way?

A No, it didn't limit the tools in any way.

Q What about the decision to designate this investigation with

an unknown subjects or unsub designation, are you familiar with that?

A I guess it is just to figure out who was fully involved in the actual investigation, right. So we knew that the Secretary was going to be one of the individuals, but I guess it was unsub to see if there was anybody in addition.

Q I'll represent to you that the IG report states that the unsub designation is common but also that Randall Coleman and James Comey were both surprised when interviewed by the IG to learn it was an unsub investigation?

A I'm surprised, as well. That's why, I mean, I didn't recall that it was an unsub but like I said, though, to try and determine, you know, who else was potentially involved I guess which is why it is normally common.

Q James Comey actually took the step of calling Secretary Clinton the subject of this investigation in the book that he published. Would you agree with that assessment?

A Yes. She was the subject of the referral, and, you know, she was the one that the referral had accused of having classified information on the system. So I always thought of her as the subject.

Q And would the designation of unsub change any substantive decisions about the investigative steps that the FBI took in this case?

A Absolutely not. Like I said, you know, being surprised, I always thought that she was the named subject of the investigation, so it wouldn't change anything.

Q So it is correct that the FBI in your experience treated this

investigation like Hillary Clinton was the subject of the investigation?

A Yes.

Q Did you have any involvement in briefing the senior DOJ leadership about the Midyear investigation?

A Did I have any

Q Involvement in briefing the senior leadership at the DOJ?

A So we met with the Attorney General and the staff every Monday, Wednesday, and Friday, right. If we specifically briefed this case it would have been after one of those meetings. I had no regular briefing schedule with them. George Toscas was my counterpart over in Justice. The way I understood it was George was keeping his chain involved, and I kept my chain involved.

Q I want to clarify. The regular meetings that you discussed with AG staff, those were regular meetings that you participated in as EAD of the National Security Branch generally about your work on the National Security Branch?

A Yes. It had nothing to do with this case.

Q In your experience, did any political appointee at the Department of Justice issue orders on the conduct of the Midyear investigation?

A Issue orders on the conduct of the investigation? So, I mean, I think Carlin at one point said that George Toscas was going to be, you know, the lead for Justice, and that's the way we ran, right. So, when we needed to have a meeting, George represented Justice, George

and his team, and like I said, every Thursday, we had the Department over to make sure that the investigative team was getting everything that they needed.

Q So you didn't have any experience where a political appointee like John Carlin, Sally Yates, or Loretta Lynch ever intervened or attempted to intervene in the way that the investigation was conducted?

A I don't know what their involvement was.

Q The inspector general's report concluded that Peter Strzok was, quote, not the sole decisionmaker for any of the specific Midyear investigative decisions that the report reviewed. Is that consistent with your experience on the Midyear investigation?

A Yeah, he wouldn't have been the sole decisionmaker on anything, right. So the chain of command when I was there was me, Randy, and then the Deputy Assistant Director, who at the time I think was Sandy and then, you know, Pete and Pete's role with the investigation. So he wouldn't have made any decision that would have impacted anything without counseling us.

Q Thank you.

A He shouldn't have at least.

Q When did you first understand that evidence of Secretary Clinton's intent would be important to the charging decision?

A Probably from the beginning.

Q Is it safe to say that you were looking for evidence of intent early on in the investigation?

A We were looking for classified information on the system,

and of course, you know, like I said, I don't remember the specific U.S. Code, but intent would have been an important thing for us to uncover. So you weren't going to look for one without looking for the other. You look for them simultaneously.

Q I want to take you back to a specific point in time that the IG report discusses in the investigation. By September 2015, do you remember if the team had reviewed the classified information in Secretary Clinton's emails and interviewed some individuals familiar with why that information was in those emails?

A I don't remember September '15, September 2015, so it would have been a couple months, you know, after we opened the case. We could have been done with a review of a lot of information, and we could have been looking to, you know, pinpoint some folks for interview.

Q I'm going read you a section from page 165 of the IG report. If you would like that copy, I have copies. Is that something that you want?

A I can listen to you.

Q You can listen to me. All right. So I'll try to read quickly: As early as September 2015, FBI and Department officials realized that they were unlikely to find evidence of intent. Prosecutor 2 stated that within a month of first obtaining criminal process, they had seen no evidence of intent. This prosecutor told the OIG that the team realized that the case likely would lead to a declination after they had reviewed the classified information in former Secretary Clinton's emails and heard the explanations for

including that information in unclassified emails. Prosecutor 2 said that there were a number of other investigative steps they needed to take to complete their due diligence, but by September 2015, they knew that they would need a, quote, game changer, unquote, to be able to prove intent.

Is that quote generally consistent with your recollection?

A Yes. So that would have been referring to a time where we had the review of the emails complete. But like Prosecutor 2 said, there was still a number of other steps that we had to take before we, you know, had any kind of were close to any kind of conclusion as to the direction.

Q So it is correct, though, that as early as September 2015, you understood that the ability to charge Secretary Clinton with an offense would depend on the existence of evidence of intent?

A Yes.

Q The next paragraph on that page and, again, I'll read to you states, quote: Notes obtained by the OIG from a meeting between Toscas and then EAD John Giacalone on December 4, 2015, confirmed that the lack of intent was the subject of ongoing discussions. According to the notes, Giacalone asked the team, quote, still, and in brackets do not, end bracket, have much on the intent side, right, question mark, unquote. The notes show that the team members present at the meeting agreed with him.

A So, again, that would have been based on the email review, right, because there was still a lot of interviews that still had to



occur, so you wouldn't have been able to make a determination as to whether or not you have unturned every stone to make the determination of intent. So, based on what we had at the time, that discussion would have referred to whatever was completed up to that date.

Q So that's an accurate characterization of your memory of that meeting?

A Yes, based on probably the completed review of the emails.

Q Now the last paragraph the last sentence in that paragraph reads, quote: Giacalone, who retired from the FBI in February 2016, said that there were, quote, no smoking guns, unquote, showing intent when he left.

Is that an accurate characterization?

A Again, based on what we had completed at that point in time during the investigation, that's accurate.

Q Now, by February 2016, how long had the FBI been had been investigating the Midyear investigation?

A So when was the case opened?

Q July 2016.

A You do the math; you got about 8 months.

Q Yup. So 8 months, and your team had found no smoking gun evidence of Secretary Clinton's intent?

A But, again, though, based on what they reviewed at the time. So I think the large majority of the interviews had not been completed at that point in time, and that was going to be a big piece of it, right? I mean, we have also you know, you also had to I think Secretary

Clinton was going to agree to an interview, as well, right, so there was still a lot that needed to be done, but based and the review of the emails, there was no smoking gun.

Q Had the team interviewed individuals 8 months into the investigation?

A There was a few that I don't know if we actually were able to do them or we attempted to do them that were connected with the server.

Q And is it safe to say that if there were any interviews done, those interviews had not revealed any, quote, smoking gun evidence of Secretary Clinton's intent?

A If it was done at the point in time during those conversations, it would have been reflected in those conversations.

Q There's an April 22, 2017, New York Times article that you were quoted in. It is entitled "Comey Tried to Shield the FBI from Politics. Then He Shaped an Election." Are you familiar with this article?

A Okay.

Q You are?

A Who is the article written by?

Q The New York Times?

A The New York Times? So I tried to largely stay out of the media my entire retired life, effectively being able to do that in most cases. If the FBI asked me to participate in an interview with a news media company, I did. So you would have to refresh my recollection.

I think two or three times I spoke to folks on behalf of the FBI.

Q Sure. I'm happy to refresh your recollection.

Ms. Kim. I'm going to introduce the following document as exhibit 1. It is the April 22, 2017, New York Times article entitled "Comey Tried to Shield the FBI from Politics. Then He Shaped an Election."

[Giacalone Exhibit No. 1

Was marked for identification.]

BY MS. KIM:

Q It is a long article. So I'll just direct you to your quote. It is on the fourth page. The pages are not numbered, but it is on the fourth page. Your quote is under the header, "Missing Emails," near the bottom?

A Okay.

Q It reads, quote: Despite moments of tension between leaders of the FBI and the Justice Department, agents and prosecutors working on the case made progress. Quote, The investigative team did a thorough job, unquote, Mr. Giacalone said. Quote, They left no stone unturned.

A I think I said that also here today, all right, in the earlier interview.

Q So The New York Times quoted you accurately?

A Yes.

Q And did you believe that the investigative team did a thorough job?

A Absolutely.

Ms. Hariharan. You mentioned a few times that the FBI has asked you to speak on their behalf after you retired. Do you remember what are some of the other times?

Mr. Giacalone. It was obviously this article, and I think the Time Magazine did something, and it might have been a third or fourth time that I don't remember. Infrequent, though.

Ms. Kim. While we're on this kick of reviewing news articles, I would like to introduce another news article. This is exhibit 2, will be an October 26, 2016 news article.

[Giacalone Exhibit No. 2

Was marked for identification.]

Mr. Giacalone. Okay.

BY MS. KIM:

Q Are you familiar with this article?

A Okay. Yes, I am.

Q For the record, I want to state that the article is from October 26, 2016. The title of the article is "The FBI's Sideways Handling of Hillary." The publication is The Washington Times. So I will represent to you that this is an article alleging that your reason for retiring was through dissatisfaction with the Midyear exam case.

A So this actually has been plagiarized from an online article that was done around the same time, right, and I think I ended up on FOX News, as well, as a result of all this, where they alleged that I left because I didn't like the way I was disgruntled, and I didn't

like the way the investigation was handled, which I also explained, I think, earlier from a question that Art asked, I retired from the FBI first of all, I loved every minute I spent in the FBI. I had one bad day in 25 years, and that was 9/11, and I think it was a bad day for a lot of people. So there's no way I left because I was sideways or because I was disgruntled. It was purely right time for me, 25 years in, right opportunity, great opportunity to work for a great company, and an opportunity to put my kids through college, so I never spoke to anybody that wrote the internet article. I don't know who they used to source this thing, but this has been regurgitated by I guess not only The Washington Times, but I see by Judge Napolitano down here. He dug this up a couple times. So I guess on slow news days, he digs that up, and he floats it out there.

Q I'm going to read from the second page to you. I want to read the core allegation of this article. Quote: 6 months later, the senior FBI agent in charge of that investigation resigned from the case and retired from the FBI because he felt the case was going, quote, sideways. That's law enforcement jargon for, quote, nowhere by design, unquote.

Did you feel that the Midyear exam case was going sideways or nowhere by design?

A No, and I think the definition that they provide of sideways is just a definition of sideways, all right? I don't think it has got anything to do with law enforcement.

Q Do you remember making comments to the effect that the

Midyear investigation was going sideways?

A No.

Q The article also alleges that part of the reason you felt the investigation was going sideways was because the FBI was not using compulsory process in concert with the Federal grand jury.

A Which is not true.

Q That's not true. I would like to go through the inspector general's conclusions about the compulsory process of the investigation. I don't think there's any need to go in depth, but you're familiar with the use of compulsory evidence in the Midyear investigation. Is that correct?

A Yes.

Q And do you have any reason to doubt that the Inspector General was correct in describing the use of compulsory process in the Midyear investigation?

A No reason to believe that, no.

Q Thank you.

Ms. Kim. Actually, could we introduce I would like to introduce the following document as exhibit 3. It is the inspector general's report chapter 5, sections 3 and 4.

[Giacalone Exhibit No. 3

Was marked for identification.]

BY MS. KIM:

Q If you turn to the page numbered page 84

A Okay.

Q At the bottom of the page, there's a paragraph that starts: There were points in the investigation where the debate about the use of consent versus compulsory process was particularly pronounced.

Would you like to take a moment to read that section?

A Okay.

Q I'll have you read up to the next page, the place where that paragraph ends.

A Okay.

Q So, on the page numbered 85 at the top of the page, before the paragraph ends, the report reads: Strzok told us that, by the time he wrote this email, he was, quote, aggravated by the limitations, unquote, that the prosecutors were placing on the FBI's ability to obtain evidence and felt that, quote, if you add up this delta over a bunch of decisions, all of a sudden, it becomes substantive, unquote.

Is this sentiment from Peter Strzok consistent with your working with him? Was he a pretty aggressive investigator?

A Yes, Pete was like I said, Pete was a great investigator. This took place after I left. I left in February. This is March 2016. So, like I explained earlier, you know, we had a cooperating subject. So we were going through Justice to get certain things, and to limit the frustrations that Pete may have had or others may have had that were conducting the investigations, I did have a meeting with Justice every Thursday, I believe it was Thursday, where I met with my team in advance and asked them what the needs were, what were they asking for that they weren't getting, and ensured that they got it, right.

So whether or not that practice continued after I left, I don't know.

Q In general, when you would discuss with DOJ prosecutors the different ways to obtain the evidence, were any differences in opinion between the FBI and the DOJ based on legitimate legal arguments?

A Listen, as an investigator, you always want it yesterday, right. And as an attorney, they were okay with you getting it today or tomorrow. So there's always differences, you know, with regard to that. However, we didn't get anything while I was there that slowed us down to the point where, you know, it was going to disrupt or hamper the investigation that was ever brought to my attention at least.

Q In your experience, did any senior political leaders at DOJ, so Loretta Lynch, Sally Yates, Sally Yates' PADAG Matt Axelrod or AG John Carlin intervene in the DOJ and the FBI's decisions to seek or not seek compulsory process?

A No. I mean, I dealt with Toscas.

BY MS. SHEN:

Q Mr. Giacalone, you said that George Toscas was your counterpart at the Department of Justice. Is that right?

A Yes.

Q And what was your experience working with him? He was a career professional. Is that correct?

A I liked George. I mean, we were on some of the same ends of a lot of arguments and some different ends of a lot of arguments. And, you know, George's responsibility as the gatekeeper for whether or not cases got charged, and like I said, I was an agent, right; I



wanted my cases charged. So, you know, we had we had a good relationship based on, you know, the back and forth that we had throughout the years. So George is professional, very bright guy, and he had great hair.

Q Did you ever have an indication while working with him that he would conduct his job in a manner that was unprofessional or with bad judgment or with an indication of bias?

A George?

Q Yes.

A No.

Ms. Shen. Thank you.

BY MS. KIM:

Q I would like to turn back to 85, sorry, where we left off.

A Okay. You're not going to make me read 500 pages, are you?

Q Perhaps I will. So, at the top of the paragraph, after you left off, the first sentence reads, quote: Despite this debate, the agents, analysts, prosecutors, and supervisors on the Midyear team generally told us that, aside from devices that had been destroyed or that could not be located, they ultimately obtained and reviewed all of the devices necessary to complete the investigation.

I know you had retired when the Clinton investigation was completed, but is this consistent with your experience on the case?

A Yes, that's consistent with my experience.

Q I would like to zoom out a little bit, Mr. Giacalone.

In your career at the FBI, have you ever let your personal

political views influence in any way your official actions?

A No.

Q And have you ever witnessed any investigative personnel at the FBI letting their personal political views influence in any way their official actions?

A Not in my 25 years.

Q I'm sure you have read and heard about the text messages exchanged between Peter Strzok and Lisa Page?

A Yes.

Q Are you personally aware of any instances where Peter Strzok made a professional judgment or took an official action due to his personal political views?

A No.

Q And are you personally aware of any instances where Peter Strzok made a professional judgment or took an action in the Clinton investigation due to his personal political views?

A No.

Q Did you have any interaction with FBI attorney Lisa Page?

A Yes.

Q And are you aware of any instances where Lisa Page made a professional judgment or took an official action due to her personal political views?

A No.

Q Are you aware of any instances where Lisa Page took a professional action excuse me, made a professional judgment or took

an official action in the Clinton investigation due to her political views?

A So she had no role in the Clinton investigation when I was there.

Q Do you have any reason to believe that the vast majority of FBI agents are Democrats or are biased in favor of Democrats?

A I have no idea. I have never asked an agent or an analyst or any employee what their political affiliations are or were.

Q And when the FBI staffs a politically sensitive investigation, you said the FBI does not consider the personal political persuasion of its agents in making staffing decisions. Is that correct?

A Correct.

Q In fact, it is explicitly forbidden for the FBI to ask about political affiliations for staffing decisions. Is that correct?

A I would think that is correct. It sounds like it should be correct if it is not.

Q And in your general experience, do FBI agents know not to let political bias interfere with their political work?

A Any kind of bias.

Q And once more, in your time at the FBI and in your time working with the Justice Department, have you ever seen evidence of anybody applying political bias in their investigation of any subject matter?

A No.

Q I will represent to you that James Comey, Rod Rosenstein,

and Robert Mueller are all Republicans. They are all senior appointees, political appointees of Republican Presidents. Is there any reason to believe that James Comey's political affiliation affected the way that he investigated Secretary Clinton's email server?

A No.

Q Do you have any reason to believe that Rod Rosenstein's political affiliation will prevent a thorough and fair investigation of the Russia Trump investigation?

A Listen, I don't know Rod Rosenstein. I think I spoke to him on the phone one time, so I can't really I don't know, you know, anything about him.

Q Did you work at the FBI while Robert Mueller was FBI Director?

A Yes.

Q Do you have any reason to believe that Robert Mueller's political affiliation will prevent a thorough and fair investigation of the Trump campaign's ties with Russia?

A No.

Q There have been many public criticisms against former FBI Director James Comey and the decisions that he made in the Clinton investigation. How long have you known James Comey?

A Since he became director, so you would have to tell me what date that was, and that would be how long I know him.

Q Sure. Did you know him while he was an Assistant U.S. Attorney in SDNY?

A No.

Q And you didn't know him while he was the U.S. attorney there either?

A No.

Q Nor when he was the Deputy Attorney General?

A Correct.

Q Based on your personal interactions with James Comey, how would you describe his character?

A He's an above board guy, straight, straight at you. There's no nonsense to him. Easy to talk to, honest.

Ms. Kim. Mr. Giacalone, I would like to introduce a document as exhibit 4. It is a March 31, 2016 article in Time Magazine, which I think you referenced earlier. It is entitled "Inside the FBI's Investigation of Hillary Clinton's Email."

[Giacalone Exhibit No. 4

Was marked for identification.]

BY MS. KIM:

Q Is also a long article, but thankfully you are mentioned right up in the beginning. You are described as, quote, a fireplug of a man, unquote?

A That's terrible.

Q Let's turn to the third to last line of the first paragraph. The article reads, quote: Comey was clear about one thing.

And then it quotes you, quote: He wanted to make sure it was treated the same way as all other cases, unquote, says Giacalone, who left the Bureau in February. Is that an accurate quote from you?

A Yes.

Q Was Director Comey, in fact, clear that he wanted the FBI to treat the Clinton case with the same fairness, integrity, and impartiality as the FBI treats all other cases?

A The day that we briefed him, we got the referral, and we opened the case, yup.

Q One more thing, sorry. Let's turn to the very end of the article. You're quoted again three lines from the very end of the article. The quote is, quote: Says Giacalone, quote, if the evidence is there, it is there. If it leads to something inconclusive or nothing, he's not going to recommend filing charges.

Is that an accurate quote from you?

A Yup.

Q Why did you believe that Director Comey's charging decision would accurately reflect whatever evidence the FBI found?

A Because he's a straight ahead guy, right, I mean, and, you know, if the evidence existed, he would have pushed it for prosecution.

Q The President and other the President and other Republicans have made extremely serious allegations that attack Director Comey's honesty and integrity. Some have even accused him of committing crimes. I would like to go some of these quotes.

On April 13, 2018, the President tweeted in two parts, quote: James Comey is a proven leaker and liar. Virtually everyone in Washington thought he should be fired for the terrible job he did until he was, in fact, fired. He leaked classified information for which

he should be prosecuted. He lied to Congress under oath. He is a weak and untruthful slimeball who was, as time has proven, a terrible Director of the FBI. His handling of the crooked Hillary Clinton case and the events surrounding it will go down as one of the worst, quote, botch jobs, unquote, of history. It was my great honor to fire James Comey.

Do you believe that James Comey is a proven liar?

A He has never lied to me.

Q Are you aware of any instances of Director Comey lying to other people?

A Not while I was there.

Q Would you have any reason to suspect that Director Comey lied to Congress under oath?

A I have no reason to believe that.

Q Would you have any reason to doubt the accuracy of Director Comey's representations of the facts from when he was FBI Director?

A No.

Q The day he was fired, White House Press Secretary Sarah Huckabee Sanders stated that Director Comey's termination had happened because, quote, most importantly, the rank and file of the FBI had lost confidence in their Director, unquote. What was your personal reaction when you learned that Director Comey was fired?

A I was disappointed.

Q Why were you disappointed?

A Because I thought that, you know, while I was there, he had

done, you know, a real nice job, and, you know, his style was different from Director Mueller's style. I mean, Director Mueller did an amazing job transforming the organization, and I thought Director Comey was equipped to take the organization to the next level.

Q Did you speak with any other FBI agents when you found out that Director Comey had been fired?

A Current agents, I don't know initially if I spoke to current agents, but I definitely spoke to retired folks, you know, when it occurred, and then probably at some point spoke to, you know, rank and file guys.

Q And what were their reactions?

A They were you know, most of the folks I spoke to were, you know, were upset because, you know, we liked Director Comey both personally and professionally, didn't have any indication that there were rank and file issues based on the comments that were made to me. So I don't know where the Press Secretary got that information from. You would have to ask her, but, yeah, it was a sense of disappointment.

Q On that same day that Director Comey was fired, President Trump tweeted, quote: James Comey will be replaced by someone who will do a far better job, bringing back the spirit and prestige of the FBI.

In your experience, was there some problem with the spirit and prestige of the FBI under Director Comey?

A Not while I was there.

Q And so do you agree with the President's assertion that there was some problem with the spirit and prestige of the FBI under Director



Comey's leadership?

A I can only comment on, you know, while I was there. I think that still the men and women of the FBI are still proud, hard working individuals. I still think the FBI is the premier global law enforcement agency. I hope that the folks that work there think the same. I spent half my life with the organization. So I still believe that to be true.

Q Thank you. Mr. Giacalone, I am not done reading tweets to you. I just want you to know.

A Thank you.

Q On December 3, 2017, the President tweeted: After years of Comey with the phony and dishonest Clinton investigation and more running the FBI, its reputation is in tatters, worst in history, but fear not; we will bring it back to greatness.

Mr. Giacalone, do you agree with the President's statement that that the FBI's statement is in, quote, tatters?

A No.

Q Do you agree that the FBI's reputation is, quote, the worst in history?

A No.

Q And based on your experience on the Midyear investigation, do you have any reason to believe the President's characterization that the Clinton investigation was, quote, phony and dishonest?

A Absolutely not.

Q Do you think statements like this, public statements like

this have an impact on the morale of rank and file FBI agents?

A I don't know how it could not.

Q And what kind of impact would statements like this have on the rank and file?

A A negative impact. I mean, you have somebody, you know breaking you down. How do you think it is going to make you feel?

Q That makes sense to me. Following the inspector general's report, the release of that report, President Trump stated, and I quote: I think Comey was the ring leader of the whole, you know, den of thieves. They were plotting against my election, unquote.

A I only read the executive summary. I don't know that it dealt with his election.

Q Do you have any reason to believe the FBI was plotting against his election?

A So, like I said earlier, I mean, I left in February, and at no point in time during my tenure there did the FBI plot against anyone's election. And I think I worked through a couple of them over my 25 year career. Again, nothing that I've seen or read would let me know that anybody exhibited any bias during any investigative activity. That's the extent of my knowledge.

Q And do you have any reason to believe the FBI is, quote, a den of thieves?

A Absolutely not.

Ms. Besse. The witness wanted a break.

Ms. Kim. Sure. We're going off the record. The time is 12:08.

[Recess.]

Ms. Kim. Mr. Giacalone, we're going to go back on the record very briefly. It is 12:11. That concludes our first round of questioning. I believe the question now is whether you would like to take a lunch break now or whether you would like to keep going. We're going off the record again to have that discussion.

[Recess.]

[1:20 p.m.]

Mr. Baker. Let the record reflect the time is 20 minutes after 1:00 p.m. in the afternoon. We're beginning the second round of questions with the House Judiciary majority staff and Government Oversight Reform majority staff.

BY MR. BAKER:

Q Mr. Giacalone, I noticed you wore a very distinctive lapel pin here today. Could you describe what that is?

A It's the Agents Association lapel pin. I bumped into (b)(6),(b)(7)(C) per FBI who is the Bureau representative of the Agents Association, and he saw I didn't have a pin on, and he stuck a pin on me.

Q And that pin is designed after, it looks like, a badge of some sort?

A The FBI badge.

Q That's the FBI special agent badge?

A Yep, special agent badge.

Q What does the special agent badge have on it as a logo, the figure? What is the figure on the special agent badge?

A It's Justice, Lady Justice, with a blindfold on.

Q Okay. So you indicate she has the blindfold on, correct?

A She should, unless they got a cheap badge.

Q Okay. But under normal circumstances, Lady Justice does wear a blindfold, correct?

A Under all circumstances, I think, Lady Justice wears a blindfold, doesn't she?

Q I believe that to be correct.

A Okay.

Q But do you believe in the instance of the Midyear Examination that a blindfold was kept on at all times during the investigation and all decisions made while you were there?

A While I was there, absolutely.

Q Do you have any reason to believe decisions were made differently that would not be consistent with her blindfold being on after you were gone?

A That's correct; I'd have no reason to believe that.

Q You indicated, when the minority staff was interviewing you, that every day was a very good day in the FBI for you, you were very proud to be an FBI agent, except for 9/11.

A Correct.

Q You indicated earlier some of the behavior of some of the people that are being interviewed in the media about their role in the Midyear Exam has made you, quote, "disappointed."

A Correct.

Q I know you haven't read all of the IG report and

A I haven't read any of the IG report except for the executive summary.

Q I'm going to read just a couple of sentences from the executive summary, so please indulge me.

A Okay.

Q "We found that the conduct of these five FBI employees

brought discredit to themselves, sowed doubt about the FBI's handling of the Midyear investigation, and impacted the reputation of the FBI. Moreover, the damage caused by their actions extends far beyond the scope of the Midyear investigation and goes to the heart of the FBI's reputation for neutral factfinding and political independence."

How does that make you feel?

A That's upsetting.

Q It's upsetting. Do you think it will be how long do you think it will take the FBI in your tenure in the FBI, the FBI's gone through many cycles, many ups and downs, many things that were actually addressed by congressional oversight, reforms made. The post 9/11 era of the FBI was made, in large part, by suggestions that came out of various congressional committees and congressional oversight.

How long do you think it will take or what do you think it will take for the FBI to get back on the track of being a neutral, factfinding law enforcement agency that the public has the confidence that they've had?

A So I think, if outside influences allow it, right, by which I mean there's not any continued negative repeat or retweets of stuff that's happened in the past, I think they could get on track relatively quickly.

You've got 10,000 plus men and women that work day and night, sometimes, to do good and keep people of this country safe. And I think, if allowed and if those things are publicized and I know, like, that I've searched a couple times to look at, you know, what's

happened in the organization, and you see multimillion dollar seizures and you see multisubject arrests of gang members. These are all very positive things for the community. Unfortunately, they are buried behind FOIA requests for, you know, information that the former Deputy Director filed and things of that nature, right.

So, if the focus is and I think the focus always has been on working hard and doing good for the American people, they'll get through this as well.

Q When you took the oath of office of a FBI special agent, would I be correct in saying you inherited a very rich legacy of the agents and employees of the FBI that went before you?

A Absolutely.

Q And when you left the FBI, do you feel that you and your generation of FBI agents left that same legacy?

A Absolutely.

Q Agents that today stand at Quantico and take the oath of office, do you think they inherit the same legacy, or do they have more to prove, with this cloud hanging over the shield?

A So, listen, you're not talking about the entire agency, right? You're talking about I think he singled it out to five individuals. So, to hold an entire agency accountable for the actions of five individuals, I think, is unfair. I think it doesn't make much sense to do that. And I think, as a result, because it is limited to five individuals that the IG, you know, points out, that they should be proud of what they're inheriting as well.

I mean, so this is something that is going to have to be overcome, and I think Director Wray said they'll overcome it by keeping their heads down and working hard, which is what people, men and women of the Bureau have been doing for 100 plus years. They'll overcome this.

Q Thank you.

[Giacalone Exhibit No. 5

Was marked for identification.]

BY MR. BREBBIA:

Q Mr. Giacalone, I'm going to show you what we've marked as exhibit A.

A Okay.

Q So I've actually put some stars next to the specific text. The first one, "2016 09 08," and the time is "01:56:42, Thursday." "Inbox. Talked to John G."

Now, we understood this text to be a text from Peter Strzok to Lisa Page, and many of us assume that the John G. was you. Looking at the date and the time in that context, did you talk with Peter Strzok?

A If this is the same time period that we all received that brief, it's possibly you know, quite possibly me. I don't know, when was the timeframe of that brief? Was it around this time period?

Q I'm not sure.

A Yeah, so I don't know. I talk to a lot of people, right? So an individual call, I don't remember having a conversation with Peter, unless it was around the time of that briefing where they briefed the retired agents on what was going on with regard to the



investigation. It sounds about the timeframe would be in that ballpark, so it's possibly me.

Q And you believe, having seen that, you believe that what you discussed was the briefing to retired agents about the ongoing Midyear Exam?

A Listen, and you'd have to tell me, based on when that brief took place, because I don't remember the exact times, as, you know, this is going back a piece. But that would be a reason why he would've spoken with me, you know, the briefing itself.

Q Prior to seeing this text, you had no independent recollection of that conversation?

A Correct.

I'm glad to see I'm not an egomaniac.

Q We're going to turn to that next. As you can see, the texts continue.

A Okay.

Q "How's he doing? He's a decent human being."

A That's good too.

Q "And not an egomaniac."

"Mye notwithstanding, I really like him. Huge heart."

"And god, now I want to know what Andy said. Like Right Now."

A Okay, so I have no idea what that is. Because that would've been it sounds like a conversation that Lisa then had with Andy, which wouldn't have been I wouldn't have been party to that.

Q You wouldn't have been so you were not party of

A No. So if you could tell me if you could add some context to the timeframe. I'm assuming it's around the time of that brief, would be my guess, right, and that that's why he was referring that he had a conversation with me. Because I do believe, after he got done with the brief, that I did say, hey I called him up and said, "Nice job on the brief," something to that effect, and we might have talked for 2 or 3 minutes.

Q "And god, now I want to know what Andy said. Like Right Now."

A Yeah, I have no idea what that is.

Q Do you believe the Andy is it reasonable to assume that the Andy

A Is that Pete asking

Q That's Pete asking Lisa. That's Pete to Lisa.

A Yeah, so I'm assuming that's something that happened outside of any conversation I would've had with him.

Q And, in all likelihood, the "Andy" referred to there is Andrew McCabe?

A Likely.

Q Are you aware of any other Andys working the Midyear Exam?

A No.

Is this the actual exhibit? Do you need to put a sticker on this?

BY MR. PARMITER:

Q Sir, can I follow up on that just briefly? You might want to

A Give it back to me?

Q wait until he's done marking it. There you go.

A All right.

Q He says, "Mye notwithstanding, I really like him. Huge heart." That's another compliment. But "Mye notwithstanding," I'm curious about that. I mean, so it seems to indicate would it be reasonable to say

A "Mye notwithstanding," I don't know. Maybe she was upset that I opened it. I have no idea.

Q Well, I mean, do you recall ever having a discussion with Mr. Strzok or Ms. Page where there was a disagreement about something related to the Midyear Exam?

A So, like I said, when I was working when I was leading the investigation, Lisa Page had nothing to do with it.

Q Okay.

A So, when I became the Executive Assistant Director, she was Andy McCabe's counsel. And wanting to go in a different direction, I brought u (b)(6),(b)(7)(C) per FBI to be my counsel. So I spent maybe a couple weeks with Lisa, well before the investigation was opened, and then, you know, I had a different counsel.

Now, that being said, even having a counsel, (b)(6),(b)(7)(C) per FBI was never present during any of the briefings associated with Midyear Exam. You know, I excused everybody from the room when I got briefed on Midyear Exam. So none of my staff was briefed when I was running the investigation.

Q Okay.

And Mr. Strzok, I mean, would there be any reason for you to think that perhaps "Mye notwithstanding" refers to some sort of disagreement? It seems like, by saying that, it's almost like he's saying, the result of the case or something major involved with the case notwithstanding.

A He could've just associated me with the case, right, having been the guy that opened it. I don't know. You'd have to ask him.

Q Okay.

BY MR. BAKER:

Q While we're on the topic of texts, there's one I'd going to ask you about. I'm not going to introduce it into evidence. I just want your opinion on it.

There is a text between Mr. Strzok and Ms. Page where they are referencing you being out for a day, and one or the other I assume it's Ms. Page needs to get a hold of you or needs to see you about a temporary pass. I have an opinion about what that is. I was wondering if you might have an idea of what they're referring to.

A So the only thing I can think of and I don't know why Lisa was looking for me while I was out. A temporary pass is something that we would get for folks to give entry into the garage.

Like, my secretary would have handled that. I never got anybody a temporary pass. Sean Joyce had called up one time and asked if he could get into the garage, and [REDACTED] who was our administrative assistant, she, you know, figured out how to get that done.

That's the only thing I can think of, is entry into the garage to park a car.

Q Okay. Thank you.

In the last round of questioning, when the minority was questioning you, you talked a little bit about an article that was reporting on another article; it was sort of, like, totem pole. I think it goes back to Judge Napolitano or somebody reporting about your view that maybe the investigation has gone sideways.

I have a question about that. I have in an email that was sent from FBI folks to some other FBI people it's the same article, in essence. But I have a question or would like your opinion on some of the notations that were made by the people sending the email.

This, I believe, comes from True Pundit, which is a website.

A That's the original source, I think, is True Pundit.

Q Okay, so True Pundit might be the original source. I believe let the record reflect this will be exhibit No. 6.

[Giacalone Exhibit No. 6

Was marked for identification.]

Mr. Giacalone. Yeah, so this was shown to me during the IG investigation as well.

BY MR. BAKER:

Q If you look at the second page of this and this is an email chain, so it's essentially the same thing. And if you look at the very bottom right corner, I'm talking about the Bates number on here JW 1494 74.

If you look maybe midway through, the person forwarding this, who I believe is Andrew McCabe, says, "FYI, Heavyweight source."

A Yeah.

Q Do you have any idea what that means? I mean, I assume it's referring to who they believe to be the source of the article is.

A Yeah. So it sounds like he thinks I'm the source of the article based on it preceding what Director Comey responds to.

Q Were you the source of the article?

A No. I already said I wasn't.

Q Right. I mean, it wouldn't make sense.

A The article, I think the original article, I thought, actually said it never had any contact with me for comment.

Q Right. And it wouldn't make sense, what they're saying, based on testimony you've given us.

A Oh, this is all nonsense.

Q Okay. Okay.

Mr. Parmiter. So, just to be clear, sir, on this subject, would it be fair to say that, you know did you ever describe the investigation as going sideways, or is that totally

Mr. Giacalone. Totally inaccurate. This is all nonsense. Almost the whole thing is nonsense. I'd have to read it again to definitively say that, but from what I recall. I didn't leave because I was disgruntled; I left because I was broke.

BY MR. BAKER:

Q Okay. Thank you.

When you were heading up Midyear as the EAD

A Do you need this back now?

Q Please.

We talked a little bit about resources being pulled from, most likely, WFO. Do you remember any disgruntled ADICs or SACs complaining about giving up resources to this investigation?

A They never complained to me.

Q Okay. And you never heard any rumbling?

A No, I didn't. It doesn't mean that people weren't disgruntled. It's just that nobody ever complained to me.

Q Were there any efforts or any needs to deconflict headquarters' investigation with other field offices that maybe had similar investigations or things that touched on some of the same subjects namely, New York field office and Philadelphia? Or Richmond. I'm sorry.

A Deconflict?

Q To deconflict with them wanting to open cases on similar topics, possibly, as public corruption matters, some of the same people. Maybe they had received similar complaints.

A Connected to Midyear Exam?

Q Yes.

A I don't recall.

Q Okay.

When you started the actual collection or forensic examination of when you started collecting the devices, doing the examination, starting to assemble what was or what might have been classified email, it's my understanding

A Let's just go back for a second. So your past question: Deconflict the Midyear Exam investigation with potential investigations in New York and Richmond?

Q Not ongoing investigations. Attempts by those offices to open investigations based on some of the same facts or some of the players, open them as 54 matters or whatever the public corruption classification is.

A Okay. No, I have no recall of that.

Q Yeah. It wouldn't be ongoing investigations. It was field offices wanting to open similar investigations, and there was some need to have somebody at headquarters deconflict so there wouldn't be duplicative investigations.

A Yeah. It could have happened. I don't remember. I mean, I know there was some foundation stuff that some field offices were taking a look at, but

Q Okay.

A that was in another that was across the hallway from me, right, with the criminal cyber guys. So, need to know. I never asked any questions about that; they never asked me any questions about what I was doing.

Q Was there ever any of the criminal guys that I mean, you had indicated earlier, based on what the facts were, it resulted in it landing in the Counterintelligence Division. Were there any people, that you're aware of, in the Criminal Division that felt it should have been over there?



A Not that I was aware of.

Q Okay. As you

Mr. Breitenbach. Excuse me. You mentioned "foundation stuff."

What are you referring to?

Mr. Giacalone. Clinton Foundation.

Mr. Breitenbach. Thank you.

BY MR. BAKER:

Q As you started ramping up the investigation and realized all the different devices involved and as you started to, you know, figure a strategy for recovering them, exploiting them forensically, finding out what documents were where, what was/what wasn't classified, how far along was that at your departure with, sort of, getting a handle on how many documents were involved?

A If we weren't quite done, we were near done with the examination of the servers. And it was thousands and thousands of things, because it wasn't just the 30,000 emails. There were fragments of emails that they were pulling off the server. So it was thousands of pieces of information that they were dealing with. I couldn't give you an exact number. I just know it was voluminous.

Q Did the number of classified emails cause you alarm or concern?

A Well, of course. I mean, you know, on an unclassified system, you don't want to see any classified emails, right? So one could be too many.

But, you know, I know that I think I said I got a daily update.

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And there were some days that they didn't find any, there were some days that they found several, there were some days they found, you know, two or three. I couldn't tell you exactly how many, at the end of the day. I'm sure that, you know, with the records and information you have, you could tally it.

Q But it would be a lot.

A Well, what do you consider a lot? I don't know.

Q Two thousand?

A Oh, I don't know. I never heard a number, like, that big.

Q Okay.

A So, yeah, that doesn't ring a bell, 2,000.

Q You mentioned earlier "spillage" of classified information. Explain what spillage is.

A Oh, spillage would be information that was on a system and then ended up somewhere else.

Q And what happens when spillage is identified? Say, in the FBI, if something I assume when you're dealing with a lot of classified materials, inevitably, with no knowledge, with no intent of anything

A You have to control the spill, right? So you have to figure out, you know, where it last was and then sort of fence it back in and bring it back in. What's out is out, right? You can't ever say, "Okay, now, forget you saw that." But you have to make sure you stop it from continuing to move further down the stream.

Q With the complicated network that was set up for Secretary

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Clinton and the different devices that were used and swapped in and out, in your professional opinion, was it possible to contain the spillage?

A It made it more challenging.

Q Are you convinced that the spillage was contained and documents were 100 percent retrieved?

A I couldn't say 100 percent, no.

Q Okay.

BY MR. BREITENBACH:

Q\_\_ Sir, you mentioned one might be too many.

A Yeah, depending upon how significant it is, right? I mean, you know, not all classified information is equal. There are some things that, you know, could impact life or death the name of a source, for instance, that if it got out, it could put that person's life in peril.

And then there were other things that it might have been, like, an access program that's regularly discussed, unfortunately, in the media and on TV that was found in the system but was also classified.

So one is actually TS. The other might have just been Secret. But which one do you think is worse? You know, so that's what I mean by one could be too many.

Q When the numbers of classified emails escalate, so from 1 to 2 to 20 to 100

A Then, obviously

Q in your mind, I guess, if you're putting yourself in the

position of looking at elements of an offense, the more classified emails that are sent over in an unsecured server, does it indicate potential knowledge at that point that classified emails are being sent in an unsecure manner?

A So, if they were marked "Secret" and they were routinely sent, I would say yes. I

Q What if they're pertaining to

A Can I finish answering?

Q Sure.

A I don't remember, though, that she was actually sending things on the server that were marked, you know, "Secret/NOFORN" and then pushing them. Right?

So should she have known, based on reading information, that it was sensitive or classified? You know, your guess is as good as mine. But I think it's difficult to show intent, because this stuff was not marked, right? It wasn't like she was knowingly saying, "Oh, this is Secret, but I'm going to send it anyway." There was a question as to whether or not it was recognized by her as Secret, and we couldn't show that she knew.

Q If you are sending emails, personally, in your history pertaining to investigating counterterrorism matters, if you're sending information pertaining to, let's say, a drone program of the United States, would you have to see something marked in order to understand whether something that you might individually send over email is classified or not?

A I mean, I knew the drone program was a classified program, right? But, that being said, it's not something that I think everybody knows, based on how that program is covered, based on the fact that you see on TV, you know, actions of said units, right? So, I mean, I think it just makes it a little more challenging.

Q Would you agree with me to say that the former Secretary of State, in her position, would know whether certain areas might be classified or not?

A You would hope.

Q So, going back to the original question, if we're considering the former Secretary of State and we learn that she sends, I believe the number is over 20 Top Secret emails and that was found at the time they were sent. And as Art mentioned, the 2,000 number, over 2,000 classified emails, some that were later up classified but were eventually deemed to be classified material.

On a spectrum, I'm just trying to understand at what point, as an investigator, do you begin to consider that someone may have just made a mistake by sending something

A Yeah, I think

Q versus getting to a higher number where there's potentially even, not just simply negligence, but potential willfulness or knowledge that that information is classified?

A Were all 20 of the Top Secret I don't think this is a classified setting, right?

Ms. Sachsman Grooms. We're not in a classified setting.

Mr. Giacalone. Yeah.

Mr. Breitenbach. This is all information that's been publicly reported.

Ms. Sachsman Grooms. This room is not a classified

Mr. Breitenbach. I am fully aware. This is all information that's been publicly reported.

Mr. Giacalone. So, like, I would want to know specifically if all 20 of those emails dealt with the same topic. Do all 20 of those TS emails deal with the same subject matter?

Mr. Breitenbach. We cannot go into the subject matter, but it has been found that

Mr. Giacalone. Because then

Mr. Breitenbach. The number is publicly

Mr. Giacalone. I got the number.

Mr. Breitenbach. available.

Mr. Giacalone. So what I'm asking is, if they're all related to X and it's 20 times X, then you would hope that somebody would see you know, should've recognized, maybe, that this shouldn't have gone and maybe it does show some willingness. But if there's a bunch of different topics, I don't know. I mean, I'd have to see them.

BY MR. BREITENBACH:

Q Are you aware of what the definition of "Top Secret" means?

A So, as far as being a high level classification, right, so information that needs to be protected with even greater care.

Q And in terms of the potential for

A Yeah, for release, the damage that it does

Q The damage to national security?

A is more significant. Yeah.

Q So just a single release of a Top Secret email over an unsecured server has the potential to severely damage national security.

A It could.

BY MR. PARMITER:

Q Sir, can I take a slightly different tack on this question?

A Go ahead.

Q I'm going to try avoid repeating this as much as possible.

So I want to ask you a little bit about the smoking gun comment but just also, sort of, zero in on the fact that what we have here is not just someone sending emails that weren't marked as classified. We're talking about intent.

Does it change the analysis, in your experience as an investigator, or should it, that you had an individual occupying a Cabinet level position who set up a server intended to transact all official business, and because of that suppose it had happened in the Hoover building. Suppose your boss, the FBI Director, had established a private or, you know, nongovernment infrastructure for the systematic conduct of FBI business. What would you say in terms of, like what percentage of the FBI Director's work involves access to classified material?

A Oh, I couldn't give you an exact percentage, but I know

everything that I dealt with, you know, everything that I shared with him would have been classified.

Q Okay. So would you say it's routine within the Bureau?

A Yeah, I would say so.

Q Okay. So, because of that, wouldn't setting up a system, in your view, render the nonsecure transmission and storage of classified information inevitable?

A So, yeah, but you're comparing apples to oranges, right? You can't compare the State Department to the FBI. Apples and oranges. Because the State Department, unlike the work that I did on a day in and day out basis dealing with they're dealing with a whole host of other issues as well, most of them diplomatic. So their training is different, their preparation is different, their systems are different, their processes are different. And those are all things that we did, you know, uncover while we were conducting the investigation.

So, to answer your question about should she have recognized certain things as being classified, yeah, she should have, I mean, based on her position and based on seeing things. And I think the Director had brought that out, at one point or another, when he was delivering one of his messages.

But you can't compare the same like, there's no equal type position that you can compare it to in the FBI. The Secretary of State is meeting with, you know, foreign folks on a regular basis, engaged in diplomatic activities, not necessarily counterintelligence or



counterterrorism operations. So they're wired different, and they probably act different as a result.

Q I understand they're different departments, certainly. I mean, the FBI is under DOJ, and State is its own entity

A And I'm not saying that you don't understand that. I'm just saying it's very difficult to compare, like, the Director of the FBI, who's engaged in criminal operations and counterterrorism operations and counterintelligence operations, with the Secretary of State, who maybe deals with a fraction of that as his or her overall responsibility, with the large part of their responsibility being engaging in diplomatic, you know, outreach.

Q But, certainly, as a representative of the U.S. Government in foreign affairs, as the head of the agency that includes such subagencies as the CIA, I mean, the Secretary of State is someone who also has routine access to and, you know, discussion of, handling of classified material in that role, right?

A True.

Q So, getting back to this question of marked, if classified information isn't marked "classified" I think we already discussed this, but you would agree it's not okay to disclose it to someone who doesn't have an appropriate security clearance?

A It's not okay.

Q Right.

In your view, do you think that top government officials are held to a sort of higher standard of care in handling classified information?

A They should be.

Q Especially someone, perhaps, who's an original classification authority

A It should.

Q like the Secretary of State?

A Yes.

Q Do you believe that talking around classified information is okay?

A It's not, but I do know that it does occur.

Q Okay. Are you familiar with the general facts of the case involving General Petraeus?

A Generally.

Q Okay. Do you recall whether or not the classified information that he gave to the woman who turned out to be someone he was having a relationship with was marked "classified"?

A That I don't recall. I didn't play any role in that case. Basically, the prosecution piece was the piece that I got involved with very slightly.

Q Okay.

Can we go back to, I guess, the inspector general report? I just want to show you a brief piece of it.

A Okay.

Q I don't think we need to enter this in evidence. This is just a piece of the inspector general report.

A That's your call.

Q But I will show it to you. And I'm looking at page 165. So it'd be the these are double sided, so it would be, I guess, the third page.

A Got it.

Q So this describes a meeting between you and George Toscas at well, I'm not sure where it was, but on December 4th of 2015. Do you recall that meeting?

A No, but

Q Okay.

A you know.

Q So the report says that you had asked the prosecutorial team this is a quote in the report "still do not have much on the intent side, right?" And that the team members at the meeting agreed with him, "him" being you in this circumstance.

Do you recall what you meant by that?

A Yeah. So anything that would show her criminal intent for setting up the server and having the classified information on it.

Q Do you remember what statute you were trying to talk about in that circumstance?

A Like I said earlier, I don't remember the statutes.

Q Okay.

So, in that same paragraph, it also says that you'd said there weren't there were no smoking guns showing intent when you left the Bureau.

So, based on what you just said about intent, does it mean,

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essentially, that, in order to be charged, Secretary Clinton would've had to have said something like or demonstrated "I know the information is classified, and I don't care" in order to be charged?

A That would've helped. But, listen, it's not just charging, right? It's actually charging and convicting.

Q Sure.

A So could something have been cobbled together based on the things that were collected? I don't have collection of all the facts and all the evidence, but, yeah, maybe. Right? But I don't know what your experience is in dealing with U.S. attorneys' offices. U.S. attorneys' offices want, like, a 98 percent chance of convicting whoever it is they take on, right? So if you wrote up a pros memo and you were at 40 percent or 30 percent, it's not enough to actually get somebody convicted, right?

So that's what the conversation was probably more focused on, coming from me. It was not so much, do we have enough to indict her, but do we have enough to convict her. Right? I mean, if you're going to throw that harpoon, you know, in the water, you want to be able to stick something with it. And, you know, at that point in the investigation, I guess, December 4th, we didn't think that we had enough on the intent side to charge her and convict her.

Q Okay.

BY MR. BREITENBACH:

Q Real quick, were you ever aware that there was an element of an offense within the Espionage Act that did not require intent?

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A Not that I recall. If there was an element in that that didn't require intent, it was something I don't remember having a conversation about.

Q Do you ever recall I know you said (b)(6),(b)(7)(C) per FBI wasn't involved in the discussions on MYE, but Lisa Page for the General Counsel's Office was, and we're aware of others in the General Counsel's Office that did weigh in on this investigation. Do you recall anybody ever discussing a possible offense of gross negligence under the Espionage Act

A No. In fact

Q that does not require intent?

A when I was involved in the investigation, I don't recall Lisa Page, general counsel or no general counsel, having any involvement in the case. In fact, I think it was limited to Mike Baker at the time, and I don't know if he had somebody else, but

Q Jim Baker?

A Jim Baker, I'm sorry. Jim Baker. And I'm not sure if he had somebody else, you know, read in to assist him, but I don't remember ever dealing with Lisa Page during, you know, my tenure with the investigation.

Q You've just mentioned "intent" multiple times. So it seems to suggest that you had been advised by someone within the Department or the FBI, in particular the FBI General Counsel's Office, that intent was the standard that you needed to find in order to potentially bring an offense against Ms. Clinton.

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A So and, like I said, I don't remember the statute, but the discussions that you've shown me that deal with intent, yeah, I guess intent was a big bone of contention.

Q If you were advised at the time because you said that most of the server had been exploited by the time you had left, that you recall. If you had been advised at the time that intent wasn't necessarily the only standard under the Espionage Act that was needed in order to potentially bring a charge against Mrs. Clinton, and you were still waiting for a smoking gun, if you had been told that the smoking gun was gross negligence, at the time that you left, and what you had found with regard to classified emails that had been sent over an unsecured means, would a based on your just commonsense, general understanding of the term "gross negligence," do you think that might be something you would have considered as recommending to the Department or to Mr. Toscas, as the main person you dealt with at the Department, as a possible charge?

A Yeah. If the team would have, you know, said, we have the evidence to show that there was gross negligence and we can use statute X, Y, Z, we would've certainly pushed it to Toscas and the team. I don't recall having that conversation with anybody, though.

Q Okay. Thank you.

BY MR. BAKER:

Q We talked earlier, briefly, about a BlackBerry device, I believe it was, that was smashed with a hammer. And you indicated, you know, to the best of your knowledge, that's not necessarily cyber

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protocol for destroying something to keep it from being recreated.

Take yourself out of your EAD role and transport yourself back a few years in your Bureau career. Go back to the organized crime days.

A Okay.

Q You're working a case I think you said you were Lucchese family?

A Yep.

Q You're working a case on the Lucchese family, and one of your subjects, one of the soldiers that you're after, you're looking at, all of a sudden they start smashing a BlackBerry device that you have developed an investigative interest in. Maybe they know you have the interest, maybe they don't. But there's a device you're interested in, and all of a sudden they smash it. What would you logically, based on your training, knowledge, and expertise, what would you infer might be going on?

A So, since I'm looking at organized crime people that were predisposed to commit certain crimes, I would think that there's something sideways.

Q Okay.

Mr. Parmiter. I might have a followup question about that.

Mr. Giacalone. All right. I said "sideways" for your benefit.

BY MR. BAKER:

Q Now, let's go back to the transporter and come back again to your EAD role. You have a BlackBerry being smashed. Did that mean anything, or not really?

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COMMITTEE SENSITIVE

A So I could not, in good conscience, compare Secretary Clinton to a member of an organized crime family, right? So I would think that the behavior was somewhat odd, to smash a device, but I don't know that I would draw the conclusion that what she was doing was illegal.

Q Okay.

A Whereas, with a wise guy and I knew quite a few of them from my almost 12 years of looking at organized crime guys there were very few things they did that didn't have some criminal intent. So it's a little different.

Q And maybe we landed in the wrong place on the continuum. Say we went to a white collar investigation, and maybe it's a healthcare fraud matter and a doctor is destroying it. It would be suspicious, correct?

A Yeah. It's something that you wouldn't normally see, somebody taking a hammer to a device.

Q Okay.

You talked a little bit about spillage. Just in your opinion, if you're talking about classified documents, classified materials that someone takes out of an office place, out of their proper, secure container, vault, whatever

A Right.

Q and they take them home, they take a finite number of documents home, and they put them on their refrigerator, and then you have a scenario where someone is sending a finite or an infinite amount of documents electronically, where, in my view, you don't know where

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they're going they're going here, they're being forwarded, they're on servers, they're on devices which would be the harder scenario to contain the spillage?

A Well, the electronic version of the spillage is always going to be harder, because it can keep going that extra step. Right? I mean, the documents on top of the refrigerator could also be challenging, you know, if copies are made and things of that nature. But the way copy machines are, you can sort of track that.

They're both challenging, but the electronic version of the spillage would be more challenging, because it could go further faster.

Q Okay.

Just a little while ago, you talked about the idea that maybe Secretary Clinton didn't know some of the documents were classified. Would you just explain briefly, I mean, what does a classified document look like? If someone were to put a classified document in front of me right now, what would it look like, just as far as

A It would be marked top and bottom, to start, right? It could be Secret. It could be Top Secret. It could be Top Secret, you know, NOFORN, which means you can't share it with any foreign entities. I mean, it'd be marked so that it would be clear that it was a Secret or Top Secret document.

The information, which we talked about, is also something that, if you have seen it and been around it, you can recognize certain things are classified based on the content of the message itself. So, if you've seen enough of it, you should look at something and be able to

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say, that's probably not something that would be good to distribute on an unclassified system.

Q Okay. So, just because two people have clearances, does that make it automatically okay for person A to show person B something that they're working on that's classified, because person B has a clearance?

A No. We talked about this earlier too. It's all need to know.

Q All need to know.

A Yeah. So, if I don't have any reason to know what you're working on now, if it's connected to something that I'm working on, I would hope that you'd walk it over and share it with me.

But, like, the foundation stuff, I had no reason to know what was going on in the foundation stuff on the criminal side, so that wasn't shared with me. And the information that I was working on, you know, unless something was specific about the foundation that required me to move it from one area to the other you don't share stuff if you don't have to share stuff. Need to know.

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[2:03 p.m.]

BY MR. BAKER:

Q And certain programs or certain topics might even be higher classified than just a TS; there might be even be more of a restriction.

A Correct. You are read on to those programs.

Q As far as you know, were any of those type documents involved in your forensic recovery?

A I don't recall.

Q Okay.

BY MR. BREITENBACH:

Q Going back, it stands out earlier in the first round that you mentioned you had lunch with Mr. Strzok last week.

A What was?

Q That you had lunch with Mr. Strzok last week.

A Yup.

Q How did you come about having lunch with him last week?

A So I was going to be there. I hadn't spoken to Pete since I think that conversation that we talked about earlier after the after the briefing that he provided. I like Pete. Pete is a good guy. Pete made a mistake on probably a number of fronts, and, you know, I felt bad for him, and I wanted to take him out for a sandwich.

Q And you told him that you earlier stated that you told him that you were disappointed in him?

A Yes.

Q Did you elaborate with him as to why you were disappointed?

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A Yes, I asked him what he was thinking about, and more focused on the extramarital affair than on the text messages, which I think are one and the same.

Q Did you discuss anything with him about this particular interview that you were having?

A No, he knew I was coming here, but I didn't talk to him about this in particular or what I should say, what I should do, no.

Q Did you discuss with him in terms of your disappointment with him anything that he might be doing to in any way rectify some of the I know we have discussed this earlier some of the perception now that he has created with respect to the FBI's reputation?

A What his next steps would be? No, I didn't.

Q In your conversation with him, do you feel that he understands the reputational harm that has come about with respect to the FBI?

A Pete's a very bright guy. I don't know how he wouldn't see the reputational damage that he's done.

Q You earlier stated that he that you believed he did a great job. I don't know if that are you referring to he did a great job during the time that he was working with you?

A Yes. So, when he was the case lead while I was, there I mean the guy was lights out. Whenever I had a question, he knew you know, he was quick to respond and answer. Whenever we you know, we came up with something new, he made sure that it was quickly brought to my attention or Randy's attention so that we could share it with the deputy

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director. I mean, he worked hard, right, and I think I saw something earlier where you saw that he was you know, he put forth a dogged effort. One of the exhibits, you know, laid out a conversation. So, yeah, when he was when I was associated with the investigation and Pete, the guy worked hard, and I never saw anything that demonstrated bias like what you read in some of these texts.

Q So Now that you have seen the bias that was demonstrated by the texts, would you still say that he did a great job?

A It doesn't undo the work that he did while I was there, right. On the back end of things, it does, you know, muddy the water because it does make it more challenging to show that from beginning to end, you know, he did a fantastic job, because of some of the things that you see out in the public domain. But, again, like I said earlier, you know, FBI agents are people, too, right? You cut us; we bleed. You're going to have folks that are part of the agency that are going to have, you know different religious beliefs, different political beliefs, you know, different sexual orientations, right, and I don't I never cared about any of those things as long as the guys and ladies that I had working for me were straight down the middle and worked 110 percent, you know, to get to the bottom whatever the issue was. And Pete demonstrated that he was one of those guys when he worked for me.

Now, I don't know if he did something else afterwards that maybe, you know, indicated something else investigatively. I don't think the IG found anything that impacted the investigation, but the but the

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text messages definitely show, you know, they show a bias.

Q If you had known about the text messages while he was working for you, would you have kept him on the team?

A No, I would have removed him from the team just like, you know, Director Mueller did. You can't have that floating out there, right? I mean, so if you become aware of it, you extricate it, and, you know, you move forward with somebody else. And I think, you know, Director Mueller did the right thing. Even though, again, demonstrated by his performance, you couldn't see bias, it is clear based on the written record that, you know, he had a bias, right, and you pull that out of the equation.

BY MR. BAKER:

Q You had indicated earlier that Mr. Strzok, and I'm paraphrasing, an expert in his field, pretty well known in the counterintelligence circles, certainly sounds like, in your world, a go to person?

A Yes, and like you also mentioned earlier, my level of expertise was primarily in the counterterrorism side. So on the counterintelligence side, I did rely heavily on Randy, Randy Coleman, and Randy Coleman, you know, told me that Pete is the absolute right guy for this position. Pete I think at the time was might have been an ASAC in WFO. I don't recall if he was a section chief in the section or an ASAC. So Randy had intimate experiences with him and said he was phenomenal. Randy was a counterintelligence expert. So I trusted, you know, Randy's judgment, and, you know, Pete came through,

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right. He did he helped set up the team, and he helped, you know, drive the investigative focus and the things that they did while I was there were, you know, demonstrated that, you know, he was the right guy for that spot.

Q If that notepad in front of you was filled with the work accomplishments, investigations, awards, accolades, everything about the FBI career of Peter Strzok, how much space, how many pages would be occupied by what we're dealing with now?

A I don't know. I couldn't even tell you half the awards I won, all right? I'm going to tell you what Peter Strzok won? I don't know.

Q But

A Peter worked on a number of big cases. You would have to Randy Coleman would probably be a better guy to answer that, having directly reported to Randy on a number of those.

Q Let me rephrase that. Do you believe, because it sounds like from what I'm hearing, that what Mr. Strzok currently finds himself faced with or what the media is portraying is a very small portion of what he's done good for the FBI?

A Yeah, no, I think that that's accurate, right? I mean, and I think that's, from personal experience, not seeing the bias exhibited during the investigation, the findings of the IG, who looked at how many documents, a million plus documents, interviewed 100 plus people, and he couldn't say that he identified or demonstrated bias during the investigation. The guy was a worker, right. He was a worker, Army

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veteran, agent for 20 plus years, I think. And until like some of this stuff surfaced, no reason to believe that he was anything outside of, you know, a top level performer.

Q So it sounds like the current situation that we were dealing with would be a very small part, a very small chapter, a page in Mr. Strzok's career.

A Page.

Q It is unusual.

A Page, that's worse than sideways.

Q Strike that. A paragraph.

A Okay. Yes, I mean, I would say so.

Q Okay.

A Based on my personal experiences.

Q And there's nothing else that you ever remember that would be similar to this because you have indicated this kind of surprises you, shocks you, disappoints you?

A Yes, that's true.

BY MR. PARMITER:

Q Sir, in the few minutes we have remaining and because you brought it up, let me just briefly return to the subject of the quote on sideways.

A Okay.

Q And I'm, you know, if you want to look at the True Pundit article again, feel free. My question is just so those are quotes in that article both in that article and in The Washington Times article

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you were shown previously. I believe it is the Napolitano, Judge Napolitano's article.

A Yes.

Q So I guess my question is, are those quotes totally fabricated?

A So I didn't make any of those quotes, right. So there are a lot of people that have a lot of opinions, and I think we have all heard a lot of them, right. And a lot of these retired guys who have been, you know, on the circuit, you know, talking about this investigation, you know, I'm an older guy, right. They know me. They know that I'm a straight shooter. They know that I guess, you know, fireplug is another guy, but, you know, I have always been like what you see is what you get. So I don't know like where they got that stuff from. I definitely was not disgruntled. I was tired; I'll tell you that, right. So those jobs, you start at 6 o'clock in the morning; you finish, 8, 8:30 at night. It is Monday through Sunday. You know, I would leave in the dark and get home in the dark. And I did have, you know, I did have financial obligations that I needed to meet, which, you know, we discussed earlier. It was time for me to do something different.

Q So, on the subject of, you know, frustration, so you don't recall ever telling anyone that it was sideways or whatever else?

A No.

Q You don't recall ever expressing frustration with the investigation or with DOJ?

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A Any major investigations has its challenges, right. And as an investigator, you want to see things done yesterday all the time, right.

Q Okay.

A So, you know, I was one of those guys, right. I consider myself, even as an EAD, an FBI agent first, all right. So I wanted to make cases, and I wanted to help guys make cases. So did it go like at the lightning speed that I wanted it to go at? No case that I ever worked ever had. Were there challenges in dealing with the prosecutors? No case that I was involved with in 25 years did I not have challenges with the prosecutor, and that's not because I'm difficult to get along with, because I think I'm pretty easy to get along with. It is just that there's different approaches that the U.S. Attorney's Office takes versus what the FBI takes, right. And sometimes there's a little friction during the investigative process. That's every case that I have ever run.

Did I have a good relationship with George Toscas? Absolutely. And George and I have been to battle, right. I mean, we battle for things that we both believed in and we battled for things that we thought he thought maybe we needed more evidence, and I'm saying we had enough, you know, evidence. Sometimes, you know, he proved that to be right; sometimes I proved that to be right. It didn't mean that I was ever going to back down because if I believe what I was doing was right and I was doing it based on what my team was sharing with me, I went straight ahead, right. So there's friction in everything,

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right, but at no point in time was anything ever sideways or did I get to the frustration point where I'm like, "That's it; I'm done," right. Never.

Mr. Breitenbach. Any specific friction that you recall?

Mr. Giacalone. Well, listen, little things like just getting the server initially. We were going back with the attorney, and it took three iterations before we had the full server. Now, I will tell you, though, that it was probably beneficial to us that it occurred that way because had we did what I wanted to do and serve a search warrant, we would have maybe still be looking through what we collected that day. I don't know, right.

We got what we got when Justice was able to work it out, and at the end of the day, it worked out okay because it was almost like we were able to hit it in stages and get through it probably faster than we would have been able to get it through if we had it all at once or if we did a search warrant and instead of seizing what we actually needed, you know, maybe, because we were allowed to, took a little bit more information, and it would have taken a little more time to get through.

BY MR. PARMITER:

Q Sir, on that subject, so about, you know, your relationship with DOJ during the pendency of the investigation, do you recall when you first requested to interview Secretary Clinton?

A I don't think I was there for that.

Q Okay. There have been media reports now, again, you

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know, there may be some questions about that, but there have been media reports that you had been trying you at least you or your team had been trying to question Secretary Clinton since as early as 2015, December of 2015. Does that sound correct to you?

A That does not sound correct.

Q Okay. Did you ever

A We would not have wanted to interview her unless we had a complete review of everything, right, and known exactly what we had, you know, to take that next step to move forward. So December doesn't sound right to me.

Q Okay. Do you ever recall requesting to interview the Secretary and having trouble with DOJ?

A No. I don't recall actually ever asking DOJ to actually interview Clinton.

Q Do you ever recall having difficulty from the seventh floor in getting approval for an interview in that case?

A I was on the seventh floor.

Q Others on the seventh floor.

A No. Yes, no, because I don't recall I don't recall us doing a lot of interviews during the time that I managed the investigation. And like if we did do interviews, they were real low level players that wouldn't have required jumping through any kind of hoops, right. We weren't bringing in any former Cabinet members to interview while I was there. So I don't recall any issues.

Q In testimony before our committee, the inspector general

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said that the subject of the investigation is often where you get some of your best evidence. Do you think that's true?

A The subject, in my experience, rarely actually will agree to an interview, but when they do, they usually think they're smarter than you are, and they make very big mistakes and provide a lot of help in the investigation. So I would say that could be true.

Mr. Parmiter. I think we're out of time.

Mr. Baker. Is there anything you would like to tell us that we didn't ask?

Mr. Giacalone. Yes, you guys are going to hit me again. We'll save that for the end, the coup de grace.

[Recess.]

Mr. Brebbia. We're back on.

Mr. Baker. The time is 2:28, and we're back on the record.

Mr. Brebbia. I'm showing you what has been marked as exhibit 7 and exhibit 8. And these are charts from the inspector general report. They're attachment G and attachment H respectively.

[Giacalone Exhibit Nos. 7 and 8

Was marked for identification.]

Mr. Giacalone. Okay.

BY MR. BREBBIA:

Q The inspector general's investigation revealed that a number of employees within the FBI were contacting various reporters. So I want to ask very specifically, over the last 5 years, did you contact any reporters yourself directly?

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A So did I contact them, or did I participate in conversations with reporters?

Q Let's do participate in conversations with reporters.

A So, yeah.

Q And in your interaction with the reporters, was it part of your job at the FBI to provide authorized information to the press?

A So there were a couple of instances where Mike Kortan actually arrange that the press came to the office, and we had authorized briefings with the press, but there were more frequently conversations where, you know, these guys are pretty good at their jobs, right, and they would get stuff that you would hope that they wouldn't have been able to get. So hanging up the phone on some of them wasn't an option. So I entertained their conversations on a number of occasions, and I'll give you some "for instances."

So, during the Boston bombings, we got flooded with phone calls from the media, right. I was SAC in New York. Obviously, the incident occurred in Boston, but there was like panic that the bombers were on their way from Boston into New York City. So having the ability to tell these people, no, the bombers aren't coming, they're still in Boston, they're not on the way to New York; I mean, those are things that are helpful, right. And that's the reason why you would want to have a relationship with the media.

There are other instances where a guy would call you up and say, "Hey, I have X or I have Y," and it was a fairly, you know, sensitive investigation, and you had to have the ability to say, "You can't run

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with that," and, you know, because of the damage that it will do for whatever, you know, whatever program it was going to damage. And because you had a relationship with him or her, you know, he would sit on it, right. Those are other reasons why you would want to have a relationship, you know, with the media.

Having regular contact with the media because you like talking to personalities, not the right reason, right.

Q Did you have the ability on your own to make an authorized disclosure of investigation information to a reporter?

A No. The Deputy Director and the Director were the only two that had that authority.

Q Would authorized disclosures to the press generally come from a specific section within the FBI?

A So you had the you had Mike Kortan's section that dealt with the media. So that would be one spot, and I would think the Director's Office would probably be the other.

Q Would you be surprised to see special agents in charge having conversations with reporters?

A No, because the guys are running field offices would be the primary media interlocutors; they would be the ones that would have the primary relationship with the media folks in their regions. So that wouldn't surprise me.

Q And would those disclosures generally have been cleared above special agents in charge?

A So I didn't say anything about disclosures; I said having

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contact, right. So any information that they were going to disclose would have to run through the proper channels.

Q It is a distinction between having a contact with a reporter and giving a disclosure?

A Having contact with a media rep doesn't mean you're disclosing anything, right.

Q Did you give any authorized disclosures to the media about the Midyear examination?

A No.

Q Did you discuss the investigation of the Midyear while you were at the FBI, did you discuss the Midyear Exam investigation with any press?

A No.

Q With any reporters?

A No.

Q Any bloggers?

A Obviously not.

Q Thank you.

BY MR. CASTOR:

Q These exhibits G and H these exhibits, they're introduced in the report as describing communications identified by the IG's Office between FBI employees and media representatives in April, May, and then October 2016, after you left the department.

A Okay.

Q I think the purpose for sharing this with you is to get your

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reaction. In your experience, was this level of communication with the media unusual?

A So

Q Does it surprise you?

A There's some high numbers here. Yes, that surprises me a little bit.

Q You left the FBI shortly before. I mean, was there a culture where this volume of folks could have interactions with the press?

A I mean

Q It is one thing if it is Mr. Kortan and, you know, one other person talking to a reporter.

A Twenty three times with a special agent, I mean, that seems like a lot.

Mr. Baker. And these were, I believe, individuals the IG specified at all ranks and levels that did not have a legitimate need to have contacts. So they would not be press office people is my understanding.

Mr. Giacalone. Yes, I mean, that seems unusual to me.

BY MR. CASTOR:

Q And surprising?

A Well, yes, because it is unusual, it would be surprising.

Q Pivoting to the referral from the IG, the ICIG, Mr. McCullough, you mentioned that you had had some communications with him when he made the referral?

A Yes, we had a couple phone conversations, a couple email

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communications I believe, as well.

Q Did you have any meetings with him?

A I don't know that I have ever physically met with him. I may have met with him once. I don't recall.

Q So we understand it he came over with a fellow name [REDACTED] [REDACTED]?

A With a what?

Q A fellow named [REDACTED], one of his staffers.

A It could be. Like I said

Q He had already met with Strzok and an FBI official name [REDACTED] [REDACTED] (ph)?

A I know the name. I can't picture the face.

Q And George Toscas was in the meeting, as we understand it?

A Okay.

Q And wanted to know, A, if you were aware of that meeting?

A I probably was aware of it at the time. It is not ringing any kind of bell now.

Q B, whether you were in the meeting, and I understand you were not from your testimony here?

A Like I said

Q Best of your recollection?

A I may have met with him one time. I don't remember meeting with him physically. I couldn't tell what you he looked like.

Q Do you have any recollection of any readouts that you received about that meeting?

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A I probably would have been briefed, you know. It probably would have made it into the, you know, evening brief that they had this meeting, and this is what transpired from it.

Q And from that set of contacts between McCullough's office and the FBI, the phone calls that you had, maybe this meeting, did you ever have a sense of whether they believed foreign actors had penetrated the server?

A I'm sure that that was a concern because it was a concern of ours, as well, right. I mean, you had you knew you had classified information on an unclassified server. You know what her role was, right, and we talked about earlier the diplomatic mission. This is an unclassified setting, but there's a lot of value in having even some of that unclassified information, right, so it would be a pretty good target, you would think.

Q But as you sit here today, you don't specifically remember whether they had a very specific concern about a specific foreign actor getting access to the server improperly?

A I don't remember where the country of concern came from, whether it was from us or whether it was from them, but I do remember a country of concern.

Q Okay.

A Who would be a logical country of concern, and I know that we took some investigative action to determine if it was if there was an intrusion. I don't know if that part of it was complete while I was still there. I can't remember if it was complete while I was

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still there. I think that was ongoing after I left, as well, but, yes, that is a concern.

Q And do you have any recollection whether McCullough and his folks had any concerns?

A Yeah, I don't remember that. I'm not saying that he didn't. I'm just saying I don't remember.

Q Let me state that again. Whether McCullough and his staff had any concerns about the way the State Department handled the server?

A Handled the server or how they handled information in general?

Q In general.

A Yes, I think, in general, I think I remember having a conversation with him about the unorthodox approach that the State Department used in handling, you know, the information. Their systems were archaic. It was difficult to even preservation letters, right, you're trying to preserve certain information was challenging because their systems were so outdated. So, yes, there were conversations about that maybe initially with McCullough but with others, as well to include folks over at the State Department, who I think were embarrassed when they couldn't do certain things that were requested because the systems were such a mess.

Q And do you remember any specifics surrounding this?

A So I remember getting a lot of boxes of documentation versus, you know, getting the information electronically because of their inability to, you know capture and collect it that way. There were

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other things that I just don't remember.

Q Anything relating to Under Secretary of Management Mr. Kennedy?

A About

Q Any concerns McCullough had about Patrick Kennedy that he related to you, do you remember?

A I can't remember anything that he specifically related about Kennedy.

Q Or anyone specific at the State Department?

A So you know what? There was one conversation with Kennedy, where Kennedy was trying to get something declassified, I believe, and I think that was a subject of an article, too, that Brian McCauley did an interview with the media on. There was that situation where he was trying to get something declassified, but at the time, McCauley wasn't the guy that was going to make that decision, right. That was going to be the Director, upon my recommendation, and there was no way we were going to declassify anything that McCullough had found. So if that's the conversation regarding Kennedy that I had with McCullough, that's something that, you know, I vaguely have some recollection of, you know, chatting with him. I think that might have been post that might have been postreferral. I can't remember the timeframe.

Q Do you remember anything along the lines of McCullough alleging the State Department had misled anyone about their dealings with the server?

A No, that I don't remember, right. So misled how? Like give

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me because we were never misled, right, so I don't know if the State Department put McCullough on a wild goose chase. If they did, I don't remember him sharing that with me.

Q Because it has been related to some of us the characterizations of what happened with the server as told by the State Department folks to the ICIG folks, you know, was one thing, and then, when the ICIG folks had an opportunity to get the server, they made different determinations?

A Did they ever get the server? I don't know

Q They were able to obtain

A They got emails. I don't know that they ever got the server. I think we were the first investigative agency to physically get the server. That's how I understand it. Now, I could be mistaken.

Q But were they able to extract the metadata from the server?

A No, because they never got the server, right? I think the FBI was the only agency that got the server, unless you tell me something different that I don't know. I don't know that McCullough I think McCullough got the 30,000 emails like hard copy that he reviewed. I don't know that he had any kind of electronic format. Now, he could have had the 30,000 in electronic format, but I don't think he physically had the server. If he did, I wasn't aware of that.

Q Okay.

A Because I would have just asked him for it then, right? And he could have just dropped it over at the office, as opposed to going with the Secretary's attorney and getting it the way we got it. I think

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if he had it, that would have been logical to just say: Okay, do me a favor. What kind of paper do you need? We'll draw it up and deliver that thing, or we'll come pick it up.

Q Going back to your lunch with Mr. Strzok last week

A Yup.

Q You know, this story, what has happened is a remarkable destruction of his personal life, his professional life, arguably the professional life of some of the people that he works with at the FBI. How is this affecting him, from your perspective?

A So, I mean, listen, we didn't get into a lot of the inner feelings that he was experiencing in a 30 minute lunch, but you would have to ask him, right. I mean, obviously, none of it is going to make you feel good. It wouldn't make me feel good.

Q How is his state of mind, from your

A He is still sharp. I mean, trying to stay positive.

Q And did he indicate whether he was going to cooperate, as requested, from the various panels that want to ask him questions?

A Yes, so I think I read or I heard somewhere that, you know, he wants to do that, and I think he should have the opportunity to do that, right. I mean, you know, let him tell his story.

Q Did he give you a sense of what's next for him?

A No.

Q He was still at the FBI

A Correct.

Q at the time of the lunch?

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A Yes, it was last week. He is still at the FBI. I just think he is not in the building, right. I don't know if he is on leave with pay or leave without pay, but he is still, I think, considered an FBI employee.

Q But you haven't spoken to him since the lunch?

A No.

Mr. Castor. That's all I have.

BY MR. BAKER:

Q You had mentioned that an SAC would have authority to discuss matters with the press in his domain clearing it with headquarters or whatever?

A Yes.

Q Are there other people in a field office that can also have authorized contact with the media?

A Not that I know of, no.

Q Do they have media officers

A They do.

Q media reps that work in conjunction the with SAC?

A Listen, they do. The larger offices did, right, so New York City had, you know, a media rep. Washington field office will have a media rep. I don't know if Nashville has a media rep; they might as well. It might be somebody who has multiple roles.

Q Okay. Would it be possible for a sophisticated foreign actor to penetrate a server and it not be detected?

A You're asking the wrong guy. I don't know the answer to

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that.

Q You had mentioned that sometimes classified information is talked around. Why is it talked around?

A Sometimes it is an operational need, right.

Q Necessity?

A Yeah, because you have to have the conversation with somebody in the U.K. or somebody in Australia where something is imminent, and you have to get it to that person to make decisions right away, right. And one of the ways we tried to correct that was to have folks from different countries, you know, have access to our information and have the proper authorities to view our classified information, right. And Director Clapper signed off on that program before I left, something I'm very proud of because, you know, in today's day and age these are Five Eye partners I'm talking about we rely on the Brits and the Canadians and the Aussies and, to a lesser degree, the Kiwis to have an open, you know, flow of information very quickly, and there were times when I was EAD that we were dealing with some very impactful counterterrorism operations that required real time connectivity. So that would be, you know, an instance where I would say would be an opportunity to maybe talk around an issue where you have imminent attacks that you're trying to prevent.

Q Okay. You were asked a moment ago about one of the findings in the inspector general's report relating to unauthorized media contacts from FBI people at all different levels. An ancillary finding to that was that some employees I don't know if it is many but

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some employees were also found to be accepting gifts from reporters, to include golf outings, tickets to sporting events, drinks, meals, and access to nonpublic social events. Just your opinion on that.

A There is like a \$25 rule for gifts, I think, or something like a \$20 rule, so golf clubs and things like that probably aren't going to make that cut. So that's my opinion on that.

Q Going back to your days as an SAC, would you have had a real problem if you had employees that were doing that?

A Yes, that's a problem, right. I mean, that shouldn't be happening. What we do needs to be kept quiet, and although I firmly believe the contact with that media is important for the reasons I, you know, laid out, it is not it is not to be, you know, buddy buddy, right. It is to use them when you need to message something, like I did when we were trying to reestablish the relationship with the NYPD, where I had an opportunity to tell a reporter there's some nice, positive things about what we were doing, you know, with the police department to build a relationship. It is to prevent panic, like we did in Boston. It is to prevent something from getting out that shouldn't be getting out. It is not to, you know, go to golf outings.

Q And I know this happened after you had retired from the FBI, but it is certainly one of the things that has generated a lot of controversy and a lot of theories around when Director Comey started formulating his press release or what he would say when he made the July early July release to the media about what he was doing with the investigation.

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In your experience, preparing a release a couple of months in advance of the case being closed and certainly of the primary subject being interviewed, is that unusual or

A I have never heard of it before, it happening before. In my experience, though, while I was on the seventh floor, I had not seen it, but I don't know if that's something that has occurred in the past because I have only spent, you know, one and a half out of my 25 years on the seventh floor, right, so I don't know if others have done that, as well, so I couldn't really comment.

Q Thank you.

BY MR. BREITENBACH:

Q Earlier, you said you used to receive, while managing the case, daily summaries?

A Yes.

Q Were those written daily summaries?

A Secret code. Yes, they were typed up, yes, with big letters so I didn't have to take my glasses off like some of the things you guys showed me.

Q How long do you think you would receive what period?

A Every day. I got one every day.

Q For how long?

A So, if we opened the case in July, we started the process right away, right. I wanted to have a record of the progress, so every day, you know, I got one of those, and actually, we got two. One went in my binder, and one I passed to Deputy Director Juliano.

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Q And who prepared those summaries?

A So the team, the investigative team. I don't know who on the team actually typed them out if it was the analyst or if it was Pete or if it was some other, you know, agent that was working the case. I don't know who typed them, but I know I got one every day.

Q Okay. Thank you.

[Recess.]

BY MS. KIM:

Q All right. We're going to go back on the record. It is 2:52 p.m., and this is the minority side questioning again.

Mr. Giacalone, thank you so much for bearing with us. I want to go back to the referral from the ICIG. In your experience with Peter Strzok, would it have been unusual for him to have ignored a lead that the ICIG suggested in referring the case to the FBI?

A You have to give it to me one more time now.

Q Yes. Would it have been unusual in your experience working with Peter Strzok for Peter Strzok to have personally decided to ignore a lead given to the FBI in a referral from the ICIG?

A He refused to

Q Follow a lead?

A follow a lead? I guess it depends upon like what lead are you talking about, right? So not all leads are created equal. If there was if he didn't follow up on a referral, that would be problematic. Whether it was, you know, some investigative guidance that was provided that, you know, maybe he chose that there was another

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course of action that was better, I mean that wouldn't be unusual. I would have to know specifically though what you're talking about as far as what this lead was.

Q Sure. Let me be a little more specific. So I'm going to reference testimony that a Representative gave in the hearing about the inspector general report. There has been an allegation made that the inspector general of the intelligence community made the referral on the Clinton case and then specifically

A On the what case.

Q On the Clinton email case and specifically mentioned quote, anomalies in the metadata, unquote. That was mentioned in a referral to the FBI, but the FBI never followed up with the ICIG on

A When, when was it referred?

Q Certainly. Our understanding is that that referral was made at the very beginning of the investigation?

A That there were anomalies in the metadata, and that we didn't follow up on that?

Q I think the allegation is that the FBI itself did not go back to the ICIG to communicate about what the FBI had found on the anomalies in the metadata.

A Oh, well, I didn't know that we had to report back to that team. I mean, so I can't answer that. I don't even know really what the heck you're talking about.

Q Understood. Understood. Let me take a step back.

In terms of cyber investigations, is the FBI pretty savvy in your

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general experience?

A Yes, there are guys that are very savvy.

Q And those were resources that would have been available to the Midyear team in tracing down leads on anomalies in metadata?

A Yes.

Q Okay. And do you have any evidence or reason to believe that the FBI team chose to ignore any valid leads on anomalous metadata?

A I have never heard that, right, so, yes, I don't have any knowledge of any of that.

Q Excellent. Thank you.

BY MS. HARIHARAN:

Q So I just want to quickly talk about the retired agents briefing that they gave you. Is that common practice for the FBI to do that in ongoing investigations or closed investigations?

A I wouldn't say it is common. But I would say that in this situation, it was it was necessary, right, because you had so many folks, you know, saying so many different things on different media, you know, with different media outlets, whether they be newspaper or TV or whatever, right. So I think to sort of straighten out the record and make sure that folks had a better understanding of what really happened I think it was important.

Now, at the end of the day, I don't know that it stopped some of the continued, you know, media participation by some, but at least I think the Bureau can say that they made an attempt to let folks know why they did what they did, which I think caused some concern amongst

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the retired agents community.

Q Were there any folks who were on that call who then were speaking to the media that you're aware of?

A I don't recall who was on the call to be honest with you. I know that I participated. I can't remember who else was on.

Q Shortly after the call, former Mayor Rudy Giuliani was going on TV claiming he was getting information from former and current agents and that he had a pipeline into the FBI. Are you familiar with his general comments at that time?

A I have heard that. I have heard the story.

Q To your knowledge, are you familiar with any former or current agents who were in communication with Rudy Giuliani?

A No.

Q Do you have any knowledge as to who his sources may have been?

A I don't know that he had any sources. I think because I think he retracted all of that after he said it.

Q Okay. There was another individual are you familiar with Jim Kallstrom?

A Yes, I am.

Q Are you aware if he was on that call?

A Like I said, I don't remember who was on the call.

Q Have you been in contact with him between 2015, 2016?

A No.

Q To your knowledge, would he have had firsthand information of the Midyear investigation?

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A Absolutely not.

Q Would you be surprised to learn that he did or that he was claiming that he did?

A No, nothing surprises me.

Q Do you have any reason to believe that he was getting information from specific FBI offices, especially the New York field office?

A Would that be surprising to me, yes, because the New York field office wouldn't have really anything to share as far as this investigation was concerned. They shouldn't have at least, right. I mean, they didn't play an active part of the investigation.

Q So you're not aware of any communications within the New York field office about disclosing information about the Clinton investigation either to Mr. Kallstrom or to the media in general or other individuals?

A I don't know what they would have had to disclose, right, so I can't really comment on that. I don't know that they would have anything.

Ms. Kim. Mr. Giacalone, thank you so much for your time today. That concludes your interview.

Mr. Giacalone. Thank you very much.

[Whereupon, at 3:00 p.m., the interview was concluded.]

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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

COMMITTEE ON THE JUDICIARY,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: EDWARD WILLIAM PRIESTAP

Tuesday, June 5, 2018

Washington, D.C.

The interview in the above matter was held in Room 2226, Rayburn House Office Building, commencing at 10:10 a.m.

Present: Representatives Meadows, Krishnamoorthi, and Jordan.

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Mr. Somers. Good morning everyone. This is a transcribed interview of Bill Priestap, assistant director of the Federal Bureau of Investigation's Counterintelligence Division. Chairman Goodlatte and Chairman Gowdy requested this interview as part of a joint investigation by the House Committee on the Judiciary and the House Committee on Oversight and Government Reform to conduct oversight in the Department of Justice's investigation of former Secretary Clinton's handling of classified information and related matters.

Would the witness please state his name and position at the FBI for the record?

Mr. Priestap. My name is Bill Priestap, and I'm the assistant director of the FBI's Counterintelligence Division.

Mr. Somers. On behalf of the chairman, I want to thank you for appearing here today, and we appreciate your willingness to appear voluntarily. My name is Zachary Somers, and I am the majority general counsel for the Judiciary Committee.

I will now ask everyone else in the room who is here to introduce themselves for the record, starting to my right with Robert Parmiter, who will be leading the questioning for the majority today.

Mr. Parmiter. Good morning. I'm Robert Parmiter. I'm chief counsel for the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations at the Judiciary Committee.

Mr. Baker. I'm Arthur Baker. I am investigative counsel for the majority staff, House Judiciary Committee.

Mr. Breitenbach. Ryan Breitenbach, senior counsel for the

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majority staff on the House Judiciary Committee.

Mr. Meadows. I'm Congressman Meadows from the 11th District of North Carolina.

Mr. Jordan. Jim Jordan, Fourth District of Ohio.

Mr. Castor. Steve Castor with Mr. Gowdy's staff.

Mr. Brebbia. Sean Brebbia, Mr. Gowdy's staff.

**(b)(6),(b)(7)(C) per FBI** [inaudible] Congressional Affairs.

Mr. Buddharaju. Anudeep Buddharaju, Mr. Gowdy's staff.

Ms. Green. Meghan Green, Mr. Gowdy's staff.

Mr. Koren. Michael Koren, Mr. Gowdy's staff.

Mr. Newman. Drew Newman, attorney at Skadden Arps.

Mr. Morgan. Matt Morgan with [inaudible].

Ms. Adamu. Marta Adamu, Oversight and Government Reform.

Ms. Wasz Piper. Lyla Wasz Piper, Judiciary Committee.

Ms. Hariharan. Arya Hariharan, Judiciary Minority.

Ms. Shen. Valerie Shen, Oversight Minority.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, Oversight Minority.

Ms. Kim. Janet Kim, Oversight Minority.

Mr. Somers. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I will go over.

Our questioning will proceed in rounds. The majority will ask questions for the first hour, and then the minority will have the opportunity to ask questions for an equal period of time, if they

choose. We will go back and forth in this manner until there are no more questions and the interview is over.

As I noted earlier, Mr. Priestap is appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that Mr. Priestap declines to answer our questions or if counsel instructs him not to answer, we will consider whether a subpoena is necessary.

Typically, we take a short break at the end of each hour of questioning, but if you would like to take an additional break apart from that, please let us know. We will also take a break for lunch at the appropriate point in time.

As you can see, there is an official reporter taking down everything we say to make a written record, so we ask that you give verbal responses to all questions. Do you understand that?

Mr. Priestap. Yes.

Mr. Somers. So that the reporter can take down a clear record, we will do our best to limit the number of Members and staff directing questions to you during any given hour to just those Members and staff whose turn it is.

It is important that we do not talk over one another or interrupt each other, if we can help it, and that goes for everybody present at today's interview.

Both committees encourage witnesses who appear before us for transcribed interviews to freely consult with counsel, if they so choose, and you are appearing with counsel today.

Could counsel please state your name and current position for the record?

Mr. Ettinger. Mitch Ettinger, on behalf of Mr. Priestap.

Mr. Somers. We want you to answer all our questions in the most complete and truthful manner possible, so we will take our time. And if you have any questions or if you do not understand one of our questions, please let us know. If you honestly don't know the answer to a question or do not remember it, please remember that it is best not to guess. Please give us your best recollection, and it is okay to tell us if you learned information from someone else. Just indicate how you came to know the information. If there are things you don't know or can't remember, just say so; and please inform us who, to the best of your knowledge, might be able to provide a more complete answer to the question.

Mr. Priestap, you should also understand that although this interview is not under oath, you're required by law to answer questions from Congress truthfully. Do you understand that?

Mr. Priestap. I do.

Mr. Somers. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Mr. Priestap. Yes.

Mr. Somers. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Mr. Priestap. Yes.

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Mr. Somers. Is there any reason that you are unable to provide truthful answers to today's questions?

Mr. Priestap. No.

Mr. Somers. Finally, I'd like to note that as the chairman of the Judiciary Committee stated at the outset of our first transcribed interview in this investigation, the content of what we discuss here today is confidential. Chairman Goodlatte and Chairman Gowdy ask that you not speak about what we discuss in this interview to anyone not present here today to preserve the integrity of our investigation. This confidentiality rule applies to everyone present in the room today.

That is the end of my preamble. Do you have any questions before we begin?

Mr. Priestap. No.

Mr. Somers. The time is now 10:16, and we'll get started with our first round of questions.

## EXAMINATION

BY MR. PARMITER:

Q Good morning, Mr. Priestap.

A Good morning.

Q As Zach just got finished saying, my name is Robert Parmiter, and I'm chief counsel for Crime and Terrorism at the Judiciary Committee here in the House of Representatives. I'm just going to ask you a couple of initial background questions before we sort of get into the meat of why you're here today.

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Did you review any documents to prepare for today's testimony?

A I did.

Q What did you review?

A I reviewed about approximately a hundred pages of documents, most of which, if I recall correctly, I was a direct party to, meaning they were documents either I authored or were sent to me or I sent to somebody else.

Q And when you say documents you authored, are you talking about emails?

A Emails, right. Yeah, by documents, I mean I absolutely include emails. Yeah.

Q And after or while reviewing those documents, did you speak with anyone in preparation for the interview today?

A Yes.

Q Who did you speak with?

A I spoke to Mitch Ettinger. I spoke to an associate of Mitch's, and I spoke to Robert Sinton, who is an Office of General Counsel attorney in the FBI.

Q And specifically with Mr. Sinton, what did you talk about?

A He had reviewed a set of documents in preparation for this for this interview. It was his understanding and my understanding that he was going to represent the FBI here today, and so he reviewed a set of documents. And we talked about, not the particulars of those documents, but some of the things that some of the issues that were highlighted in those documents.



Q And were the documents that he reviewed the same as the ones you reviewed?

A Yes, but I believe he reviewed more documents than I reviewed.

Q And when you speak about the documents he reviewed, which ones are you referring to?

A My Office of General Counsel gave me about 1,500 documents in totality, which it was my understanding that they thought had applied to my let's call it my interview today. So they gave me about 1,500.

I had a staffer who works with me on a regular basis go through those, and what I asked him is I said I wanted the documents in which I was a party. So, for example, I didn't if I wasn't a party to an email, I don't need to see it. So he culled those and pulled out the ones that related most directly to me. But it's my understanding that Mr. Sinton reviewed all 1,500.

Q And specifically to your role at the FBI

A Yeah.

Q when you introduced yourself, you said you were assistant director. Where are you assistant director?

A Of the Counterintelligence Division.

Q And what is your role as can I call it AD

A Sure.

Q in general?

A Absolutely. I oversee the FBI's counterintelligence efforts globally.

Q Okay.

Mr. Baker. When you say you're an assistant director, you're an assistant director of the FBI, but as far as the Counterintelligence Division, you are, in essence, the director of that division. You're the number one.

Mr. Priestap. That is correct. Yeah.

BY MR. PARMITER:

Q So before becoming AD, what were your positions at the FBI? And if you could provide not only the titles but also the corresponding dates, to the best of your ability.

A Sure. So I believe I became the assistant director of Counterintelligence in January of '16. For the year prior, I was a deputy assistant director in the FBI's Directorate of Intelligence at FBI headquarters. Prior to that, for I want to say about 18 months, I was a special agent in charge of counterintelligence in the FBI's New York field office. Let's see. Prior to that, I was a section chief in the Counterintelligence Division. I don't remember for how long, but probably at least 18 months, maybe 24 months, and I focused on a high priority threat nation.

Q So as my colleague, Mr. Baker, just referred to, it would be accurate to say that you are the top counterintelligence official at the Bureau?

A Yes. Yeah.

Q And so your title at FBI from spring of 2016 continuing into 2017, would have been assistant director at that point?

A Yes. Yeah.

Q And so the purpose of this interview today, you're familiar with the Midyear Exam investigation?

A I am. I inherited it in January of 2016.

Q So what was your role as AD as it pertains to the Midyear Exam investigation?

A Again, as assistant director, I am responsible for all FBI counterintelligence investigations at the end of the day. Obviously, we have so many that I can't be intimately involved in all of them, nor can I be intimately involved in all of our let's just call them other counterintelligence efforts. And so I try to prioritize and generally have a few cases at any one time that I believe require my personal interaction and oversight of, And Midyear Exam was one of those.

And so as a result, I had regular meetings with the what I'd call the primary investigative team that was doing the day to day work on it. In other words, I would meet with them and ask for updates. I would ask the leaders of that effort if there was anything they needed from me and/or others higher ranking in the FBI or Department of Justice, do they have the tools, resources, that type of stuff that they need.

Q Okay.

BY MR. SOMERS:

Q Who was on the primary what you just characterized as the primary investigative team?

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A I don't know every member by name, but

Q Types of positions and

A Yeah. So I guess what I'd refer to as the core management of the investigative effort: Peter Strzok; Jonathan Moffa, M o f f a; (b)(6),(b)(7)(C) per FBI. And then we had an Office of General Counsel attorney who was also in, if not every, most every important meeting that I held on the topic because I trusted her judgment. And her name wa (b)(6),(b)(7)(C) per FBI. I guess, to me, core management is that group of people.

Q And then the rest of the team, just in terms of types of people, are we talking

A Agents and analysts, line agents and analysts.

Q What about line attorneys?

A Line attorneys?

Q I guess let me back up for a second. This primary investigative team, was that primary investigative team the FBI or are we talking FBI and Main Justice?

A No, I'm sorry. I was just talking about the FBI team. Yeah. There was a core Department of Justice team, but I I had some meetings with them. I didn't have regular meetings with them.

Q Okay. So there's the primary investigative team. And then from previous interviews, there was also, correct me if I'm wrong, a midyear review team that was maybe more of an executive team?

A No. I'm not I guess I'm not familiar with that.

Q With that terminology?

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A Yeah. No.

Q Was there a group that you're familiar with that met with the Director?

A Oh, yeah. Yeah, absolutely.

Q And who from this primary investigative team was on that second team that met with the Director?

A Yeah. So I guess I hesitate to call it a formal team. Obviously, the Director, at the time Director Comey, and Deputy Director McCabe, for the same reasons that I prioritized this investigation, they wanted regular updates, what have you. So when they would request a meeting, me and some select the people I mentioned would go up for that, but, again you can call it whatever you want. I didn't consider it a team. It's just they're the leaders of the organization and they're seeking updates, input, what have you.

I believe your question was about who was in generally in those meetings.

Q Who from the investigative team was in those meetings?

A Yeah. So whether it was chaired or hosted by Director Comey or Deputy Director McCabe, those meetings would include me; Peter Strzok; John Moffa; sometimes but not always (b)(6), (b)(7)(C) per FBI; sometimes but not always, if I recall correctly, Trisha Anderson. She's a deputy general counsel at the FBI. They usually included Lisa Page, who was a counsel, Office of General Counsel attorney assigned to the deputy director. Jim Rybicki was in most if not all of those. He was the FBI Director's chief of staff. I feel like I'm forgetting one.

Mr. Boente. What about Stephen Kelly?

Mr. Priestap. No. No Congressional Affairs representatives, no press representatives.

Mr. Breitenbach. Jim Baker?

Mr. Priestap. Yes, I'm sorry, that's who I was forgetting. The general counsel himself was often in those meetings, Jim Baker.

Mr. Breitenbach. And who is (b)(6),(b)(7)(C) per FBI you had mentioned before?

Mr. Priestap. S (b)(6),(b)(7)(C) was the and he was (b)(6),(b)(7)(C) was not in those meetings. (b)(6),(b)(7)(C) was we refer to it as supervisory special agent, SSA. He was the, I term the core day to day supervisor of the investigative effort. So in a field office parlance, like he would have been in charge of the squad. So he was in charge of the investigative team, the working level, all the day to day stuff.

So we purposely, while we asked his opinion on all kinds of things, we didn't want him to be tied up in all those other meetings because he needed to advance the investigation. Somebody's got to ride herd on all the people doing the work.

BY MR. BAKER:

Q As the investigation evolved, were there more teams besides the investigative team that would have been on an org chart, like a filter team when they started looking at

A Oh, yeah. Yeah, yeah, absolutely. Certainly, a filter team, but and lik (b)(6),(b)(7)(C) per FBI would have engaged with them a whole lot, but I didn't engage with the filter team. I guess I didn't I never consider a filter team as part of the core investigative team.

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They're a resource to assist the investigative team with, you know, what we can and cannot review.

Q So on an org chart, there would have been a lot more than just this investigative team that you named? It would have been

A Yeah.

Q considerably bigger?

A Yeah. And on the investigative end, don't hold me to the numbers, but I think it's 15, 15 or so, in the neighborhood of 15 or so agents or analysts who I did not name, meaning they're doing the day to day work.

BY MR. SOMERS:

Q Then in terms of the day to day work, so that's 15 FBI personnel. What about personnel from U.S. Attorney's Offices or Main Justice?

A I don't know the full numbers, but I can recall meetings with Eastern District of Virginia. I know they had at least two people heavily engaged. And Main Justice at the line level had at least two people heavily engaged.

Q Do you know which division?

A National Security Division at DOJ.

Q And these were people who stayed involved throughout the for the most part?

A Yeah. Again, I inherited it about halfway through the life of the investigation, so all I know is from January '16 onward.

So but, yeah, they stayed involved from January '16 onward. As far

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as who might have been there prior to that, if they switched anybody out, I just don't know.

BY MR. PARMITER:

Q So a few minutes ago, you talked about how there's so many cases in CD at any one time.

A Yes.

Q At any one time, can you ballpark the caseload? How many active cases are there?

A Yeah. No, I do know the number, but I'd rather not. It's classified, so I'd rather not. But let's just say it's in the thousands.

Q Okay, that's fine. So then subsequent to that, you said that there are a few that require sort of your personal attention as the assistant director?

A Yes.

Q Can you ballpark that number or, you know

A Yeah. It ebbs and flows, but at any one time, it could be anywhere from 3 to 10 that require, I'd just argue, greater oversight/management/involvement from me.

Q Okay. And what sort of considerations go into deciding when a particular case requires your personal attention?

A A variety of them. You know, everything from potential impact on the organization to potential level of the gravity of the threat to level of the complexity of the operations we're engaged in to which partners, because the partner relationships are important in

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a lot of ways, so which partners are engaged and, you know, how important is this to them. But a whole bunch of factors enter into my prioritization calculus.

Q Identity of the subject?

A Yeah. Well, in regards to I guess I'd get back to the first one, potential implications on the organization I can't turn a blind eye to. If it's a high profile subject, there's likely going to be greater scrutiny on the FBI's actions afterwards. And I certainly that is certainly something I take into account.

Q Okay. But there's no sort of, you know, process by which you decide to get personally involved in a case?

A No, no. It's a I guess I'd call it my own my own prioritization. But, obviously, what my bosses are asking about enters into that as well. And, I'm sorry, I neglected to mention that. In other words, if it's a priority for my direct chain of command, it will become a priority for me, because I'm accountable to them.

Q Sure.

A I'm sorry, if I could turn back. I did forget somebody as far as being in those meetings. But he wasn't in a lot of them, but he was in some, and that was executive assistant director Michael Steinbach. He was my direct boss at the time.

Mr. Ettinger. Which meetings are you referring to?

Mr. Priestap. I'm sorry, the meetings in which Director Comey or Deputy Director McCabe held.

BY MR. BREITENBACH:

Q You also mentioned EDVA and NSD?

A Yes.

Q Can you recall any of the attorneys by name in either of those offices or their supervisors at the time?

A It's horrible, but I don't recall the EDVA meetings, although I was in a few meetings in which EDVA attorneys, although I was in a few meetings in which they were present.

On the DOJ side, (b)(6),(b)(7)(C) per FBI was one of the attorneys heavily involved. And I'm forgetting his cohort's name. (b)(6),(b)(7)(C) per FBI  
(b)(6),(b)(7)(C) per FBI

Q And the directors of each of those divisions at the time that would be overseeing their work?

A I remember George Toscas, I believe, oversaw their work at DOJ. I believe George reported to Mary McCord, who reported to John Carlin.

Mr. Somers. Any of those individuals you just mentioned, were they involved in this meeting with the Director the meetings with the Director?

Mr. Priestap. No, no. I can remember one one meeting. And there were probably more than one, but I can remember one in which George, (b)(6),(b)(7)(C) per FBI a d (b)(6),(b)(7)(C) per FBI were present, but not with the Director. That one was with the deputy director.

Mr. Somers. But that one was a similar topic, the one

Mr. Priestap. Meaning of this investigation, yes, absolutely.

BY MR. BAKER:

Q Mr. Priestap, you had said that because of the sheer volume of cases, not every matter could have your direct attention. You had to, you know, kind of pick and choose, but the subject of a certain case might require your attention.

A Yes.

Q Is it true that in any case there would be certain things that would go to you, regardless of the nature of the case, certain approval levels, use of sophisticated techniques, regardless of the type of case, because of your position

A Yes.

Q that would flow through you?

A Yes. Yeah. No, absolutely. So not every case is is going to entail things that require my approval, but certain activities on behalf of the FBI require my approval, no matter what cases they're touch I mean, which counterintelligence cases they're touching on. So, for example, things like agents wanting to travel overseas in furtherance of an investigation, that requires approval from me. So the justification has to come to me. But in not every counterintelligence case the agents are going to ask to do that, so it's not like I'm approving everything in every case, but certain activities like that require my approval.

Q I'd like to back up just a step. You indicated you inherited this case. So a prior AD took over it. Do you have any idea how it ended up being a counterintelligence matter as opposed to maybe something along the lines of public integrity?

A I don't. Yeah. No, I wasn't there for those decisions.

Q Were there any discussions during your tenure as the AD about it needing to be a different classification, or were there field offices external to the team that felt it should have been what you call I think a [REDACTED] matter?

A Not that I recall. There certainly could have been those conversations, but I don't recall ever being a party to one.

Q Okay.

Mr. Jordan. Mr. Priestap, you said you approve travel overseas for agents. Do you ever travel overseas?

Mr. Priestap. Yes.

Mr. Jordan. How often?

Mr. Priestap. As little as possible. I married late and I have young kids, and I try to see them, if possible, once a day, at least.

Mr. Jordan. How many times in a year?

Mr. Priestap. Overseas, maybe twice.

Mr. Jordan. Okay.

Mr. Priestap. Maybe three times at the most.

Mr. Jordan. Thank you.

Mr. Parmiter. So, sir, you also in addition to another question about you sort of inheriting the investigation. We just talked for a while about the makeup of the team or teams, the investigative team, the team that briefed the Director.

Mr. Priestap. Yeah.

Mr. Parmiter. How were those teams selected, particularly the

investigative team?

Mr. Priestap. Yeah. I don't know, meaning it was selected before I I inherited the investigation and I inherited the investigative team.

BY MR. BAKER:

Q But there would have probably been people that were on the team during your tenure that left and others needing to backfill, or maybe as the investigation evolved, new people added to accommodate new roles?

A It's certainly possible that happened, but I don't recall it happening. I'm searching my brain. The only thing I can think of is we might have and, again, this is not definite, but we might have added somebody with cyber, an additional person with cyber expertise, you know, midway through the organiz midway through the case or so. But otherwise, there was intentionally not much turnover. This was, we refer to it as a close hold matter. We intentionally that included when I became responsible for it. It wasn't something we wanted to expose a lot of people in the FBI to if we could prevent it.

Q What is a special investigation, a headquarters special? I've heard that term used.

A Yeah. I don't know that it's a formal FBI term at all. Actually, I don't think it's a formal FBI term. I think what they're referring to, and wouldn't say this is commonplace in counterintelligence, but this isn't this isn't rare that it happens, is that some investigations are so close hold and require such

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oversight, close oversight at FBI headquarters, that a decision is made by the highest levels of the FBI that the investigation is actually run out of FBI headquarters as opposed to a field office.

Q Was that the case in this instant matter?

A It was. But, again, I go back to that decision was made prior to January 16 when I became responsible for it.

Q That's the structure of the case when you came on and that's the way it stayed?

A Yeah. And I was not involved in any of the decisions for setting that up, what have you. So I don't know why they decided to go that way at the time, what have you.

Q So what is the distinction in that type of case, that headquarters' role is different, it's being managed closer at headquarters or it's actually being investigated by headquarter agents?

A Yeah. No. Say the first part of what you mentioned, which it is being managed by FBI headquarters. What happens in those situations and, again, this happens in other situations as well, meaning this is not the first case. I could name other cases, but for classification purposes, I want to make sure that would be allowed, so I don't want to right now.

What they do is they form a team, and it's generally made up of they will draft agents from field offices, and they'll couple them with select agents and analysts from FBI headquarters, basically say, your full time job right now is this investigation. And so, you know, their

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offices, computer terminals, everything, they relocate from the field office and get a working space at FBI headquarters. Then they work the investigation from FBI headquarters.

The big difference is FBI headquarters, management, and executive management are in the building, and so it's a lot easier to get regular, timely, accurate updates on what's happening.

Q So for purposes of going out and doing an investigative matter in the case, doing an interview, recording that interview on a 302, would that be done by these agents that have been brought in by the field, or would that

A Exactly, yes.

Q So that would not be done by people who were normally at headquarters in a managerial capacity?

A Yeah. No, it could have been. Again, not not knowing with the key people doing, you know, the interviews, evidence review, what have you, I don't know, because I didn't choose them, I don't know all of their previous role before they were called to this team. But in my experience, they were generally case agents at an FBI field office or they were supervisory special agents at FBI headquarters, which is the lowest the first, I should say, first level of management at FBI headquarters. And those people have usually most recently been in a field office and they could be refocused to become a street agent again, in effect.

But, again, I don't know, of the 15 or so folks, where they were all drawn from. It's my understanding some were drawn from a

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Washington field office, but not all.

Q Okay, thank you.

BY MR. SOMERS:

Q In general, I mean, not to this investigation, it sounds because you said you weren't there when this investigation started, it sounded like to me that to pull agents from a field office, I mean, someone you can't just be the secretary and a secretary and do that. I mean, someone has to approve that. At what level would something like that be approved?

A At least at the assistant director level, where I sit, the position I'm in, generally. Generally there. And I say generally. If a field office really, really resisted and the assistant director felt strongly, hey, we really need this person on the team, it could be elevated further, but generally, that would be worked out at the assistant director level or lower.

Q And would you know, just in general, particular agents at a field office or would you just ask for agents?

A So it can be done in a variety of ways. I've seen it in two ways: one, in which individual people are hand selected. They get a call from somebody in management at FBI headquarters who said, hey, we've got this unique, sensitive investigation. We need help. Would you be willing to help?

Other times, we do what is called a canvass, in which a communication is sent to all field offices. And generally, in the canvass, they're not going to go into great detail, but they'll say,



we have a sensitive, unique investigation and we're looking for people to participate. And it could be for 6 months or 3 years, whatever it is. If you're interested, please apply, forward your name. And then they can go through how many people applied and select people that way.

I don't know, in this instance, what was done, but it's my understanding it was the first, that people were hand selected.

Q Do you have any understanding of who did that hand selection?

A No.

BY MR. PARMITER:

Q Who was your predecessor as assistant director or the assistant director when the team was formed, to your knowledge?

A Sure. His name was Randy Coleman. That's who I replaced in January of '16.

Q And recognizing that, again, you know, you weren't there when the team was formed, I guess I'll just ask this generally. As a general matter, when you have an investigation that, you know, to use your words, was as sensitive as it was, you know, gravity of threat, ID of subject, the effect on the organization, do agents go through any kind of screening process when there is a headquarters special or an investigation like this before being placed on the team?

A I don't know of a formal screening process for that. Again, if they're hand selected. Now, arguably, if there was a canvass and people are submitting because they would have to submit paperwork to say, hey, I'm interested I guess you could call the review of that paperwork some type of screening. But I don't know of any special

security screening or anything like that done on it.

Q Okay. So when the paperwork and I'm not necessarily the process doesn't have to be formal, but, you know, are things like conflicts of interest examined, generally?

A I don't think formally or generally. If it if somebody is aware of something like that and the right people are made aware so let's say you have a concern and you let somebody in the managerial chain know about your concern, it absolutely would be considered. But I don't think there's a proactive effort on behalf of the organization to look for potential conflicts of interest.

Q The FBI has an Office of Integrity and Compliance, though. Is that correct?

A Yes, yes.

Q So what is the role of that office?

A They do a variety of things.

Q And maybe not as generally. Let me ask the question a little more narrowly. As it pertains to, you know, whether or not agents have biases or conflicts, is that something that, you know, I'll call them OIC is generally involved with looking at?

A Yes, if they're aware of it. If they're not aware of it, then, no, of course.

Q So did you have occasion to consult with any ethics officers, or do you do so on an ongoing basis or with OIC, in your role as agent?

A Oh, in my role, yeah, it absolutely comes up. I don't remember it coming up in regards to this investigation at all. But

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I have interaction with that office. I try to steer clear of any conflicts of interest. So when I have a concern, I see them.

Q So specifically with respect to interviews, when was the last time you conducted an interview? These are the tricky questions.

A Yeah. So an interview on behalf of the FBI as an FBI agent?

Q Correct.

A I would think the 2003 timeframe.

Q And what about attend an interview during the course of an investigation?

A Attend an interview. I was a supervisor and an assistant special agent in charge in the New York office, supervisor for counterterrorism, ASAC in Counterintelligence. I'm thinking out loud here. But there could have been an occasion in that managerial role that I sat in on an interview, but nothing is coming to mind. But it wouldn't it's not so out of the ordinary. Supervisors and sometimes even ASACs sit in on an interview, but they're not doing it regularly.

Q And when they're sitting in, are they sitting in in a supervisory capacity and not actually asking the questions?

A Yes. Or at least in my experience, they are. If I ever sat in, I wasn't sitting in to ask questions.

BY MR. BAKER:

Q You would have done investigations, internal investigations as part of your career development, wouldn't you, as you move through the ranks?

A Oh, yes. Yeah, absolutely.

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Q So that would have probably been investigations later than your field type investigations?

A Yes. I'm sorry. To become to get promoted in certain things, you have to do what the FBI refers to as internal investigations about potential misconduct of some of our own employees, and I would have been an interviewer in those instances. You do one or two. You don't do too many. It's not a full time job. Well, it is a full time job for some. It's not a full time job for the rest of us. It's just a requirement that they make us do.

Q And the reason that the Bureau has that as a requirement for managers climbing up through the ranks, I assume, is to let the potential leaders, executives that are on their way up develop a sense for wrongdoing and misconduct and how to effectively investigate and make recommendations for discipline when the investigation is completed?

A I think that's exactly right. And the only thing I'd add is to expose us to the type of personnel challenges that as managers in the organization you could be confronted with. Absolutely.

BY MR. BREITENBACH:

Q You mentioned that you may recall having participated in an interview as ASAC, or assistant special agent in charge?

A No, I don't. And if I said may, I'm sorry, I misspoke. I don't recall, but I guess my it could have happened as a supervisor, as an ASAC, but if it did, I'm not remembering.

Q What is the equivalent of an ASAC at headquarters? Is there

an equivalent position?

A The closest equivalent is a section chief. So an ASAC is the first executive level position in the field office. And the only I say the first. Above that is the special agent in charge, who's the head of the office.

Q So what's the equivalent of an SAC at headquarters?

A At headquarters, an assistant director, or close enough. Maybe that's not it depends. There's a lot of fluidity between SACs, deputy assistant directors, and assistant directors. I know this: generally, when an SAC has a problem, he calls me. He doesn't call above me. So if that

Q Thank you.

BY MR. BAKER:

Q But an ASAC would generally be promoted to a section chief?

A Exactly.

Q Not the reverse?

A Correct.

Q If a section chief got moved to an ASAC, that would be a demotion?

A A demotion, yes. A section chief is the first senior executive service, we refer to as SES level in the FBI. That's a section chief.

BY MR. PARMITER:

Q I believe you stated earlier, sir, that Mr. Steinbach was your immediate superior as executive assistant director. Is that

correct?

A Yes.

Q So with regard to the matter at hand, the Midyear Exam matter, did you report to Mr. Steinbach?

A Yes, mostly. Mr. Steinbach wasn't I forget the exact amount of time he was in that role before he retired. And so there were plenty of times Mr. Steinbach wasn't available. Also under his responsibility were counterterrorism was counterterrorism.

Mr. Steinbach, in my opinion, is a counterterrorism expert. And so he often spent an awful lot of his time on counterterrorism, high pressing counterterrorism matters. And so, again, when he wasn't available, I would report directly to the deputy director.

Q To the deputy director?

A Yes.

Q Who at the time was?

A Andy I think yeah, I think it was Andy McCabe.

Q Okay.

A I'm trying to think when it initiated, if he was there on day one. But if he wasn't, it was shortly thereafter when I came onboard.

Q But primarily to Mr. Steinbach, and when he was unavailable, to Mr. McCabe?

A Exactly, yes.

Q And who briefed and updated you with respect to essentially, what I'm trying to get at here, what was the chain

of command as it pertains to the Midyear Exam?

A Yes. So think of it as a core group of people doing the investigation. Above them was (b)(6),(b)(7)(C) per FBI, the supervisory special agent, leading that day to day effort. (b)(6),(b)(7)(C) reported to Pete Strzok and John Moffa.

And Pete, John Moffa, a (b)(6),(b)(7)(C) per FBI would be the ones I would get regular updates from. I wanted all three there, because they had different perspectives. Pete was an agent, John was an analyst (b)(6),(b)(7)(C) per FBI was an attorney. (b)(6),(b)(7)(C) per FBI didn't have an investigative role, but she had a legal role.

Q How regularly did you receive updates from Mr. Strzok, Mr. Moffa, a (b)(6),(b)(7)(C) per FBI?

A At least I want to say, schedule allowing, I'd probably say, on average, at least 3 days a week, although there were some weeks that I think it was almost every day.

BY MR. BAKER:

Q Were these people just professional acquaintances or were any of these personal acquaintances that you would socialize with as well?

A No, I don't think I I think once in my career I socialized with Peter Strzok. Peter was in my academy class. So once we were at the same thing, work thing or not work thing. But otherwise, nobody was a personal acquaintance. They were all professional acquaintances.

Q You were asked and answered before. Your role as AD, you

are the number one counterintelligence official for the Bureau. Your deputy, Mr. Strzok, would he be the number two in the Bureau?

A Yeah. The only thing is when he when I inherited the and I'm sorry. As a deputy assistant director, he wouldn't be number two, only because there's three number twos. So there's three deputy assistant directors in Counterintelligence.

Pete, by the end of this investigation, had become a deputy assistant director, but that's not he wasn't in that position when he started.

Q What is his not rating, but is he viewed as a knowledgeable counterintelligence person, his training to that point has primarily been in that program and his expertise is recognized?

A Yeah. I am not a somebody who has spent my entire career in counterintelligence. I love counterintelligence, and I'm fortunate enough to fall into it the last few years of my career. Pete, though, I understood, was counterintelligence almost if not his entire Bureau career, and he was considered one of, if not the foremost, counterintelligence expert on the agent end at the FBI.

Mr. Somers. You described a few moments ago a situation where, you know, if Mr. Steinbach wasn't available, maybe you would report directly to Assistant Director McCabe. Would a similar situation exist if you were not available and Mr. Strzok needed to report something up? Where would he

Mr. Priestap. Sure. Yeah. So if I'm not present and I couldn't be present for a number of reasons, he could either go direct with Mike



Steinbach; and if Mike wasn't available, he could go direct with Andy McCabe.

Mr. Breitenbach. You just mentioned that you have more recently been in the counterintelligence world. Do I presume that previously, you were in the criminal world of it?

Mr. Priestap. Yeah. I started my career in criminal; the middle of my career was mostly terrorism, or counterterrorism and intelligence; and the latter part I think of it in thirds the latter part has been mostly, not all, but mostly counterintelligence.

Mr. Breitenbach. Okay. Can you explain I'm sort of trying to understand the purpose of an investigation on the two sides of the house, the purpose of an investigation in the Criminal Division versus the purpose of an investigation in the Counterintelligence Division?

Mr. Priestap. Sure. I guess I'd respond this way, that the Counterintelligence Division is primarily responsible for protecting America's vital assets, anywhere from state secrets to trade secrets, from foreign adversaries. That said, the Counterintelligence Division, I'm not sure why this ever came to be, but is also responsible for mishandling cases or potential cases of mishandling of classified information. So the Counterintelligence Division traditionally handles those.

I'm not certain, because I wasn't, of course, there and I think the decision was made a long time ago, as to why the FBI FBI Counterintelligence would be responsible. At least in my mind, the only thing that really makes sense is that when there's mishandling

of classified information, there's always the worry it could end up in the hands of our adversaries. By adversaries, I mean state adversaries.

And so, again, at some point, the Bureau decided a while ago Counterintelligence ought to handle potential mishandling cases as well. It's the same with media leaks, because some of that, media leaks, unauthorized disclosures, I think the thinking is that that information, certain information, if made public, could end up in the hands of a state adversary, harming U.S. interests. The Counterintelligence Division is also responsible for unauthorized disclosures or what many people call media leaks.

Mr. Meadows. So media leaks are under your direct supervision?

Mr. Priestap. They are.

Mr. Somers. Media leaks, if we can clarify that a little further. Media leaks of any type of information or media leaks of classified information?

Mr. Priestap. Yeah. So what the FBI investigates and, again, it falls under the responsibility of Counterintelligence is the unauthorized disclosure of classified information. So those are those are what we have an interest in.

Mr. Meadows. So how do you work with your public affairs liaison, because you say unauthorized?

Mr. Priestap. Yes.

Mr. Meadows. I mean, who authorizes strategic leaks?

Mr. Priestap. Sir, I'm not involved in those discussions.

Mr. Meadows. But how would you know they were unauthorized, I guess is my question?

Mr. Priestap. We often get referrals. So we're not responsible just for the FBI. The bulk of our work comes from other government agencies, who thinks

Mr. Meadows. I'm talking specifically about the FBI and unauthorized information being shared with the media. Does that come under your direct supervision?

Mr. Priestap. Yeah, absolutely.

Mr. Meadows. And so how would you know whether it's authorized? I mean, does it get authorized at a level above yours, or how would you know that?

Mr. Priestap. Again, I'm not involved and haven't been involved in any discussions about, I think you call it strategic leaks from the FBI. I've never been in a conversation about that topic. So I don't know. If it does go on, I'm not privy to it.

Mr. Meadows. So you've not investigated any media leaks as it relates to the FBI since you've been in your position?

Mr. Priestap. No, no, I have. But in those instances, let's say and I want to say one or a few came from Counterterrorism and one or a few came from Counterintelligence. If we see information that we believe is an unauthorized leak of FBI information, that will be brought to my attention in Counterintelligence.

I will then go to my direct boss, executive assistant director, and I will also go to our head of Office of Public Affairs, basically

our press office, my equivalent there. And I'll say, hey, this is this is this stuff is out there. Are there any concerns with the FBI opening an investigation on this?

So meaning make people aware so, to your point, if there was somebody had authorized it, what have you, that I'm not aware of, they get the opportunity to weigh in before I start investing time and energy on it.

Mr. Meadows. Thank you.

BY MR. PARMITER:

Q Sir, it seems like the intent of a counterintelligence investigation may not be prosecution, and that's maybe something that distinguishes it from sort of a more traditional criminal investigation. Would that be correct?

A Yeah. No, I appreciate you saying that. Our objective, again, is to protect vital assets. Sometimes the best way to protect is via prosecution. Often, it's through a whole variety of other things, from intelligence collection to disruption to you name it. The goal is to protect. The goal isn't the primary goal isn't just prosecution. Prosecution is one tool we use to protect.

Q Are there ever situations where you have sort of a case which involves a hybrid, because

A Oh, yeah, absolutely.

Q Yeah. So, for example, if there's conduct that, you know, may be a violation of the criminal law of the United States, and at the same time, obviously, there's a strong counterintelligence

interest in that.

A Absolutely. We do a number of cases that are prosecuted, but it's just again, it's one way we can go with cases. It's not the only way. What I'm trying to say is we do have a lot of law enforcement experience, but that's not the extent of our toolkit. It's just a part of it.

BY MR. SOMERS:

Q How do the two relate? So the is a criminal prosecution more likely if counterintelligence information or, I'm sorry, if intelligence information was divulged or did get in the hands of an adversary? I'm sorry for the inarticulate nature of that question. I'm trying to get my thought out.

So you've described like two tracks. There's the criminal track that a counterintelligence investigation can take and there's just the did a foreign adversary gain intelligence information track of the investigation. And I'm wondering how those two tracks relate and whether the gaining of intelligence information by a foreign adversary would in any way impact the criminal side of the investigation?

A Yeah. So I don't want to give you the impression here today that that a case goes down one of those two tracks. What I'm trying to convey is that in counterintelligence, those two tracks, we're kind of looking at throughout. And so

Think of it this way. I'll try to keep it at unclassified. If there's a spy in the U.S. that we know is breaking U.S. law, but he's also hurting us in other U.S. Federal criminal law, also hurting

us in other intelligence constructs, it may or may not be appropriate, and we'll balance are we going to pursue him to try to arrest him at the end of the day or are there other things we can do to stymie his activity and/or turn around for U.S. intelligence community gain.

And there's often, you know, debate and robust conversation as we go throughout of are we going to go more the law enforcement. It's really not until you're forced to make a decision sometimes at the end that you can choose one way or the other, because you're kind of weighing it through time what is the biggest benefit to the Nation here, is it to do a prosecution or is it not? And so, again, what I'm trying to convey is our cases often straddle that line and we're back and forth a lot and debating a lot on which direction to go, what have you.

Q And when you

A Almost think of it as like national security law enforcement. What tools we use depends on specific facts that we're dealing with.

Q And in January of 2016, when you became involved in the Clinton email investigation, what track was it on?

A I think it was on both, meaning both a potential law enforcement and potential national security. And by that, I mean on the law enforcement is what, if any, Federal criminal laws might have been violated and, if so, by whom. And on the national security, if, in fact, there was mishandling of classified information, did that fall into the hands of a state enemy and, if so, what implications, if any, were there for the U.S. as a result.

Q At some point, did that national security aspect of the case,

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did that aspect of it close?

A Only when the entire case closed, yeah.

BY MR. PARMITER:

Q Sir, if it's sort of dynamic in that regard, when

A Good adjective.

Q you're trying to decide whether or not it's criminal or it's counterintelligence as the case is ongoing

A Yeah.

Q wouldn't it be fair to say, depending on the character of the case, you're collecting different sorts of evidence or

A Certainly trying to, yeah.

Q But, you know, you're collecting you know, if it's a counterintelligence investigation, you're looking for evidence, you know, that ordinarily would support, you know, perhaps maybe a prosecution or a further investigation in the counterintelligence realm; whereas if it's a criminal investigation, you are the objective is prosecution, where you're collecting evidence, you know, of the defendant's misconduct.

A Yeah.

Q Is that fair to say?

A It is. It's just, in my experience, like sometimes intelligence is evidence and sometimes evidence is intelligence. I mean, sometimes it can be the same thing. It's just what do we decide to use it for? And if it's through an intelligence construct, people refer to it as intelligence. If you go the law enforcement route,

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people will call it evidence. It could be the same piece of information.



[11:10 a.m.]

BY MR. PARMITER:

Q It can be, but

A It can be. It isn't always.

Q So

A Sometimes evidence isn't really good intelligence.

Q Right.

BY MR. BAKER:

Q In your role of protecting national assets, I'm sure hostile intelligent services, as they do what they're doing and you're doing what they're doing to counter what they're doing, a real goal for them would be to infiltrate or penetrate the U.S. Government, especially two people with people that do the kind of work that you do.

How important, in your line of work and your role as an AD, is personnel security, making sure that your employees do not do things that make them vulnerable?

A It's I'd argue it's very important for all FBI personnel, very important for all United States intelligence community personnel. And it's especially important for FBI counterintelligence personnel. We know, because of our work, our adversaries' capabilities, and they're not to be scoffed at.

Q Could you give examples of what would potentially make someone vulnerable to a recruitment or whatever?

A Sure. A whole variety of things: drug abuse; alcohol abuse; being in difficult financial straits; affairs, if you're

married, extramarital affairs. I'm sure I can think of others, but the I guess I'd rather not go into too much more detail there just because of a classification level, but I don't know if

Q Okay.

A I want to make sure I'm satisfying the question. But a variety of personal behaviors could make somebody more susceptible or vulnerable to foreign recruitment than other behaviors.

Q And that is made known to FBI employees?

A Absolutely.

Q They're reminded they're trained.

So Mr. Strzok, as the number one agent of FBI, he would be aware of vulnerabilities and trade craft of adversaries?

A Absolutely. Absolutely.

Mr. Jordan. Bobby, could I do a couple before our hour's up.

Okay. I want to go back up, Mr. Priestap, to the comments you made about travel. You say you approve all the agents' travel.

How many rough guess, how many agents do you how many trips do you approve in a typical year?

Mr. Priestap. I want to say, you know, at least somebody on a weekly basis.

A lot. A lot.

Mr. Jordan. A lot.

Mr. Priestap. Yeah.

Mr. Jordan. 50 some a year?

Mr. Priestap. Absolute estimate, but I get a written

communication that I have to approve. It's on an electronic means, and I feel like I I sign a lot of those.

Mr. Jordan. And earlier I asked you how often do you travel, you said as little as possible because of family concerns, that we all understand.

Mr. Priestap. Yep.

Mr. Jordan. And then you also said twice a year.

So you've been you've been Director 2 1/2 years.

Mr. Priestap. Yep.

Mr. Jordan. In that time frame, how many times have you traveled abroad?

Mr. Priestap. Overseas?

Mr. Ettinger. And while you're thinking of that, you could two to three times.

Mr. Jordan. Is it fair to say half a dozen times in the last 2 1/2 years?

Mr. Priestap. I want to say less. I want to say I've had to cancel some trips. I want to say three times.

Mr. Jordan. Three times. And can you tell me where you went?

Mr. Priestap. The ones I'm remembering are the U.K., London.

Mr. Jordan. All three times to London?

Mr. Priestap. Yeah. I'll search my memory, sir, and see if I can remember any others. But the ones I'm remembering off the top of my head were all London.

Mr. Jordan. Do you happen to remember the dates you went to

London?

Mr. Priestap. No.

Mr. Jordan. All right. Thank you.

Mr. Priestap. Sir, I'm sure I can obtain that through FBI records, but I

Mr. Jordan. Yeah. Thank you.

Mr. Priestap. I don't.

BY MR. PARMITER:

Q So, sir, you just we just have a couple of minutes left in this first hour.

I mean, you had just, in response to my colleagues' questions, talked about a few of the things that would be considerations for whether or not a particular agent was vulnerable.

A Yes.

Q One of them was affairs. So you're absolutely, it's been publicly reported about Mr. Strzok and Ms. Page having engaging in an extramarital affair.

A Yes.

Q Did you have any knowledge of that while it was going on?

A No. And I say no. Sometime I apologize. I don't remember the time frame. I don't even want to surmise on the time. I don't remember the time frame.

But after Pete had been reporting to me for a considerable amount of time, somebody brought to my attention that that behavior might be going on. And so that's when it I became aware that that was a

possibility.

Q So someone who works at the FBI?

A Yes. Yep.

Q And can you say who that person was?

A I Dan, there's it's going to be it's going to be one of two, but I don't know which one.

Mr. Boente. Okay. To the best you can.

Mr. Priestap. Okay. If I recall correctly, it was eithe (b)(6),(b)(7)(C) pg

[REDACTED] and Jonathan Moffa.

BY MR. SOMERS:

Q About when was this?

A What is today? I would guess I would guess about a year ago, but it's a guess, so but a considerable amount of time I had been in the job and Pete had been reporting to me before this had brought

Q Did you take any action based on that?

A I did.

Q What action?

A I spoke to Deputy Director McCabe about it. I also spoke to both Pete and Lisa about it. I felt I owed it to them. Lisa did not report to me, but I felt that they ought to be aware of what was being said. I didn't ask them if it was true, but they needed to know that that impression was out there.

And I don't remember my exact words. But what I was trying to communicate is this better not interfere with things, if you know what

I mean. Like, to me, the mission is everything. And so, we all have our personal lives, what have you. I'm not the morality police.

Mr. Baker. But that behavior would make them vulnerable to an intelligence service.

Mr. Priestap. In my opinion, yes.

BY MR. PARMITER:

Q Did you discuss that? Not just it better not have affected your work, but

A No. Because, again, I didn't know for certain it was going on, and I didn't ask them whether it was going on. And I also felt, to a comment earlier, that they knew darn well that, if that was going on that potentially makes them vulnerable.

BY MR. SOMERS:

Q Isn't that the type of thing your division would investigate, whether a top counterintelligence officer was compromised?

A Oh, sure. If we had any indication that a

Q I don't mean actually compromised. I'm sorry. Let me take my question back.

Was in a compromising situation.

A Yeah. No. No.

If we had information that any FBI person was cavorting with an adversary in any regard, we'd we'd want to know about that. But I had no information whatsoever that either of those individuals had any contact, let alone engagement, or regular engagement, with an adversary.

Unfortunately, as an adult, I've known other people who have affairs, of course. And, again, it's well, I'm not the morality police. I just to me, don't let whatever you're dealing with in a personal capacity interfere with the work we're doing.

Mr. Somers. I think our hour is up, so I think we'll take a 5 minute break and then the minority will have their hour.

Mr. Priestap. Thank you.

[Recess.]

## EXAMINATION

BY MS. SHEN:

Q Okay. The time is 11:31. So good morning, Mr. Priestap. My name is Valerie Shen. I'm the chief national security counsel for Ranking Member Cummings on the House Oversight and Reform Committee. And this morning, I'll be leading a lot of the questioning for the staff on behalf of minority. But for now, because one of our members is here, I'd like to turn it over to Representative Krishnamoorthi who has a few questions for you as well.

Mr. Priestap. Sure.

Mr. Krishnamoorthi. Mr. Priestap, thank you so much for coming in today.

You know, there have been many public criticisms coming from all sides against former FBI Director James Comey and the decisions that he made in the handling of the Clinton investigation. However, the President and other Republicans have gone well beyond that, and have made extremely serious allegations that attack Director Comey's fundamental honesty and integrity, or even accuse him of committing serious crimes. I'd like to go through some of them with you, some of these allegations with you now, to see if you can shed some light on the issue.

I'll just take one tweet. On April 13, 2018, President Trump tweeted in two parts, quote, "James Comey is a proven leaker and liar. Virtually everyone in Washington thought he should be fired for the terrible job he did until he was, in fact, fired. He leaked classified



information for which he should be prosecuted. He lied to Congress under oath. He is a weak and untruthful slime ball who was, as time has proven, a terrible Director of the FBI. His handling of the crooked Hillary Clinton case and the events surrounding it will go down as one of the worst, quote/unquote, 'botch jobs' of history. It was my great honor to fire James Comey, exclamation point.

That's a lot to unpack, so let me break it down just a little bit here.

First of all, do you, Mr. Priestap, believe Director Comey is a proven liar?

Mr. Priestap. Not in my experience.

Mr. Krishnamoorthi. And why not?

Mr. Priestap. I became the Assistant Director of Counterintelligence in January of '16. And I can't remember the exact date on which Mr. Comey was fired, but I believe it was May of '17. And so for that year and a half before he was fired, I spent a tremendous amount of time with Mr. Comey because of some very challenging issues being handled by my division. And in that time, I always felt that he represented himself extremely honorably.

Mr. Krishnamoorthi. Are you aware of Director Comey ever lying to Congress under oath?

Mr. Priestap. I'm not aware of that, no.

Mr. Krishnamoorthi. Has Director Comey ever lied to you?

Mr. Priestap. Not that I can not that I know of.

Mr. Krishnamoorthi. Are you aware of any instances of Director

Comey lying about any subject matter?

Mr. Priestap. I am not aware, no.

Mr. Krishnamoorthi. President Trump's tweet also asserted Director Comey, quote/unquote, "leaked classified information for which he should be prosecuted."

Mr. Priestap, do you believe Director Comey has ever leaked classified information for which he should be criminally prosecuted?

Mr. Priestap. No. No.

Mr. Krishnamoorthi. And what's the basis for your belief?

Mr. Priestap. I don't can I confer?

Can I

Mr. Krishnamoorthi. Yeah. Yeah. Sure.

[Discussion off the record.]

Mr. Priestap. Thank you.

Would you mind posing the question again?

Mr. Krishnamoorthi. Sure.

I said, in my first question, do you believe Director Comey has ever leaked classified information for which he should be criminally prosecuted, and I believe you said no. And then I said what's the basis for your belief?

Mr. Priestap. Yeah. So, yeah, I'm not aware of any time he did it. And and so, I'm just not I'm not aware of a time in which he, quote, "leaked classified information," so

Mr. Krishnamoorthi. Let me take you to his Director Comey's testimony before the Senate Select Committee on Intelligence on June

8, 2017.

I presume you're somewhat familiar with that testimony?

Mr. Priestap. Vaguely familiar. I did not watch the testimony, but I remember hearing media reports afterwards, so

Mr. Krishnamoorthi. Okay. Was there anything in his description of events, in his written or oral testimony, that you found to be inconsistent with his contemporary descriptions that he shared with you at the time of the events in question?

Mr. Priestap. No, I'm not aware of any inconsistencies.

Mr. Krishnamoorthi. Do you believe that Director Comey accurately shared with the Senate Intelligence Committee his memory of his interactions with President Trump, to the best of his recollection?

Mr. Ettinger. You can answer that.

Mr. Priestap. Based on my experience with him, I believe that Mr. Comey would have done his absolute best to convey what he thought was true and accurate.

Mr. Krishnamoorthi. Do you have any reason to doubt the accuracy of Director Comey's oral or written testimony or representation of the facts from when he was the FBI Director?

Mr. Priestap. I do not.

Mr. Krishnamoorthi. Okay. Thank you.

Mr. Priestap. Thank you.

BY MS. SHEN:

Q Thank you. So Mr. Priestap, I just I want to apologize

in advance. I'll probably be going over a lot of the same ground, and then some questions may sound repetitive, plotting. Some questions may even sound so obvious you wonder why I'm asking them. But it's all to just have as complete and clear of a record as possible.

A Sure.

Q So just going back to the reporting structure. I believe you said that your direct supervisor at the time in 2016, at the time of the Clinton email investigation, was Michael Steinbach; is that correct?

Who is your direct supervisor now?

A Carl Ghattas, G h a t t a s.

Q And who does he report to now, directly to?

A The deputy director, who is David Bowdich, B O W D I C H.

Q And who does David Bowdich report to?

A Christopher Wray, who's the Director. W r a y.

Q Now, during '16, during the time of the Clinton investigation, who directly reported to you?

How many direct reports did you have?

A I had three. Dina Corsi was one of those, Robert Jones was the second, and Gordon Johnson was the third.

Q So Peter Strzok and Jonathan Moffa, they did not report directly to you?

A In the normal chain of command, no.

Q Okay. Did they report to you in the context of the Clinton email investigation?

A Yes. So the previous assistant director, again well, I don't know why he set it up, but he set up a reporting mechanism that leaders of that team would report directly to him, not through the customary other chain of command. And I kept that on when I assumed responsibility.

Q At the time of the Clinton email investigation, did anybody else report directly to you as part of that investigation?

A No.

Q Okay. So I believe earlier you described a group of senior leadership, not a formal team, but one that would often be called upon to provide updates to the Director on the Clinton investigation

A Yes.

Q is that correct?

A Yes.

Q Is there a similar team now in place that generally reports sensitive investigations to the current Director?

A No. No. That that said, certainly, things arise in which we have to report to the Director ongoing matters. But I can't think of anything that had the regularity, meaning anything since, that had the regularity of the Midyear Exam investigation.

Q Prior to the FBI, what did you do, before coming to the FBI?

A I was a coach. A football and basketball coach.

Q So during the time at FBI, how many years of counterintelligence experience would you say you have?

A I could do the math. It would probably take a while.

Q Rough estimate.

A Probably 6, maybe a little more.

Q And overall, how many years of law enforcement experience?

A Twenty. Just over 20.

Q So I believe earlier you said that you inherited a role in the Clinton investigation in January 2016.

A Yes.

Q And did you stay on in your involvement throughout the duration of the investigation?

A I did.

Q So that would be July 2017?

A Yes.

Q Okay. And at a general level, what were your specific responsibilities as part of that investigation?

A To receive updates from the the people I mentioned previously; to pass those updates to my bosses; to highlight for the bosses either things they needed to pay special attention to or particular attention to; to, you know, problem solve. If the team had an issue that needed addressed that couldn't be addressed at their level, I would try to address it, or I'd try to identify who at FBI or DOJ could address it; to provide my own input, guidance, thoughts about next steps to be taken in the investigation, or not. A whole variety of I guess I'd call it, you know, managerial oversight responsibilities.

I felt at the end of the day that, you know, my division would

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be on the hook for this, and I wanted to ensure it was done as properly as was possible.

Q Did you have deciding authority over certain aspects of the Clinton investigation?

A I'm sorry?

Q So, for example, were there certain types of decisions that would require your formal approval

A Oh, sure.

Q before they could move forward?

A Yeah.

Q Can you give me some examples?

A Yeah. Again, the thing that I'm trying to think of I'm trying to differentiate what I do on a regular on a daily basis versus what I did specifically for this case.

But the bottom line is, there's certain FBI policy that requires assistant director, the position I'm in, approval before those things can be done. It's mandatory. It's not optional. If you want to do those things, you need the assistant director's approval.

So on those required things, I can't think of an exception where I wouldn't have been the person on the hook. But more informally, there's just a variety of things that are done and that are relayed to me. And I use my judgment to the best of my ability and say, Yep, that sounds good. Continue to make it happen, or time out. I want to further discuss that, or I want to also discuss it with my bosses before going forward.

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I had extremely those three individuals I named before, the Pete, John, a [REDACTED] extremely experienced individuals knew, without me having to tell them on a regular basis, the things I expected to be kept apprised of, and the things that I would want to weigh in on before they move forward.

I'm sorry. I can't I've not dealt with this other than some review for today, not dealt with this issue in a long time, and so I'm not thinking of specific examples. But I

Q So it doesn't sound like they're necessarily formal categories that you're thinking of so much as general guidance and oversight management. Is that about right?

A Absolutely.

Q So as in your role as part of the Clinton investigation, who at the FBI would you interact with most frequently? Would it be these three individuals?

A Those three most frequently, yep.

Q And would Peter Strzok and Jonathan Moffa be considered the leads for the Clinton investigation?

A Yeah. So they're not again, they're not I'll put it this. They were the lead executive management of the FBI's. It's kind of me too. It's but and I'm not trying to shirk responsibility here. I mean, I'm ultimately responsible for the counterintelligence division and all of our cases. But I really respect these respected these three individuals' opinions, thoughts, ideas. And so as much as possible, I tried to form a team construct, that we could have



no holds barred conversation, meaning I didn't want them not telling me things because I was the boss. So that Hey, we're the management team in this together. I'm ultimately responsible, though.

Q But if Peter Strzok and Jonathan Moffa felt like they may need your approval, would they bring those issues to your attention?

A Yeah. Absolutely.

Q Who did you generally interact with at the Department of Justice in relation to the Clinton investigation?

A I would say the person I interacted with most often was George Toscas.

Q And how often would you interact with George Toscas?

A Not often. I say "not often," because I'd also interact with George Toscas on other counterintelligence business fairly regularly. But I it wasn't like we had standing conversations on this case. So I don't even want to, again, surmise on was it once a week or every other, but it wasn't like we were, Hey, every Friday at two, we're going to have a call. It was it was as needed.

But that's absolutely customary, as it is for other high priority investigations. I don't have a standing meeting with George. We talk. And he calls me; I call him as needed.

Q And what's George Toscas' role at the Department of Justice?

A Deputy Assistant Attorney General.

Q For the national security

A For the national security division at DOJ.

Q And so it was considered would it be considered common

for someone in your position to interact as needed but on a regular occurrence with George Toscas as DOJ counterpart?

A Yes. Yes.

Q Can you describe the extent of your involvement in the FBI's investigation of whether there was any coordination between people associated with the Trump campaign and the Russians?

A Yeah. I'm sorry. I'm not at liberty to discuss that today.

Q Are you a part of that investigation?

A Sorry. I'm just not

Q Okay.

A at liberty to discuss that.

Q Okay. So Mr. Priestap, I'd like to ask a couple questions that I hope will be pretty simple. So in your experience, is it important that the Justice Department and FBI maintain independence from political influence?

A In my opinion, yes.

Q Is political interference in the Department of Justice or FBI investigation ever proper?

A In my opinion, I can imagine situations where it would be proper.

Q In what situations would you consider it to be proper?

A That the national security interests of the country outweigh the law enforcement/prosecutive interest of the FBI and Department of Justice.

Q And you would consider that a political determination?

Because to me it sounds more like that's a it's a policy interpretation balancing national security and law enforcement, but

A Yeah. I guess and maybe I misunderstood your question. But by political, I could imagine, for example, the National Security Council, who I look at as kind of the head of the national security apparatus for the U.S. Government; I could see that their national security considerations again could outweigh law enforcement prosecutive considerations. But you may know better than me whether that's, then, political because it's the National Security Council.

Q Right. Yeah. Right. Let me rephrase.

I guess I don't mean interference from officials who are political, per se.

A Okay.

Q So what I mean and I'll rephrase. Is interference in a Department of Justice or FBI investigation ever proper when motivated by purely political considerations?

A Not in my opinion. And if I if I to clarify my response as well. What I was trying to get at there is that, again, national security considerations could outweigh the law enforcement and prosecution considerations. And those national security considerations could be spearheaded by the National Security Council. It's ultimately the national security advisor is a political person, in my mind.

Q Understood. Understood. Okay.

[Priestap Exhibit No. 1

Was marked for identification.]

BY MS. SHEN:

Q Okay. So I'd like to introduce this as exhibit 1. So it is House Resolution 907, which is which asks for a special second counsel to investigate misconduct at the Department of Justice and the FBI.

I'll give you a moment to review the document, if you'd like.

Okay. So House Resolution 907 introduced on May 22, 2018, has 57 allegations which appear to share a common assumption that the Justice Department and FBI acted in favor of Hillary Clinton and against Donald Trump during the 2016 election?

Do you have any reason to believe that there was political bias at the Justice Department or the FBI that somehow influenced the Clinton investigation?

A No.

Q Do you have any reason to believe that political bias at the FBI has affected any investigation at the FBI?

A I I can't speak for the entire FBI, only the ones, of course, I'm I'm privy to. And I can say for the counterintelligence division, if I got a whiff of it, it absolutely would not be tolerated, period.

Q In your career at the FBI, have you ever let your personal political views, whatever they may be, influence in any way your official actions?

A No.

Q In your career at the FBI, have you ever let your family's political views, whatever they may be, influence in any way your official actions?

A No.

Q In your career at the FBI, have you ever witnessed any investigative personnel letting their personal political views influence in any way their official actions?

A No.

Q Okay. Well, thank you for your definitive general answers to those, but I'd also like to ask a few specific questions about the document as well.

A Sure.

Q So if you could turn to page 2.

In the the second full clause alleges, quote, "Misconduct during the 2016 presidential election by high ranking individuals within the FBI and DOJ may have led to the premature conclusion of the FBI's 2016 probe into then Presidential candidate and former Secretary of State Hillary Clinton."

Mr. Priestap, do you agree that misconduct by senior FBI and DOJ officials led to the premature conclusion of the FBI's probe into Secretary Clinton's emails?

A That was not my experience.

Q Do you have any reason to believe that the FBI's investigation into Secretary Clinton's emails was insufficient, prematurely concluded, or marked by misconduct?

A No.

Q So there's also been a fair amount of speculation on the political persuasion of individuals at the FBI.

Do you have any reason to believe that the vast majority of FBI agents are Democrats or biased in favor of Democrats?

A I have no reason to believe that, no.

Q And are FBI agents allowed to have personal political affiliations?

A Absolutely.

Q When the FBI staffs a politically sensitive investigation, for example, a public corruption case, does the FBI consider the personal political persuasion of its agents in making those staffing decisions?

A No, not in any manner.

Q So when the FBI puts together a team of investigators, the consideration is never, Well, I need a couple of Republicans and a couple Democrats to balance it out?

A No.

Q Okay. Does the FBI ask about the political affiliations of its own agents?

A No.

Q In fact, it is explicitly forbidden for the FBI to ask about the political affiliations of its own agents; is that correct?

A I believe that's true, yes.

Q How do FBI agents know not to let political bias interfere

with their politically related work?

A At the FBI, it is conveyed, at least to my experience, to new employees from the get go, and it's repeated in a variety of forums as you go through your career, that we are supposed to be objective fact finders. That is our one of our primary responsibilities.

I'm sure that there's formal, you know, training, you name it, in which this concept comes up. But it's so it's so regular you don't need formal you don't need formal reminders, at least in my experience. It's it's what we breathe every day. We are supposed to bring our objective as objective as humanly possible approaches to our responsibilities.

Q Would it be fair to say that it's embedded in the FBI's culture

A No question.

Q to not let

A Absolutely.

Q their political affiliations interfere with their work?

A Absolutely.

Q When you have a team of agents and prosecutors, is there ever a single individual who could use his or her political bias to push the investigation in one direction or another?

A Oh, sure. They could try. And if it happened, they wouldn't last long, so

Q What sorts of systems would be in place to prevent that?

A The other people working around them. I think I mentioned

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a minute ago that, if I got a whiff of bias, I wouldn't tolerate it, in my experience, nor would the vast, vast majority of FBI personnel.

So, in other words, obviously, I'm not a street agent now doing the work that we do in this investigation interviewing people. But you're not interviewing people by yourself. And so if one agent thought another agent acted inappropriately, even that other agent, in my experience, would have would have raised the issue and wouldn't have solely relied on me addressing the situation, meaning it would be so improper, you would be called on it, and you would be called on it quickly and forcefully.

Q So in your time at the FBI, have you seen evidence of anybody applying political bias in their investigation on any subject matter?

A No, not in my experience, because, again, it's not tolerated. It I'll leave it at that.

Q So we know that James Comey, Rod Rosenstein, and Robert Mueller are all Republicans.

Is there any reason to believe that James Comey's political affiliation affected the way he investigated Secretary Clinton's emails?

A I had no reason to believe that.

Q Do you have any reason to believe that Rod Rosenstein's political affiliations will prevent a thorough and fair investigation of all of the investigations he oversees?

A I guess with Rod Rosenstein, because he of course, I met the man. I've been in numerous meetings with the man. But I guess

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I figure that's outside my purview, so

I ultimately report to Rod Rosenstein, but not very often.

Q So in the last round, there was some discussion about when you first became aware of a potential affair between Peter Strzok and Lisa Page

A Yes.

Q and the actions you took afterwards. And I believe that you said, when you were first made aware, that you went to Peter Strzok and Lisa Page directly. And you also said that you believe such an affair could constitute an intelligence vulnerability; is that correct?

A Yeah.

I guess one thing I'd want to clarify, though, is that, when it comes to intelligence vulnerabilities, they're often not taken alone, meaning, to me, the most vulnerable people are the people who exhibit more than one vulnerability. It doesn't mean if you have only one vulnerability, for example, a drug abuser, that you might not be susceptible. And, again, the foreign adversary might try to take advantage of that fact.

But I guess, what I'm getting at is, when it comes to the vulnerabilities, there's a variety of them. And a lot of the let's just say people that we come across and have concerns about exhibit more than one vulnerability.

Q So when you raised the issue to the attention of Peter Strzok and Lisa Page, was part of that reason perhaps to, you know, give them

the opportunity, if it was true, to disclose it properly, disclose it to other people, resolve it with their spouses? Anything like that?

A I don't recall that being one of my my motivations. What I recall is that I wanted them on notice that I had been advised of this potential activity. It was not said to me with certainty, and I didn't know it to be true. But I wanted them on notice that somebody has advised me of this situation, and that I expected that they do whatever necessary to ensure it didn't interfere with our work.

I also, just as a human being, because I want the best for them but I didn't give them any guidance on what they should do, whether that was talking to spouse or whatever. But, again, it was a way to say, Please, don't let if it is, in fact, true, please, don't let that interfere in any way with your responsibilities.

And I had to walk a very, very fine line with Lisa, because Lisa did not report to me. But I had had a lot of interaction with her on this matter. And I'm a big believer in, when employees are going to be given bad news, they ought to be given it by the boss, in effect.

So I what I didn't want them is to hear it from others and that, you know I did I didn't tell them about it all and I didn't seek to address it. I feel a responsibility for the men and women and the work in the counterintelligence division. And, again, while Lisa didn't report to me, she was assisting us on an important counterintelligence topic.

Q But from your perspective of potential intelligence vulnerability

A Yep.

Q did you consider it a significant enough potential vulnerability to report immediately as a potential vulnerability to other channels?

A No. I had no information that indicated that there was anything, when it came to FBI responsibilities, improper. And so nobody told me that, Hey, they were seen talking to a, you know, foreign intelligence officer, one of them was, or, Hey, they're they're suspected of, you know, some financial things. In other words, there was no as far as I understand, an affair is not a violation of FBI policy. There's no there's no FBI policy that says you can't have an affair, and if you do, you're going to be punished.

Q So is it fair to say that, taken in a vacuum, an affair probably does not raise the level of a significant intelligence concern, but in combination with other factors, it could?

A Sure. Yeah. I'd say that's accurate. Yep.

BY MS. KIM:

Q Sorry. I just want to understand.

So I think, previously, we were talking about personnel security concerns. And as I understand it, an affair can become a blackmail concern, right? That's it's the concern that someone could hold information of that type over another individual to coerce them. Is that your understanding?

A That's exactly right. So you're trying to keep an affair from your loved ones.

Q Yes.

A And a foreign adversary learns about it and says, if you don't things on my behalf, I'm going to go to your family and divulge this. And, oh, no, you can't do that. It'll ruin my life, and so what do you want me to do?

Q Right.

And in this situation, you did not see any evidence of blackmail?

A No. No indication, let alone evidence of anything like that.

Ms. Kim. Thank you.

BY MS. SHEN:

Q So I'd like to ask you a few questions now about the FBI's decision to reopen the Hillary Clinton email investigation in October 2016.

A Okay.

Q When did you first become aware of the evidence on the laptop from the Anthony Weiner investigation of the FBI?

A I'm not certain, but I want to say it was the end of September of 2016. And the dates sticking out in my mind are the 28th or 29th, but the end of September.

Q Can you walk us through the FBI's activities between the end of September, when you first became aware of the laptop, and October 28, 2016, the date that Director Comey sent his letter to Congress to notify of the opening reopening of the investigation.

A Sure. So let me begin with when we first got wind we,

FBI headquarters, my division first got wind that there may be emails pertaining to Secretary Clinton that were on Mr. Weiner's laptop. It quickly by "quickly," within a matter of a day or days became apparent that two things stick in my mind. That we lacked the requisite legal authority to review Mrs. Clinton's emails on the laptop. And that, two, even if we had the requisite legal authority, the data processing necessary for us to do the technical review we had to do wasn't finished.

Q I'm sorry. You said the data processing; is that what

A Yes.

And so a situation like that, if you think of it as, this is Mr. Weiner's laptop, what the Midyear Exam investigative team would be interested in, of course, is emails Mrs. Clinton's emails and the overall laptop, though Mr. Weiner would have all kinds of stuff on it.

When it comes to the legal authority, you know, we'd be only interested in a particular piece. In a technical sense, the FBI has a way to carve out that piece so that we're only seeing the things that we're allowed by law to look at as opposed to all the other things. So they separate that.

But that data processing is often complex. It often takes a while. And the number of problems are often encountered with it, depending on the type of laptop, how old, how much data is on it. It's not always a straightforward process.

Q But later on, in October, the FBI did, in fact, process the

data on that email

A Yes.

Q related to Hillary Clinton?

A Yeah.

Q So can you explain for me because you say, you know, at this point in time, the data processing capability did not exist. So why did it not exist then but did exist about a month later?

A So sometime between when we first learned about it and when we obtained the search warrant, the data processing was finished. I don't remember the exact date of that. So they worked on the data the carving out of that information between the date we learned and the date we obtained the search warrant.

[12:20 p.m.]

BY MS. SHEN:

Q Okay. So on the date that you learned of the existence of potential existence of deleted emails, there was a process that began to go through the data? Is that right?

A Yeah. I don't know exactly when that process began because the FBI also had interest in a different set of information on the laptop pertaining to Mr. Weiner's behavior in a completely unrelated manner. So they were also trying to separate and review for that as well.

But, again, with our authority, even for Mr. Weiner's other activity, it doesn't give you the authority to look at everything. It gives you the authority to look consistent with the search warrant approval that you were granted.

So the FBI, for two very different reasons, was interested in two very different sets of information on that laptop. And to separate that stuff, I refer to it as data processing, or maybe a more technical word for it or phrase for it. But that had to occur, as did the legal authority for us to review have to occur.

Q You said that you don't know exactly when the process began for the data processing. Do you have a sense of whether it was a few days after the in the middle, towards the end of the month?

A I don't. I would have thought it began in or around the date we learned about it, but I can't say for certain.

Q In terms of the legal authority, I understand how in the beginning there wasn't a search warrant for email specifically

pertaining to Secretary Clinton. However, at the end of October, there was in fact a search warrant, correct

A Yeah. Yeah.

Q seeking emails pertaining to Secretary Clinton?

So what accounted for the delay? Why did the FBI not seek a search warrant for Secretary Clinton's emails earlier in the process?

A I don't know when exactly the FBI made an official request to Department of Justice or Eastern District of Virginia for that search warrant.

All I know is, both in counterintelligence generally and in this case specifically, to obtain the necessary legal approval to search that laptop often takes a while. And so the timeframe, in my opinion, between when the FBI learned about it to when we received the search warrant approval was in no way abnormal.

I'd actually argue it was pretty quick overall. Especially the more, let's call it, politically sensitive cases are, the legal approvals necessary to take investigative action are often delayed, and they're often delayed for good reason, as very smart people take hard looks at the issues involved.

So I know there's been a lot made of the supposed delay, but again, in both my counterintelligence experience and experience with politically sensitive cases, it was not a long timeframe between learning about it and obtaining the search warrant, not in my experience.

Q So because it was a politically sensitive case, it would be



expected for there to be a longer time spent with experts looking at the legal analysis of that?

A Absolutely, yeah, considering, is this absolutely necessary? If so, why? Do we have full legal justification to do this? Absolutely. We don't enter into that type of activity lightly and certainly not on high priority investigations.

Mr. Ettinger. You said a moment ago that you thought it was the Eastern District of Virginia that was the legal party. I want to make clear whether that's your memory or whether you are speaking in general terms on that.

Mr. Priestap. I was speaking in general terms. We dealt a lot with Main Justice, the National Security Division, and the Eastern District of Virginia on this case, and it's also possible it could have been the Southern District of New York. Because if I recall, Mr. Weiner was in New York and it was a New York office that obtained the laptop from him. I'm not sure which Department of Justice component we ended up getting it from.

BY MS. SHEN:

Q Which individuals would be part of the review of the legal authority on whether to seek a search warrant for Secretary Clinton's emails? Who would be involved in that discussion?

A Certainly not the entire investigative team, but the you know, I'd say the main people involved, like the superviso (b)(6),(b)(7)(C) per FBI, and one or two of his main people, I would think. Jon Moffa, Pete Strzok, (b)(6),(b)(7)(C) per FBI, myself.

I mean, we're all generally responsible for it, but that doesn't mean we're all pursuing the search warrant, if you know what I mean.

But initially, when we learned about this, I can't remember if we all got together as a group or if I met with people individually, but it's something that, you know, I knew required follow up, if legally permissible.

Q So when did the FBI first begin discussions on whether to seek a search warrant for Secretary Clinton's

A We would have begun discussions on the day or day after we learned this.

Q When was the first time the FBI made the Department of Justice aware of potentially related emails on the Weiner laptop?

A I don't know. Part of the issue with Department of Justice is that that communication can occur at so many different levels. It can occur with a line assistant U.S. attorney, and it can occur all the way up to the deputy director or Director talking with their counterparts, or anywhere in between.

Q So just to go back up again at the beginning of the timeline.

A Sure.

Q So when you first learned of the existence of potentially related emails on the Weiner laptop

A Yes.

Q what did you do immediately? What did you do then?

A Well, I don't remember everything I did, but what I would have done is talk to Pete [REDACTED] or Jon, or combinations thereof, and

said, hey, let's have somebody call New York and let's see what the heck they've got. In other words, this is going to this requires follow up, let's see what they have.

Q So you would have requested someone on the team to reach out to the New York field office?

A No, no, I would have requested someone on the team have somebody reach out. So, I wouldn't have expected they made the call. I would expect that the call be made at a lower level.

Q Okay. And then what would happen?

Ms. Sachsman Grooms. Had they not reached out before you were informed? What exactly were you informed in that initial meeting?

Mr. Priestap. I don't remember precisely how I was informed. I can't recall whether I learned about it in a meeting or whether I learned about it from the head of the New York office.

I do remember the head of the New York office talking to me about this topic, you know, at or around that time, but I can't say for certain that's the first time I learned of this issue.

He talks to other people, other than me, and so he could have talked to the deputy director or EAD Steinbach, and one of them could have mentioned it.

One way or the other, I learned about it.

When I learned about it, that's when I would have followed up with a member or members of my team and said, hey, there might be Clinton emails, Mrs. Clinton emails on Anthony Weiner's laptop, call New York and see what they have.

Ms. Sachsman Grooms. So when you learned about it, what did you learn? That there could potentially be? That there was? What was it that you learned?

Mr. Priestap. I learned that there could potentially be, that it was my understanding that the New York office of the FBI, when processing the laptop relative to an issue that Mr. Weiner was involved in, came across what they thought were emails of Mrs. Clinton's.

So bottom line, they're looking at the laptop for, again, a problem Anthony Weiner was involved in, but they see this other stuff.

So then New York advised us, hey, we've got a laptop, but it may be there may be information on it that might be of interest to the Midyear Exam investigative team. I was told something to that effect. And I said, well, let's call New York and figure out what they think they have.

What I do remember, if it's helpful at all, again, within a day or two some type of call between some headquarter personnel and New York personnel in which this matter was discussed. It would have been headquarters personnel asking with more specificity, what did you see? What do you have? So on and so forth.

But two things stick out in my mind, and one is, the data processing wasn't done, and that New York had some problems doing the data processing. Again, that's pretty normal, it can be a pretty time consuming effort. And, two, the Midyear investigative team doesn't have the necessary legal authority, that even if the data processing was complete you couldn't look at it anyway.

COMMITTEE SENSITIVE

So to me, two big issues that by themselves often take a lot of time to resolve. So I had no expectation whatsoever at that time that if they had stuff pertaining to the Midyear Exam, meaning Mrs. Clinton's emails, that that review could be conducted, let alone all the necessary approvals given prior to the election.

Ms. Shen. Okay. I think we're at the end of our hour, so we'll take a short break.

Mr. Priestap. Thank you.

[Recess.]

Mr. Parmiter. Okay. Let's go back on the record. And I believe Mr. Jordan wanted to start off the questioning.

Mr. Jordan. Thank you.

Mr. Priestap, I want to go back to this travel issue again.

Mr. Parmiter. Oh, and, Sir, let me interrupt you for just a second. The time is 12:41.

Mr. Jordan. So earlier you said in the first hour you said you approved travel for FBI agents, you said, at least at least once a week. And are you sending I assume you're sending them all over the place.

Mr. Priestap. Yes.

Mr. Jordan. You send them to Europe, South America, Middle East, all over the world.

Mr. Priestap. Yeah.

Mr. Jordan. You also indicated that you don't particularly like to travel which, as I said earlier, I can relate to that, too but

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that you do that you have a few times. I think you said in the first hour, in 2 1/2 years as director you've traveled three times.

Mr. Priestap. [Nonverbal response.]

Mr. Jordan. And all three of those were to the United Kingdom.

Mr. Priestap. [Nonverbal response.]

Mr. Jordan. Specifically London? Okay. So I want you to look at this.

[Priestap Exhibit A

was marked for identification.]

Mr. Priestap. Oh, yes, I'm sorry. I'm nodding. Yes.

Mr. Jordan. Okay. So I want you to look at this. These are text messages between Mr. Strzok and Ms. Page where they refer to one of those it looks like one of those trips. I want to see if it's to you. So I'll keep one here. See if you can take a look at those.

And this is in May of 2016, it looks like, at least the conversation is.

My first question is well, I'll give you time to look at it. So is the Bill in there, is that, your understanding, is that you, Mr. Priestap?

Mr. Priestap. I think it is, but I'm not certain.

Mr. Jordan. Okay. Did you travel to London in early May of 2016?

Mr. Priestap. I don't know. I believe I traveled in the spring of '16 to London, but I can't remember the month I traveled.

Mr. Jordan. Was that your first London trip, your second one,

or your third?

Mr. Priestap. I think, if it recall correctly, it was my first one as assistant director of counterintelligence with this. So I assumed the position in January of '16, and I, if I recall correctly, I traveled in the spring of '16 to London.

Mr. Jordan. So your first trip abroad as the head of counterintelligence was to London, and it was this time, spring of 2016?

Mr. Priestap. Yeah. I don't but, sir, I don't know that it was May.

Mr. Jordan. Can you get us the well, this would be May, because it says next week.

Mr. Priestap. No, absolutely. I just I don't know for sure certain that that's when I went.

Mr. Jordan. Okay. But it seems like they know?

Mr. Priestap. It certainly does by this email.

Mr. Jordan. Yeah. And that you were gone at the time, and you were coming back some time the following week.

Mr. Priestap. I read it the same as you, I just can't say for certain that's when I went.

Mr. Jordan. Okay. But for sure your first travel your first travel abroad was spring of 2016?

Mr. Priestap. That I can recall, it was the spring of '16 to London.

Mr. Jordan. Okay. So what were you doing in London in the spring of 2016?

Mr. Priestap. So I went to meet with a foreign partner, foreign government partner.

Mr. Jordan. And would that be what you would typically do on all three of those trips, is that what you were doing?

Mr. Priestap. Yes.

Mr. Jordan. You're going to talk with folks in the same kind of intelligence division with our ally in Great Britain. Or it could be someone else meeting you there as well.

Mr. Priestap. Yes, sir.

Mr. Jordan. What was it in this situation?

Mr. Priestap. In this situation it was a foreign government partner.

Mr. Jordan. Was it the United Kingdom or was it the United Kingdom plus some other one. Some other country from Europe?

Mr. Priestap. Just the United Kingdom.

Mr. Jordan. Just the United Kingdom.

Mr. Priestap. Yes.

Mr. Jordan. Are you allowed to say who you met with?

Mr. Priestap. I'd rather not in this setting.

Mr. Jordan. Did you meet with anyone else other than this particular person who was your counterpart in the U.K.?

Mr. Priestap. I met with I met several I met with several people, all of whom were part of the same United Kingdom organization.

Mr. Jordan. Okay. How long were you over there?

Mr. Priestap. I think just like a day of like I flew in, if



I recall correctly, got in at night U.K. time, had a day of meetings, and would have flown out that same night or the next morning.

Mr. Jordan. That's 3 days at the most.

Mr. Priestap. Yeah, but meaning from

Mr. Jordan. Partial days. I get it. I get it. But one full day when you had the meeting.

Mr. Priestap. One full day

Mr. Jordan. Do you know how many meetings you had?

Mr. Priestap. A lot.

Mr. Jordan. A lot of meetings?

Mr. Priestap. Yes.

Mr. Jordan. Can I give you some names and ask you if you met with these individuals?

Mr. Priestap. Sure.

Mr. Jordan. Did you meet with a gentleman named Mr. Dearlove?

Mr. Priestap. No. Not that I

Mr. Jordan. Did you meet with a gentleman Mifsud?

Mr. Priestap. No.

Mr. Jordan. Did you meet with

Mr. Priestap. Sir, if I could qualify the answer by there were some officials from this organization who I don't recall their name. There were a series of briefings they were providing me, so I had a main counterpart, and he would bring in a team for 1 hour and they'd tell me about things. There might be several members of that team. I don't remember all their names.

Mr. Jordan. So the key people? Do you know the names of the key people?

Mr. Priestap. Yes.

Mr. Jordan. And can you get that to us, if it's not classified? Can you get us the names of the folks you met with?

Mr. Priestap. Sure.

Mr. Jordan. Can you tell us those names, the ones you recall today?

Mr. Priestap. Yeah, I'd rather not, only because of the foreign government equities involved. And I'm a big believer if I'm going to divulge their equities, I want to advise them that I'm going to do it.

And so what I will do is, immediately following this, I will say, "I have a request to divulge your names. Do you have any issue?"

Mr. Jordan. Did you meet with a guy named Alexander Downer?

Mr. Priestap. No.

Mr. Jordan. (b)(6),(b)(7)(C) per FBI?

Mr. Priestap. Doesn't ring any bells, no.

Mr. Jordan. Okay. How about Christopher Steele?

Mr. Priestap. No.

Mr. Jordan. Have you ever spoke with, speaking of names, have you ever spoke or met with well, let me ask you this. Those names that I just mentioned, Mr. Dearlove, Mifsud, Steele, Downer (b)(6),(b)(7)(C) per FBI have you met with them any other times, any of your other trips?

Mr. Priestap. No. No.

Ms. Shen. Okay. Have you ever spoke or met with Glenn Simpson.

Mr. Priestap. No.

Mr. Jordan. Bruce Ohr?

Mr. Priestap. Ever met with Bruce Ohr? No. I think I've seen Bruce Ohr, but I don't think I've ever been in a meeting with Bruce Ohr.

Mr. Jordan. When you went to this trip, was it primarily were you on the receiving end of information or were you also conveying?

Mr. Priestap. No, I was on the receiving end.

So when I assumed the assistant director position in January, a month or two later a U.K. contingent came to the United States because of my changeover and, let's just say, welcomed me and talked about a variety of issues.

When they left, they asked if I would please visit their country and service because they would like to tell me some more about some of their efforts. And I said, as so as soon as my schedule allows, I will do that. And when my schedule allowed, I went, and they were telling me things.

Mr. Jordan. All right. Tell me about your well, let's go back to this text message for a second.

Third party review is mentioned in the last sentence. What does that refer to?

Mr. Priestap. I don't know. I see the reference you're alluding to. I don't know.

Mr. Jordan. Do you know who the Jones is in the first sentence?

Mr. Priestap. I believe he means Robert Jones. Robert or Bob

Jones was a deputy assistant director in counterintelligence, and he was Pete's boss, if I recall correctly, at the time.

Mr. Jordan. Okay.

Mr. Meadows. So the memo that it talked about, what do the initials [REDACTED] stand for, [REDACTED] memo? It's redacted. What would be a [REDACTED]

[REDACTED]

Mr. Priestap. I don't know.

Mr. Meadows. Obviously, it was important because the FBI redacted it, so why would they redact it if they didn't know what it was?

Mr. Priestap. Sir, we use, as you know, a variety of code names and

Mr. Meadows. Yeah, but why would [REDACTED] but the FBI has been doing redactions, it's redacted, so obviously they thought that it was either sensitive or important. What would [REDACTED] stand for?

So you're saying, in your position, you'd have no knowledge of what [REDACTED] an abbreviation would stand for, on a [REDACTED]?

Mr. Priestap. I am saying that. I don't know, sir.

Mr. Jordan. In your subsequent trips to London, were they trips of the same kind [REDACTED] same nature? In other words, were you getting briefed from U.K. counterparts? Or was it different mission and objective on those trips?

Mr. Priestap. Different mission and objectives on

Mr. Jordan. When was the second one? The spring of 2016, it was determined that was the first one. When was the second one?

Mr. Priestap. I don't recall.

Mr. Jordan. In 2016?

Mr. Priestap. Likely, yeah.

Mr. Jordan. What was the second trip? Later in 2016 you go to your second trip. What is that?

Mr. Priestap. I'm not at liberty to talk about that one. It had nothing to do, that trip, with the Midyear Exam investigation. Actually, the first one didn't either, but the second one had nothing to do with

Mr. Jordan. What did it have to do with?

Mr. Priestap. I'm not at liberty to discuss that today.

Mr. Jordan. And then the third trip?

Mr. Meadows. Excuse me.

Not at liberty to discuss it for what reason?

Mr. Priestap. It was my understanding that, at least the documents I got, in which they scoped the purpose of this interplay, whatever we refer to this today, that wasn't the the matter I went over for was not in the scope of what I prepared.

Mr. Jordan. Was your second trip then concerning the Trump Russia investigation, the other counter a second counterintelligence investigation launched by the FBI?

Mr. Priestap. Sir, again, I'm just not at liberty to go into the purpose of my second trip.

Mr. Jordan. Back to Mr. Meadows' question, not at liberty to go into it for what reason?

Mr. Priestap. Because I did not come prepared to talk about the purpose of my second trip, so I didn't prepare I didn't

Mr. Jordan. Part of us being able to understand how the FBI handled the Midyear Exam is to be able to compare it to what the Crossfire Hurricane, or whatever you call it, the Trump Russia. And plus it's all within 2016, which is the scope of the two committees here, our investigation, what happened in 2016, at least up to the election.

Now, if you're telling me you didn't go to London until after the election in 2016, maybe, but sounded like you did, you went before the election.

Mr. Priestap. Before the election? I could have gone well, I think I went in the spring. I don't remember the dates of my second and third trip. I do believe I had another trip before the end of calendar year '16, another a trip to London. But, again, it was on a different topic that I'm not at liberty to talk about today.

Mr. Jordan. Was your third trip to London also on related to, like your second trip, related to the Trump Russia investigation?

Mr. Priestap. So

Mr. Ettlinger. He can't answer the question. You're presuming something that he's told you don't answer the question because you're presuming something in the question that's not part of his answer.

Mr. Jordan. I think he was I thought he did answer about the second trip that it was a subject he couldn't talk about because of

the scope.

Mr. Ettinger. That's correct.

Mr. Jordan. Okay.

Mr. Ettinger. You're asking for the same subject matter, but don't presume what the subject matter because he told you

Mr. Jordan. Well, let's go back to the second visit then. Is the second visit, was it about the Trump Russia investigation, the one in 2016?

Mr. Ettinger. You can answer.

Mr. Priestap. I'm not at liberty to talk about the topic of the second visit. And if I could add, I'm also not

Mr. Jordan. And, again, not at liberty, not because it's classified or anything like that, but not at liberty because you didn't prepare for that for today's questioning?

Mr. Boente. We would also need to talk to special counsel about that.

Mr. Meadows. And why would that be?

Mr. Boente. Because he has an active investigation, an active criminal investigation.

Mr. Meadows. So by your suggesting that he needs to talk to counsel, we're assuming that the matter that he met in London is the very fact that is under special counsel's review?

Mr. Boente. You can make your assumptions, but we can't go into those things without talking to special counsel. I'm just trying to be helpful, sir.

Mr. Meadows. So let me get back to this

Mr. Boente. Congressman, I'm sorry. We will make the dates of AD Priestap's travel available to you, travel records. That is not a problem.

Mr. Meadows. Sure. So when you went in May, did you discuss cases at that particular point?

Mr. Priestap. The foreign partner discussed their some of their efforts.

Mr. Meadows. Did you discuss any cases you were investigating at that particular point?

Mr. Priestap. Not that I recall. Because, again, the purpose of that meeting was for me to be briefed by them.

Mr. Meadows. And so all the briefings that you had were all by government officials?

Mr. Priestap. Yes. Yes.

Mr. Meadows. So when you talk about organization, you're talking about that in a holistic point of view. But they are all government. There are none no nongovernment assets.

Mr. Priestap. The way it was represented to me is they brought in a variety of employees throughout the day who briefed on different efforts they they, the organization was involved in, their organization.

Mr. Jordan. We would like the dates of the third trip as well.

Mr. Priestap. Sure.

Mr. Jordan. I assume that is 2017?



Mr. Priestap. It would have been the tail end of '16 or '17.

Mr. Jordan. All three trips you made in '16?

Mr. Priestap. Could have been, yes. But all three trips, to the best of my recollection, were for three different purposes. Completely, completely different purposes.

Mr. Jordan. Okay.

Mr. Parmiter. Thank you, sir.

BY MR. PARMITER:

Q In the previous hour, sir, you told our colleagues that you didn't know that it was true whether Mr. Strzok and Ms. Page were having an affair. But they ultimately were, correct?

A Yes. I actually never asked them and they have never told me, but, of course, based on everything I've read, seen, I'm assuming they did.

Q Have you read the text messages between them that have been produced?

A No. I've seen certain excerpts in the media. I've not gone through their so some are unavoidable. But, no, I've not read their text messages. It's not like I have a stack and I've read all their text messages.

Q When did you learn that it was a fact that they had been carrying this on?

A I don't know. Probably through media reports. I mean, I don't remember somebody well, I don't remember anybody saying that they were, in fact, having an affair.

Q Even though you didn't know whether it was true or not at the time, it was credible enough, isn't it fair to say, that you brought you it up with both of them?

A Yes.

Q Including Ms. Page, who you said you weren't even the supervisor of?

A Yeah. Although, when I did bring it up with both of them. But I want to hesitate a bit on the "credible enough."

What was credible enough is that it was being told to me that this was happening and that other people believed it. So whether in fact it was happening or not, my attitude was, this cannot be a distraction to work going on, whether it's true or not.

And so I felt it was an issue that needed to be addressed in that context, not in the context of, hey, this is definitely true or definitely not. I didn't know if it was true or not. I just don't want any distractions.

Q Right. So let me that word, distractions. I guess, you know, from what we've been discussing and what we discussed during the first hour right at the end, and what you discussed a little bit with our colleagues in the previous hour

A Yep.

Q in the counterintelligence world, I believe you had said earlier that something like an affair is more than a distraction, it's a potential vulnerability

A Yes.

Q to compromise, right? So I guess I'm wondering, having learned that, or even just learned that there was talk about that going on, did you feel compelled to take any further action? Not to just say, "Don't let this be a distraction," but to make sure it wouldn't cause a problem. That is to say, did you feel compelled to report it to OPR or anything like that?

A No. I felt compelled to report it to Lisa Page or the person she was reporting to, which was Deputy Director McCabe. I thought, if I know that, and I'm the meaning in my position and the deputy director doesn't know that, he needs to be aware that there's talk that this might be going on. I felt I owed it to him, he's a superior, to advise him. And I wanted his take on what, if anything, otherwise to do.

I don't remember our specific conversation, but I would have relayed to him that I had no other information that indicated that they were a security or intelligence risk.

Q You had said also how much you respected Mr. Strzok and that he was one of the, I believe and this is not a quote, a paraphrase at most one of the foremost counterintelligence experts at the FBI.

A Sure. Yep.

Q That would did that affect any sort of decision you made about whether or not to make a report to OPR at all, the fact that

A No. No. Again, you make reports to OPR when you believe somebody has violated FBI policy. There is no FBI policy that prohibits somebody from having an affair.

So I had no information that Mr. Strzok, if he was engaging in an affair, that that was against FBI policy. So, no, I didn't have any information that I thought was reportable to OPR.

Q Okay. So let's talk a little bit about Mr. Strzok. What was his specific role in the Midyear Exam investigation?

A I'd think of it as one of the lead agent managers of the investigation.

Q And as his supervisor, did you conduct evaluations of him, his performance? Did you make

A Oh, yes.

Q You did. Did you make recommendations for his career advancement or anything like that?

A Sure. Yeah. All of those things.

Q Okay. The FBI has what are called annual climate surveys.

A Yes.

Q Is that correct?

A Yes.

Q And generally what are those intended to do?

A They are intended to give the management of the FBI anonymous feedback from personnel about what personnel think of their leadership and management performance.

Q Okay. And do you have access to those climate surveys?

A Yes. But I don't have access to them all, but I have access to the ones in my division.

Q That pertain to CD?

A Yes. Correct.

Q Did you ever hear any complaints about Mr. Strzok or Ms. Page or that sort behavior going on between the two of them as a result those surveys or anything like that?

A Not as no, not as a result of the survey. I'm not saying that it wasn't in there somewhere. I could have missed it. But I don't recall hearing about it through those surveys.

And, again, I can't remember for certain who told me about the potential affair, but I think it was Jon Moffa o [REDACTED] when I first heard about it.

Q Mr. Jordan asked you a little bit about your travel

A Yes.

Q for official business.

A Yes.

Q Did Mr. Strzok and Ms. Page, or at least Mr. Strzok, travel on official business?

A Yes. Yep.

Q And how often did he travel?

A Not a ton. Not a ton. But I'd say probably like a couple, few times a year.

Mr. Baker. Do you recall them ever traveling together on official business?

Mr. Priestap. Yes. I don't know when, but it's my understanding they went with a few others on a trip to the U.K. I don't I'm sorry, I just don't

BY MR. PARMITER:

Q Was that the only time you recall them going?

A That's the only time I recall.

Q As Mr. Strzok's supervisor, were you involved in approving his travel?

A Yes.

Q Did you approve that particular trip?

A If I was in the office when the request went in, I would have approved it. I can't say for certain. I don't remember the paperwork.

But if it wasn't me, it would have been somebody acting in my capacity, meaning assistant director of counterintelligence or whomever was filling in for me if I was gone who would approve that. It requires that level of approval.

Q Did Mr. Strzok require you to approve his work on the Midyear Exam investigation?

A Require? Yeah. I mean, in a general sense yes. It didn't require that I approve everything he does.

In other words, all FBI employees are given latitude once they know what's expected for them to carry out their responsibilities. So it's not like Pete couldn't independently make decisions without my approval.

Some decisions required my approval, but not all.

Q Okay. And this is going to sound like an overbroad questions, but I'm happy to sort of drill down on it. How is it that obviously, there's been a lot reported in the news, not just

about the investigation, the Midyear Exam investigation, but, you know, many other sensitive counterintelligence investigations that seem to have Mr. Strzok as a central player.

A Yeah.

Q How is it that he's involved in so many sensitive investigations?

A Let's start with the Midyear Exam one, which, again, I inherited. Pete had already been selected. I wasn't the only one, FBI executives, who considered Pete a counterintelligence expert, high performing counterintelligence expert.

So it's my understanding that he's been given a variety of challenging priority counterintelligence work throughout his career because he's performed well in the assignments given.

But I can't speak to why he was selected for Midyear, but I didn't kick him off Midyear. He had a wonderful reputation and was known as a true expert. So I didn't have any reason to question the judgment of the people who came before me.

Q But as to subsequent investigations you would be involved in approving his work on whatever came before

A Yes.

Q his division?

A Yeah, for the most part.

BY MR. BAKER:

Q Is it based on his reputation, Mr. Strzok's reputation

A Yep.

Q and his, it sounds like, widely accepted expertise in the subject matter?

I know you've indicated you didn't read all the texts, but what you're aware in the texts, what's been reported in the texts, does that surprise you, that there seems to be this other side of Mr. Strzok that comes through in the texts? I mean, it doesn't sound like that's the outward persona.

You indicated last hour that it was your view that there was no political bias that through the investigation, but when you look at some of these texts, at least between these two people, it goes it seems to go well beyond someone just having a view or a party affiliation or participating in voting. It really seems like these two actors are very much extreme in some of their views. Does that surprise you?

A I was surprised by the texts. It wasn't the Pete Strzok that I know.

Q The media anybody that looked at some of the texts, because they are texts, there's a lot of information that is not there that leaves the reader to fill in the blanks. I would just be curious, from your view, from your position as the assistant director, one of the texts that sort of became famous was a reference to a secret society.

Is there a secret society at the FBI? What do you now believe in hindsight the secret society that they refer to to actually be?

A If there is a secret society at the FBI, I'm not aware of it and I'm not a part of it. I've never heard I've never even heard anybody use that term prior to the media reporting on it and so I was



confounded by what that supposedly meant.

But I was not a part of it, nor have I ever heard of there being such a thing.

Q There is a reference again, these are the texts that have sort of become famous or widely reported there is a reference to an insurance policy. And the innuendo was that there was something held in abeyance should Mr. Trump actually win the election. Do you have any thought or any idea what the insurance policy was?

A I do not. No, I know of the text, I mean, I saw in the media, the text that you're referring to, but I'm at a loss for what they were referring to. I was not aware of the Counterintelligence Division or the FBI having this insurance policy thing supposed to be.

Q Were you aware of a case again, this is adding a lot of conjecture to it were you aware of a case that Counterintelligence was waiting to possibly open that Director Comey would not open, but when Mr. McCabe became the Acting Director there was a thought that maybe through, now that the forum had changed, this case could be presented to the Acting Director and it would be open?

There is a reference in the emails to that: We need to run this by Andy now that's acting. Does that mean anything?

A State that one, I think I'm jumbling

Q It sounds like from some of the texts that there is a case or a matter

A Yep.

Q that was being held from being presented to Director

Comey, but once Mr. McCabe became the Acting Director there was a thought that maybe this could be presented now, we need to run this by Andy or present this to Andy, something along that line.

Ms. Sachsman Grooms. Could you show everyone the text that you're talking about to the witness

Mr. Baker. Let me see if I can find it.

Ms. Sachsman Grooms. instead of characterizing it?

Mr. Brebbia. This is an insurance policy

Mr. Boente. This is a case that Mr. Comey would not open, but an inference that Mr. McCabe would.

Mr. Brebbia. Right. And I think he was going to find the actual text. So while he gives a minute, we'll make the most use of our time. And you can see there, it's circled. I'm going to circulate copies.

Mr. Boente. Sir, do you know, is this I assume it's Pete, Lisa. Do we know who drafted this?

Mr. Brebbia. We believe that that is Pete Strzok to Lisa Page.

Mr. Boente. Okay. Gotcha.

Ms. Sachsman Grooms. Can we maybe mark this as an exhibit and then note what the handwriting is?

Mr. Brebbia. We're getting there.

BY MR. BREBBIA:

Q So this is in specific reference to the text dated 2016 08 15. It reads: "I want to believe the path you threw out for consideration in Andy's office, that there's no way he gets elected. But I'm afraid we can't take that risk. It's like an insurance policy,

in the unlikely event you die before you're 40."

So just that text is all you have to focus on.

A Okay.

Q So presumably this would be a meeting between Lisa Page from the general counsel's office, Peter Strzok, who is your supervisee

A Yep.

Q and Andy McCabe, who is the deputy director, the number two. Do you recall being at that meeting where this topic was discussed?

A No. No.

Q Are you surprised that given Mr. Strzok is your supervisee, and although Lisa Page did not report to you, you worked closely with her, that they're meeting with Mr. McCabe, deputy director, without you?

A No. I mean, I'm sorry, I'm not surprised by that.

Q Would they frequently meet with then Deputy Director McCabe without you being there?

A No. I have no idea of the frequency in which that might have occurred. But while responsible for this case, I couldn't drop the thousands of others cases and matters, issues I was responsible for. And so I had numerous regular meetings outside of the office with other U.S. Government entities, what have you.

And as a result, in this particular case, Pete would often be a point person if I was, for example, half the day at the Central Intelligence Agency, and things came up, they could go direct "they"

meaning my 7th floor, EAD, deputy director, would know they could go straight, of course, with Pete.

So I would think I have no idea of the exact numbers, but these meetings absolutely would have occurred without me.

Q Did you get readouts of the meetings?

A Sure.

Q Did you get a readout about a meeting when an insurance policy was discussed?

A No. No.

Q You would recall if you did?

A Somebody talking about an insurance policy, I would have asked, "What the heck do you mean by that?"

Mr. Brebbia. Okay. And for the record, we'll enter this as exhibit what number? exhibit B 2. Thank you.

[Priestap Exhibit B

Was marked for identification.]

BY MR. SOMERS:

Q Stay on this text for a second. So you're not aware of the insurance policy aspect of the text, but there's also another aspect here, and that's presumably Lisa Page discussing whether or not presumably Trump gets elected. Are you surprised that they would be discussing which candidate would be getting elected?

A Yeah, I am.

Q Would that be a proper consideration in whether to investigate someone, someone's chances of election or not?

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A Not in my opinion.

Q So it wouldn't be if a candidate was unlikely to get elected, that wouldn't be a reason not to investigate that candidate?

A Correct.

Q Nor would a candidate's election lead to investigation?

A Yes. Correct. Yes.

Q So you are surprised that this was a discussion that took place in the deputy director's office?

A Yes. Yeah. Yes, I am surprised.

Mr. Somers. Okay.

BY MR. PARMITER:

Q And, Sir, while we're waiting to get back to the other question about that my colleague just asked, can I return to what Mr. Jordan showed you earlier, which was marked as exhibit A?

A Yep.

Q Towards, I guess it's fourth from the bottom there, on May 4th, 2016, there is a text from Mr. Strzok to Ms. Page saying: "Bill is super stressed about the new FOX report." I know you don't know this, but Bill is presumably you, correct?

A Yeah, that's what I'm assuming.

Q That text was sent on May 4th of 2016?

A Yep.

Q And I show you another exhibit, which for our purposes we'll mark as C, and circulate copies.

A Okay.

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[Priestap Exhibit C

Was marked for identification.]

BY MR. PARMITER:

Q There was a FOX report on that date about the Romanian hacker known as Guccifer?

A Okay.

Q Are you familiar with that person or aware

A Yeah, aware. Yes, I'm yes.

Q So this report I'll give you a minute to read it, if you'd like.

A Okay.

Q But essentially the report says, at least at the beginning, or the headline says: "I breached Clinton server. It was easy." Do you remember reading this or hearing about it?

A I remember hearing about this issue. I don't remember that it was from FOX News or that I had read this specific reporting.

Q But you were do you recall being super stressed about it?

A I was super stressed about many things during this timeframe. And so I do not remember being super stressed about this issue. But let's just say I've had a lot of stress while involved in these.

Q This is presumably something that would cause a great deal of angst if it happened during an active investigation.

A Yeah, it's just with all due respect, there were so many things that caused angst throughout this that I don't individually remember was I more stressed out on one than others.

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Q Okay.

Mr. Priestap. Do you want to go back to that?

Mr. Meadows. Yeah, let me. Can I follow up on that? Because obviously, at that particular time, that's early in May. So if we look at the timeframe, we're looking actually there were Peter Strzok text messages back and forth in that early May timeframe.

We know that the exoneration letter, the infamous exoneration letter, where it went from grossly negligent to extremely careless, was changed in that same timeframe. In fact, we've determined that sometime between May the 4th and May the 8th that was changed.

And so this is all in that timeframe. And you, you know, this is indicating you were stressed, which I would have been stressed, too, if someone said they got on an email server. And so what you're saying is, is that you don't recall necessarily this being a heightened moment for you.

Mr. Priestap. Sir, I don't.

Mr. Meadows. Okay. So let's go to the Romanian hacker.

Mr. Priestap. Yep.

Mr. Meadows. Is it your testimony here today is that you do not believe that they actually penetrated the server?

Mr. Priestap. That the that

Mr. Meadows. That a foreign entity penetrated the server, Mrs. Clinton's server?

Mr. Priestap. Mrs. Clinton's email server. I don't believe the FBI found any evidence that a foreign adversary had penetrated Mrs.

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Clinton's server.

Mr. Meadows. Were you given any suggestion that that might have happened by government intel officials?

Mr. Priestap. Suggestion?

Mr. Meadows. Let me be a little more specific. Do you know who (b)(6),(b)(7)(C) per FBI is?

Mr. Priestap. No, I do not.

Mr. Meadows. You don't know wh (b)(6),(b)(7)(C) per FBI is?

Mr. Priestap. I do not.

Mr. Meadows. And so you're not aware of any conversations that (b)(6),(b)(7)(C) per FBI, who would have been involved with the intelligence community IG, had with anybody, either yourself or Mr. Strzok?

Mr. Priestap. Sir, I don't know wh (b)(6),(b)(7)(C) per FBI is. So, no, that's correct.

Mr. Meadows. Okay. Did you get any information from the intelligence community IG that would suggest that the metadata was not consistent on the Hillary Clinton email server?

Mr. Priestap. I don't recall

Mr. Meadows. You would recall that if you had gotten that?

Mr. Priestap. Yeah. I don't recall that I ever had a conversation with anybody in the IC IG's office.

Mr. Meadows. Did Mr. Strzok?

Mr. Priestap. I don't know. But, again, at least 6 months of the investigation, at least, were conducted before I even became a part of it.



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Mr. Meadows. Yeah, but we're talking about you being stressed out about a foreign entity actually going in and having access to a Hillary Clinton server, which may have which would be a big deal. Would you not agree?

Mr. Priestap. Oh, yeah. Regardless of whether I was more stressed this would have been a big deal. I don't mean to say that it wasn't, I just don't remember being more stressed about this than I was about lots of things at that time.

Mr. Meadows. All right. So is this new information to you today to suggest that the metadata showed anomalies on Hillary Clinton's server, is that new to you? Is this the first time you're hearing that today?

Mr. Priestap. Sir, the conversations I had with my team, you know, who really helped oversee, manage, what have you

Mr. Meadows. It sounds like Peter Strzok was kind of driving the train here. Would you agree with that?

Mr. Priestap. Peter and Jon, yeah.

Mr. Meadows. Okay.

Mr. Priestap. But again, one is an agent, one is an analyst, that came at it differently, and that's why

Mr. Meadows. So let me repeat my question. Is this the first time that you've heard that?

Mr. Priestap. That I'm hearing that a foreign service penetrated her

Mr. Meadows. No, that wasn't the question. Do you need me to

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repeat the question?

Mr. Priestap. Yes, sir. I'm sorry.

Mr. Meadows. Is this the first time that you've ever heard that there might have been metadata on the Hillary Rodham Clinton server that showed anomalies?

[1:26 p.m.]

Mr. Priestap. Yes. I do not recall being told that there were and I say anomalies

Mr. Meadows. So you're the head of counterintelligence

Mr. Priestap. Yes.

Mr. Meadows. and I'm a Member from North Carolina, and you're saying that I have better intel than you do? I mean, is this the first time truly that you're hearing that? I want to give you time to reflect on your conversations.

Mr. Priestap. Sir, there were there was a tremendous amount of work done by the FBI in trying to determine whether a foreign service your words had penetrated Mrs. Clinton's server, a tremendous amount of work.

Mr. Meadows. And I think your comment was there was no evidence.

Mr. Priestap. I am not aware of any evidence that demonstrated that. I'm also not aware of any evidence that my team or anybody reporting to me on this had advised me that there were anomalies that couldn't be accounted for. I don't recall that.

I would like to think that had I been told that, that would have stuck in my mind, because, obviously, from a counterintelligence perspective, there's the mishandling end of this and then there's the, did the foreign adversary get access? Those were equally important. And so

Mr. Meadows. So did your agency work with the intelligence community to ascertain whether that had happened or not?

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Mr. Priestap. So I know they worked with a variety of people. I don't know who they worked with to ascertain that. I mean, when the FBI lacks the requisite skills or resources for whatever reason on something like this and another community partner has it, we will go to them. If we don't need their assistance in other words, our folks have the expertise needed then they won't ask.

I can't remember in this instance whether we had to rely outside of our organization on outside experts. But that is commonplace across the U.S. intelligence community and commonplace for them to come to us, that we share abilities when necessary.

Mr. Meadows. So did the FBI interview this Romanian hacker?

Mr. Priestap. I want to say we sir, if I recall, there's the original Guccifer, but then there's what we refer to as Guccifer 2.0.

Mr. Meadows. Right.

Mr. Priestap. If I recall, the FBI, not necessarily my folks, but the FBI may have may have interviewed Guccifer, but I don't recall.

Mr. Meadows. So do you not find it curious that a counterintelligence investigation with, in your words, penetrating the server would have been a big deal?

Mr. Priestap. It would have, yes.

Mr. Meadows. Okay. And that the very person that caused, according to Peter Strzok and Lisa Page, you stress in this report you didn't interview. Would you not find that just a little odd?

Mr. Priestap. No, not necessarily.

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Mr. Meadows. So the biggest deal in, from your words, and so what you're saying is, it's okay if somebody makes a claim that I've penetrated a Hillary Clinton server and that they do not get interviewed by your team?

Mr. Priestap. Sir, and I don't I apologize. I don't recall

Mr. Meadows. No, I understand. It was a long time ago. But I'm just saying

Mr. Priestap. But the people

Mr. Meadows. I mean, wouldn't you think it would be a normal thing to do, is to interview?

Mr. Priestap. Yeah. Just, sir, the number of people who contact my organization claiming to have information or evidence relating to things we're doing is enormous.

Mr. Meadows. Sure.

Mr. Priestap. Most

Mr. Meadows. Most don't get printed up in NBC and FOX, though.

Mr. Priestap. Correct. And most, unfortunately, prove not to be true. So when people

Mr. Meadows. But you just made the assumption that it wasn't true

Mr. Priestap. No, I don't

Mr. Meadows. if you didn't interview him.

Mr. Priestap. No, I don't I don't know if that assumption we took no decision lightly or I took no decision

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lightly on this case.

Mr. Meadows. But in this same timeframe, I want to remind you, in this same timeframe, essentially, you took it from grossly negligent to extremely careless in the very same week that this article comes out.

Mr. Priestap. I don't know the dates on which that language was changed, but

Mr. Meadows. We can provide them if you have concern. But I can assure you it was within that same week.

Mr. Priestap. Okay.

Mr. Meadows. So do you not think it would be important, as part of that grossly negligent determination, to find out whether a widely reported accusation was truthful or not?

Mr. Priestap. Sir, I think it would have been important to have discussed this information and then to make a determination on whether it was prudent to follow up. But, again

Mr. Meadows. But you're saying you didn't discuss that, to follow up?

Mr. Priestap. I'm sorry?

Mr. Meadows. Was there a discussion that took place and then you decided not to follow up?

Mr. Priestap. I don't recall whether I was personally involved in the discussion at all. I know there were lots of discussions at the time about Guccifer and Guccifer 2.0, lots of discussions by lots of FBI personnel who understood the cyber side a lot better than I did.

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Mr. Meadows. So lots of discussions, but no interviews by your group?

Mr. Priestap. That I can recall.

Mr. Meadows. I'll yield back.

BY MR. PARMITER:

Q Actually, sir, if I could just ask one follow up question on that.

A Please.

Q You said you weren't aware whether there were any or there wasn't any evidence demonstrating that the server had been penetrated by a foreign adversary.

A I don't recall ever being told about evidence, that we had evidence of that.

Q Okay. But

A We were certainly trying to determine if that happened.

Q In your experience, however, would it be possible or wouldn't it be possible for a sophisticated hacker, such as someone like a Guccifer, to penetrate the server and you wouldn't know about it?

A I can't speak to how sophisticated an actor Guccifer was. But certainly it's my understanding that sophisticated hackers have techniques in which it can be very difficult to determine if, in fact, they've penetrated somebody's system.

Q So, I mean, just to put our cards on the table, I mean, in this case it's possible that a sophisticated hacker did, and it's possible the Bureau didn't know about it?

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A It's possible, absolutely.

BY MR. BAKER:

Q Would a sophisticated hostile intelligence service have those same skills, where penetration could be made without leaving evidence?

A Yeah. And, again, guys, I don't know that you can make penetration without leaving any type of evidence. But, again, skilled hackers, to include state intelligence services, sophisticated services would leave very little, if any, evidence behind.

Q Are you aware of any private entity, privately financed, not associated with the government at all, that took it upon themselves to look on the dark web for any trace of Secretary Clinton emails or other communications that somehow could have fallen off of her network, ended up on the dark web, and subsequently ended up on a foreign server?

A I remember hearing something about that. Certainly don't don't recall like which organization it might have been, and certainly don't recall what, if anything, we learned about the effort.

But I do remember that being talked about at one time. I don't know who brought it to my attention. It's my understanding we then looked into it. I don't remember the full extent of that. But I don't recall us learning anything that altered our thinking at whatever timeframe this was.

Q Okay, thank you. I just want to finish up with this exhibit that we've now marked D. It relates to these the ambiguous texts.

A Okay.

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Q This one in particular, I've got it asterisked for you: "And we need to open the case we've been waiting on now while Andy is acting." And then at the bottom: "We need to lock" someone "in in a formal chargeable way."

Does that mean anything to you? What are they talking about?

Mr. Priestap. Confer with these guys.

[Discussion off the record.]

Mr. Priestap. So thank you, guys.

I don't know for certain what they're referring to there.

BY MR. BAKER:

Q Before we transition to that, to back up a couple of steps. When you came into counterintelligence, how were decisions made by this core group, investigative team, the management team, whatever? I'm under the impression that some things were made by like a group vote.

A Yes. So certainly no vote.

Were decisions made? I guess they were made this way: that Pete and John. (b)(6),(b)(7)(C) per FBI again, as an attorney, is providing guidance, but she's not making investigative decisions. She's so Pete and John were at call it the executive level where the central people making decisions, but also (b)(6),(b)(7)(C) per FBI made, the supervisor, made a lot of decisions. Obviously, agents and analysts made decisions on day to day.

What would happen is there were certain decisions, though, either because there might be disagreement amongst team members, FBI team members, or disagreement with DOJ, or there were particularly complex,

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what have you, that I refer to it as bubbled up.

So let's say (b)(6),(b)(7)(C) per FBI decides the team would like to next interview whatever person they want to next interview, but he said: Wow, that person's such a high profile person or he's so, you know, tied to the former Secretary, I probably ought to let people know before we go interview her and him or her and he'll say what the purpose is, what have you.

So, again, there were times like that then decisions would be bumped up. And then, depending on what Pete and John thought and depending what I thought, there were certain things we just you keep pushing up.

For visibility purposes because a lot of times, even if you don't need approval from somebody higher up, you don't want them blindsided if they get some screaming phone call from an attorney or whatever. You want them to know ahead of time what we were doing so they could say, yeah, we're aware of that, it's in the normal course of the investigation, and they'll understand what the issue is. So you try to keep people apprised.

Sometimes, though, in keeping bosses anywhere through that chain apprised, somebody might say: Pause, I'd like to further discuss this before the team goes and does X.

And so it isn't a formal mechanism that if you want to interview somebody, it requires the assistant director approval or just Pete's or whatever. You relied on and I used it myself my experience and judgment to say which actions need to be shared on up. But never

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any vote or any

Q How specifically in relation to whether charges would be brought? I mean, you had indicated earlier that the nature of counterintelligence work, you're protecting the country's assets.

A Yes.

Q But you're also looking in cases where it would be appropriate to charge an actor

A Yes.

Q with a violation.

How were the decisions, as this case went along, how were the decisions made as to whether or not there would be charges? And how, if a computer was searched, how was that information filtered up to alter the decision as the case moved along, there would be charges, there wouldn't be charges? I mean, that had to always be a consideration, I assume.

A Yeah. No, absolutely. Of course, ultimately it's Department of Justice's decision, of course. What we talk about is should we be recommending or not that charges be brought.

We had regular updates. Again, primarily Pete, John, and I and a smattering of others had to regularly provide updates to the deputy director and the Director.

When they began I think actually they began before I even came on. But after the investigation had been ongoing for a number of months, the question would come up informally in those sessions and by those what are those sessions?

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Those are sessions in which what we're doing is we're providing an update of basically what has been learned since the last time we talked.

And so we'll say, were you able to obtain access to a cell phone that contains emails? We did a review; this is what we learned. And then the second part of the meeting would be: And these are the steps we're anticipating taking going forward in the investigation.

While laying all that out, there were ample discussions about, well, with what we're seeing, is it satisfying the Federal criminal statutes that govern the potential mishandling conduct in this regard.

And so that's where, again, there would be discussions from people of whether they thought we were satisfying those elements of the criminal statute; or, if we did not think we were satisfying them, why we didn't think we were satisfying them, based on what we knew at that time.

Q So those were group discussions?

A Yeah.

Q So was that decision put to sort of a vote or a consensus

A No.

Q amongst the group?

A No. There was no vote or consensus. There was opportunities amongst this small group. And I appreciated Director Comey doing it, that he let us speak our mind, meaning we are a very hierarchical organization, and at times there's hesitation for people to speak frankly, you know, all the way up the chain.

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In my opinion, Director Comey set up an environment where he wanted frank, candid input and feedback from these individuals, one of which I was a part of, and he expected nothing less.

Q So when a decision was made that there would not be any charges, was there anybody on the team that was adamant that that was not what the evidence showed?

A Not that I'm aware of.

Q So anybody on the team that would have been involved with the discussions about how the evidence was evolving was satisfied with the decision that no charges would be brought?

A Yes.

Q There was no internal issue with that?

A I don't recall anybody objecting to that.

Mr. Somers. I think we need to cut off here. I think our hour is up. We'll take like an hour long or so break, hopefully a little shorter, but break for lunch now.

Mr. Priestap. Okay, thank you.

[Recess.]

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Ms. Shen. The time is 2:35, for the minority's second round.

BY MS. SHEN:

Q So, Mr. Priestap, I would like to ask you about the FBI's general actions in counterintelligence investigations.

So in the FBI's vernacular what are the different terms used when referring to the level of a counterintelligence investigation?

A I don't know of a term that describes the different levels.

Q Are there certain terms that are used for sort of launching an official investigation versus any preliminary investigative steps? Like, how would you go about building up to, you know, we have evidence, and then we have more evidence, and now this is a full blown investigation?

A So we have something called preliminary investigations and then full investigations. But the vast majority of our cases are opened under on a full investigative status initially.

Q So under what circumstances would there be a preliminary investigation?

A I'm sorry. It's been a long time since I've had to grapple with this.

These are generally discussions that are happening at the street agent level. But it's the type of thing where the the information provided to us is doesn't meet a threshold that we open up a full matter.

Dana, do you happen to

Mr. Boente. An assessment is the term of art, isn't it?

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Mr. Priestap. Yeah, that's another term. But, again, the vast majority of cases don't fall into that context. And so it's not like it's not a preliminary investigation would rarely, if ever, cross my desk, for example.

BY MS. SHEN:

Q But the main distinction is a preliminary investigation doesn't cross a certain threshold of evidence, whereas a full blown a full investigation would

A Yes. That's my interpretation.

Q cross the threshold of evidence?

A Exactly. By evidence, I mean, information necessary to open, not evidence in a court of law sense.

Q Thank you for the clarification.

So what threshold of evidence would be required to open a full investigation? Is there a standard?

A Yeah, there's a standard. I don't remember the exact wording of it, but something like an articulable and factual basis I forget the rest of that sentence you know, that someone may have that someone committed or may have committed, you know, a violation of Federal criminal law. Something to that effect.

Q What kinds of information would be gathered when considering whether it constitutes this threshold of a full investigation? So, for example, would you get a tip or is it just fieldwork? Like, what kinds of information goes into that determination?

A What I'm sorry, I'm not sure I understand the question.

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What what type of information goes into

Q What kinds of information gathering does the FBI do before determining whether a full investigation is warranted?

A We really don't do any gathering of the reason you open one of these is to gather information so that you have a lawful basis to gather. So absent an open investigation, we're not out there collecting information or intelligence. Does that make sense?

Q I think so.

Does the FBI sometimes substantiate claims that they receive from an informant or witness before deciding whether to open an investigation?

A So claims from somebody else on a different topic? Let's say I'm dealing with a human source on topic A, but the human source then tells me something else about topic B. If I believe there's a legal basis to look into topic B, we then open a case on topic B, if that's what you're getting at.

What you don't do is take that information on topic B and start running with it just because you're interested in it. We have to have a lawful authority to investigate.

Q So when you're looking at topic I mean, when this human source has discussed a topic B

A Yeah.

Q you wouldn't automatically open an investigation. You would take some steps to try to substantiate the information from subject B?

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A Yeah, but we I mean, I guess you could do some very what I call nonintrusive investigative things. But otherwise you're really limited on what investigative steps you can take if you don't have an open investigation on it.

Q Can you describe what a sensitive investigative matter is, a SIM, I believe, it's referred to as?

A Sure. It's just a categorization of investigations that generally deal with investigative subjects who the Bureau deems sensitive. It would be people like elected officials, union leaders, clergy, media people. It's a special categorization of, again, investigative efforts, and the Bureau wants to ensure that people in some of these roles are afforded all the protections those roles are deserving of.

And so off the top of my head, I don't know all the requirements, but there's greater approvals necessary to open those cases and to take certain investigative actions to advance those cases.

Q So, other than what you just mentioned, the greater approvals, what other ramifications are there on an investigation if it's designated a sensitive investigative matter?

A Nothing I can think of off the top of my head.

Q So I'm also going to ask you a few general questions about the FBI's counterintelligence investigative techniques.

A Yes.

Q Does the FBI use spies?

A What do you mean? I guess, what is your definition of a spy?

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Q Good question. What is your definition of a spy?

Mr. Ettinger. Just 1 second.

[Discussion off the record.]

Mr. Priestap. So I've not heard of nor have I referred to FBI personnel or the people we engage with as meaning who are working in assistance to us as spies. We do evidence and intelligence collection in furtherance of our investigations.

BY MS. SHEN:

Q So in your experience the FBI doesn't use the term "spy" in any of its investigative techniques?

A No, no, not formally. I'm not saying people can use whatever

Q But it's not a formal law enforcement term that the FBI employs?

A No, except for foreign spies.

Q But in terms of one of its own techniques, the FBI does not refer to one of its own techniques as spying?

A That is correct, yes.

Q So with that definition in mind, would the FBI internally ever describe themselves as spying on American citizens?

A No.

Q Does the FBI use informants as part of its investigative techniques?

A Yes.

Q And understand what I just said, which is the FBI does not

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internally use "spy" as a formal terminology.

I think some people don't really necessarily understand the difference. So could you generally explain what the difference would be between FBI's use of informant and maybe the, you know, the general public's idea of spying?

A Sure. I mean, I guess I can't speak for the general public's understanding of this term, but the way the FBI uses human informants is to collect intelligence or evidence in furtherance of one of our lawfully predicated investigations.

And so we are not using a human informant to, "Hey, you know, in your daily life go do whatever you do and come back and report to us what you're doing."

We have an open investigation. It often involves named but sometimes unnamed investigative subjects. And we're trying to prove whether something did or did not happen, is or is not occurring. And we use human informants to help us try to answer that question.

In other words, the taskings or requests of these human informants are focused and related to the investigation that we're trying to advance. It's not a catchall to send somebody into society and just report back, "What do you hear?"

That said, if they do come across other concerning activity, they're not prohibited from sharing that with us.

Q So a human informant of the FBI's wouldn't typically be placed proactively in a certain network and then have receive regular report back to the FBI. Is that correct?

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A Placed. The FBI is not able to place human informants. We don't have that type of control or authority. Human informants come from all walks of life and many are involved in all kinds of activities, groups, you name it, some of which is of investigative interest to us.

Q Does the FBI infiltrate or surveil U.S. political campaigns?

A In general, no.

Q Does the FBI conduct its investigations for political purposes?

A No.

Q Can you describe generally what the proper channels are for the FBI to receive information from foreign allied powers?

A I'm sorry, say that the processes?

Q Let me rephrase.

So when the FBI is working with foreign allied powers and sharing intelligence and receiving intelligence, my understanding is that there are certain, you know, proper designated channels from which that information is transmitted, or is that incorrect?

A Yeah. Whether it's counterintelligence, counterterrorism, or traditional criminal efforts on behalf of the FBI, we are heavily dependent on partnerships the world over to help us. And I'm hopeful that we are helpful to other organizations around the world in regards to their national security and law enforcement matters.

As a result, we have a number of relationships, again, globally with a number of law enforcement and intelligence organizations, and information is formally and informally shared with those organizations

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on a regular and routine basis at all levels of the organization.

Q So all

A It's part and parcel of the way we do business today.

Q So I'll ask it another way. When sharing information when receiving information from our foreign allied powers, are there really any improper channels of receiving intelligence?

A Improper?

Q Or I think what you were describing before was because there's, you know, a sort of daily formal and informal exchange of information that there wouldn't necessarily be, say, well, this person, you know, emailed on the wrong, you know, on the wrong server, or this person had a meeting and it wasn't authorized, therefore, it doesn't count as intelligence.

So in that sense are there really ever improper channels of communicating intelligence that would render the intelligence ineffective?

A No. As long as the people in both of the organizations exchanging information are allowed to handle the information that's being communicated, and as long as it's communicated on an acceptable medium.

For example, if they're talking about Top Secret information, that all people have Top Secret clearances, and if it's exchanged electronically, it's done on a Top Secret electronic medium. So it more has to deal with the classification level of the information being exchanged.

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But otherwise, again, we want to be able to accept intelligence information evidence from partners in a whole variety of ways.

Q Okay. So can you briefly explain what Five Eyes is?

A Sure. It's just a in a as I call it, a United States intelligence community and national security context, it's five nations that have a strong relationship and commitment to each other to assist them however we can and each other in intelligence and law enforcement capacities.

Q And are there certain is there certain information sharing that is designated through the Five Eyes? So, for example, as part of this Five Eyes agreement, one of the countries sends us information and to the other countries as well.

Alternatively, that same country could only send the information, you know, bilaterally to the United States, correct?

So what I'm trying to ask is, if you're a member of Five Eyes

A Yes.

Q is that the only way that intelligence is transmitted to the United States, or are there other ways?

A No, there's certainly other ways.

And so any of those five nations can share in and of or between themselves, but then you can also share with any subset or the entire group if you'd like as well.

And so some information will be shared with, say let's say the U.S. has the information. You might share it with all four countries simultaneously. Other occasions you only share with one or two, and

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vice versa with other nations.

But, again, what there is more than anything is a commitment to assisting each other in these constructs.

Q So earlier I believe there was a discussion of Bruce Ohr, and you said that you had seen him but not been in a meeting with him or

A I don't recall being in a meeting.

Q You don't recall being in a meeting with him.

A Yeah.

Q But as assistant director for counterintelligence, do you know if Bruce Ohr has any counterintelligence duties, such as applying for FISA surveillance warrants?

A Whether he does, I don't know. But I don't know everybody in DOJ who would be working on FISA issues. I know some people, but I don't I don't know if Bruce is one of those. I never worked with Bruce, so

Q So you have never worked with Bruce Ohr on a counterintelligence

A I have not, no.

Q Does the FBI conduct investigations to frame U.S. citizens for crimes they did not commit?

A No.

Q Are you aware of any instances that the FBI did not follow all of their established protocols on the use of informants?

A Sure. From what I like the thing that jumps out at me

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is the Whitey Bulger case. It's my understanding there were FBI deficiencies in that regard. But I wasn't involved. I didn't I was never a part of that case. This is just based on media I remember surrounding.

Q So you have never been involved in a case where the FBI has not followed all established protocols on the use of informants?

A That would have been if I've been involved, I don't recall ever being involved.

What happens, though, you know, in these situations in the leadership positions I've been in, responsible for so many things, meaning cases, informants, what have you, it's certainly possible that that has happened and my memory could be jogged. But I'm not recalling anything.

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BY MS. KIM:

Q So there have been news reports that the FBI provided defensive briefings to the Clinton campaign and to the Trump campaign relating generally to the threat of foreign influence or foreign interference in those campaigns. Can you confirm that those briefings happened during the 2016 election?

A Yes. I know that briefings were provided to campaign staffs.

That said, it's my understanding those are optional, so it's not like you can make campaign staff show up at the briefing. And the Bureau goes and speaks to the staff that decide to attend.

Q Were you a part of those briefings?

A I was not.

Q Do you know who at the FBI would have been part of those briefings?

A Not by name. I mean, I would have known then, but I don't know I can't remember now.

And then I believe we also provided, in coordination with the Office of Director of National Intelligence, briefings to the candidates themselves and their running mates.

Q Were you involved with the ODNI briefing?

A I was not, no.

Q Do you know who gave those briefings?

A I do not. I do not. I'd be guessing, and I don't want to do that.

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Q Sure.

A But I know the FBI did, and I knew at the time.

Q And do you know what the timeframe was that these briefings were provided?

A I don't. But obviously, prior to prior to the election. I mean, the idea was to advise beforehand.

Q And what guidance would generally the FBI give a campaign if they encounter any foreign attempts to infiltrate the campaign?

A Again, I was not at the briefings themselves. But the thing we do in just about every outreach, I mean, when we're talking to whether it's private sector groups or campaign officials or candidates, you name it, is to say, if you have concerns, this is who we are and how you can get a hold of us. So if you see something that is troublesome to you, it's part of why we exist, you should feel free to reach out and we'll help you however we can.

Q Is that a point that would have been emphasized? So if there were any untoward foreign contact, would that have been a suggestion the FBI made strongly, we strongly encourage you to reach out to the FBI?

A I, because I wasn't at any of those briefings, I don't know how strongly it was made. And so I don't even

Q Do you recall if there were any reports of any offers from foreign governments to interfere with the U.S. electoral process?

A If we received reports from campaigns?

Q That's correct.

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A I don't recall us receiving campaign I'm sorry, reports from campaigns. That doesn't mean it didn't happen. I don't recall any.

Q Would you have been made aware of reports from campaigns if they happened?

A If it was serious, I would have been made aware. If somebody deemed it not or not credible, then I might not have then. But if it was considered credible and serious, I would have been made aware.

BY MS. SHEN:

Q Mr. Priestap, I'm just going to jump back to the topic of Peter Strzok and Lisa Page, the text messages.

So the text messages of Peter Strzok and Lisa Page have been used by some as proof that Peter Strzok's personal political views or dislike of Donald Trump was determinative of the FBI's recommendation not to prosecute Hillary Clinton.

Are you aware of any instances where Peter Strzok made a professional judgment or took an official action in the Clinton investigation due to any anti Trump bias or due to his personal political views?

A I am not.

Q Were there safeguards in the Clinton investigation that protected against the bias or political views of any one member of the team, such as requiring the entire team to participate in important decisions, as opposed to entrusting an important decision to a single member of the team?

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A Yeah. No, that's absolutely right, that numerous decisions and numerous difficult decisions did not happen in a vacuum. They happened after careful consideration by sometimes few, sometimes numerous people. Even if somebody wanted to do their own thing, I'd argue it would be difficult, if not impossible, for he or she to do that.

Q And are those safeguards that you described in place in all FBI cases?

A Yes, although not all FBI cases have such oversight. But yes.

Q Have you ever seen Peter Strzok make a professional judgment or take an official action due to any anti Trump bias or his personal political views?

A No.

Q Have you ever seen Lisa Page make a professional judgment or take an official action due to any anti Trump bias or her personal political views?

A No.

Q So since Congress received these text message productions, some of them have also been used as purported evidence of misconduct or conspiracy at the FBI generally and in the Obama administration against Donald Trump.

So I guess just direct your attention back to exhibit B, which is and to the August 15, 2016, text message that states, quote, "I want to believe the path you threw out for consideration in Andy's

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office that there's no way he gets elected but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40," sent by Peter Strzok.

Mr. Ettinger. Is this B as in Baker?

Ms. Shen. Yes.

BY MS. SHEN:

Q So you've discussed this already?

A Yes.

Q But it appears in the text messages that there was some kind of meeting in I presume Andy McCabe's office. And did you say earlier that you were not present at this meeting. Is that correct?

A Yeah. And this is assuming, again, a meeting took place.

Q Even took place, correct.

A I wasn't there, so I can't say that the meeting took place.

Q Mr. Priestap, do you have any reason to believe that the mention of an insurance policy refers to a conspiracy at the FBI to prevent Donald Trump from being elected President?

A No.

Q Do you have any reason to believe that this mention of insurance policy refers to a conspiracy at the FBI against Donald Trump personally?

A No.

Q And do you have any reason to believe that there is or has ever been a conspiracy at the FBI against Donald Trump or his campaign?

A No.

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[Priestap Exhibit No. 2

Was marked for identification.]

BY MS. SHEN:

Q So I'd like to introduce as exhibit 2 a page of Strzok and Page texts Bates stamped DOJ production number 212.

Have you seen these texts before? I'll give you a moment to review them.

A Should I review the whole page?

Q Oh, no. Actually, okay, just to save us some time.

A Yeah.

Q So on August so there's a text on August 5th at 4:37 p.m. where Peter Strzok starts sending three texts to Lisa Page. So the first one reads, "And hi. Went well, best we could have expected. Other than" redacted name "quote, 'the White House is running this.'"

Second text, "My answer, 'well, maybe for you they are.'"

Third text, "And of course, I was planning on telling this guy, thanks for coming, we've got an hour, but with Bill there, I've got no control. What time do you need to leave?"

Mr. Priestap, is it reasonable to assume the Bill in this text may be referring to you?

A Yes.

Q So Lisa Page responds with the following two texts. Quote, "Don't you have work to do?" Second text, "Yeah, whatever (re the White House comment). We've got emails that say otherwise."

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So, Mr. Priestap, are you familiar at all or did you participate in whatever meeting or exchange they are referring to when someone was saying, quote, "The White House is running this"?

A I don't I don't know what they're referring to there. So I did not participate in the meeting in which somebody said, "the White House is running this."

Q Just from reading these texts, would you conclude that the Obama White House was politically interfering with the FBI's handling of either the Clinton or Trump investigations?

A No.

Q And do you have any reason to believe that the Obama White House ever politically interfered with the FBI's handling of either the Clinton or Trump investigations?

A Do I have

Q I'll repeat the question. Do you have any reason to believe the Obama White House ever politically interfered with the FBI's handling of either the Clinton or Trump investigations?

A I guess it would depend on interfered.

Q Maybe I'll rephrase it one more time. Sorry then.

Do you have any reason to believe that the Obama White House ever interfered with the FBI's handling of either the Clinton or Trump investigations for political purposes?

A No, no.

Q So to your knowledge, was the White House actually running either the Clinton or Trump investigations, the Obama White House?

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A The FBI was.

Q Mr. Priestap, I ask this since you are director for counterintelligence, are you generally involved when the FBI obtains FISA surveillance warrants?

A Generally involved?

Q Or I'll rephrase.

To what extent are you involved when the FBI obtains FISA surveillance warrants?

A It depends on the case, but I am sometimes brought into conversations about whether a FISA warrant is necessary in a given matter; and, if so, you know, where that where that given situation currently sits.

What I'm trying to say is that I do not personally review nor is it part of my job responsibility to personally review all of our FISA applications.

But I am generally aware of some of them. And then when there's problems with some of them, that's when I get involved, if I can help rectify whatever the problem or anticipated problem might be.

Q Are you involved in the FISA process only when issues are raised to you?

A Yeah. Yes, that's exactly right.

Q So if you could turn your attention back to exhibit 1, which is the House Resolution 907.

A Okay.

Q And turn to page 7 of that document.

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So the second clause reads, "Whereas in October 2016, the FBI and DOJ used politically biased, unverified sources to obtain warrants issued by the United States Foreign Intelligence Surveillance Court of Review (FISA Court) that aided in the surveillance of U.S. citizens, including Carter Page."

So, Mr. Priestap, do you agree that the FBI and DOJ used politically biased, unverified sources to obtain FISA warrants in October 2016?

A I'm sorry, I'm just not at liberty to answer that.

Q Mr. Priestap, are you aware of any instances of the FBI and DOJ ever using politically biased, unverified sources in order to obtain a FISA warrant?

A No.

Q Are you aware of any instances where the FBI or DOJ did not present what constituted credible and sufficient evidence to justify a FISA warrant?

A Am I

Q I'll rephrase. I'll try again.

A I'm sorry. If it helps, if if it's not justified, the court doesn't approve it. So like if we're not meeting the standard required by the Foreign Intelligence Surveillance Court, the requests are turned down.

Q So, in other words, by definition, if you presented information and a FISA court approved it, that would constitute credible sufficient information?

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A In my opinion, yes.

[3:12 p.m.]

BY MS. KIM:

Q Are you aware of any instances of the FBI and DOJ attempting to intentionally mislead the FISA court judges to obtain a FISA warrant by omitting evidence or manufacturing evidence?

A No.

Q And are you aware of any instances at the FBI and DOJ of failing to follow all proper procedures to obtain FISA warrants?

A No.

Q Okay. So there have been many allegations surrounding the July 5th, 2016, statement that Director Comey drafted on the Clinton investigation remanding not to prosecute. So I'd like to walk through what happened in detail with you, to the extent that you know.

A Okay.

Q Okay. Can you describe the general process Director Comey used in drafting the July 5th statement on the Clinton investigation?

A Sure. As I recall, the Director independently drafted a I'll call it a draft statement. I think he called it a straw man statement. I don't know when exactly he started drafting it. And I can't recall exactly when it was shared to me, but I want to say it was sometime in early May of '16.

If I recall correctly, it was shared with me by the FBI deputy director. And he said something to the effect of, the Director took a stab at a draft statement if the Bureau were to decide one were to become necessary, and if, you know, the case continued in the way we

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were anticipating, and he wanted to share it and get feedback with a few people, and so please review it and provide us your feedback, something to that effect.

There were then a few a couple few iterations until the Director finalized a statement and ultimately delivered it.

Q How would you describe your role in drafting or approving the statement?

A I guess I'd describe my role as a sounding board. I was one of a few people who were involved in a lot of high level discussions excuse me about this investigation. And I think I had mentioned previously in this forum that, with a handful of us, the Director had set up an environment where he expected frank and candid feedback, thought he'd get that from us, and so he just wanted our frank and candid feedback, what are our thoughts. What do we think we he has right, wrong, you name it.

[Priestap Exhibit No. 3

Was marked for identification.]

Q Okay. So now I'd like to introduce exhibit 3 with the Bates Nos. FBI 17 to 22. And it is an email chain from then Deputy Director Andrew McCabe to you on May 11, 2016.

A Okay.

Q Subject, Midyear Exam Unclassified, with an attachment that appears to be a draft statement written by Director Comey.

Mr. Priestap, is that also your understanding of the document?

A Yes. Yep.

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Q And are you familiar with this document?

A Yes, I've seen it.

Q So on the bottom of the first page, you emailed Andrew McCabe on May 6, 2016, with your proposed edits to Director Comey's draft statement. Is that correct?

A Yes.

Q And in the second bullet, you add to the beginning of one of Director Comey's paragraphs, quote, "The American people entrust the FBI with impartially investigating all matters of crime involving people from all walks of life. We take that obligation extremely seriously, and," end quote, it continues with Director Comey's draft language, quote, "I can assure you that this investigation was done confidently, honestly, and independently."

Mr. Priestap, why did you propose that particular edit?

A I can't recall my exact thinking at the time, but I just when I review it here today, I just believe that I thought it was worth emphasizing, especially the impartiality of our of our investigations. There we we're not perfect. We strive to be as impartial, as objective as human beings can be.

Q And sitting here today, do you, in fact, believe the FBI impartially investigates all matters of crime involving people from all walks of life?

A I can't speak for, you know, every FBI employee and every investigation. I can say of the investigations I have been a part of that absolutely this is what we strive to do.

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Q And do you also believe that the FBI's investigation into Secretary Clinton's emails was done confidently, honestly, and independently before recommending not to prosecute?

A I do.

Q If you can turn to the second page.

A Yep.

Q So that there's an email from Andrew McCabe to yourself, Peter Strzok, Jonathan Moffa, and a redacted name from the Office of General Counsel. The second paragraph of the email reads, quote: "The Director asked me to share this with you four, but not any further. The only additional people who have seen this draft are Jim Rybicki and Jim Baker. Please do not disseminate or discuss any further."

Mr. Priestap, is that accurate? Is there anyone else beyond the people in this email chain, Jim Rybicki, Jim Baker, and Director Comey who were involved in providing edits or suggestions to the draft July 5th, 2016, statement?

A I don't I don't know who the redacted name is.

Q Okay.

A And I don't know for certain everybody who provided feedback. I wasn't tracking that. It sounds like the Director and/or deputy director were, but for example, some of the feedback I provided I was not sharing with others. I was providing it directly back to the deputy director or his chief of staff for the director, if you follow.

So the Director and/or deputy could have certainly shared it with people independent of me, which I'd have no knowledge of.

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Q Is it your understanding that, you know, other people were, also sounding boards, were solicited specifically for feedback back to Director Comey's statement?

A Yeah. Yeah. Absolutely. Yeah.

Q And was there any specific process for soliciting multiple feedback? Was there an order? Was there a hierarchy? Anything?

A Not that I know of. I mean, maybe the Director or deputy director or their offices would know, people in their offices. But I wasn't aware of a certain, like, pecking order and, you know, send comments to this person who's going to compile everybody's or it was, please review this. Let me know your feedback.

Q Okay. I'd like to ask you to turn your attention once again to exhibit 1, which is the House resolution

A Okay.

Q and turn to page 4.

Okay. So where it begins, quote: "Whereas Director Comey, in the final draft of his statement, allowed FBI Agent Peter Strzok to replace "grossly negligent," which is legally punishable under Federal law, with "extremely careless," which is not legally punishable under Federal law."

Mr. Priestap, do you agree with the characterization that Director Comey allowed FBI Agent Peter Strzok to replace "grossly negligent" with "extremely careless"?

A I don't know I don't know what Peter Strzok's role and what particular feedback he provided in regards to the draft statement.

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I might have known at the time, but I certainly don't recall now.

Regardless, there were at least a few, if not several, of us looking at the language here. And so, again, it gets back to a question you asked earlier about can one person unilaterally do things that others aren't aware of, that others would have been whoever made the change, others were aware of the change being made.

Q So would it be fair to say it doesn't paint a very accurate picture to single out Peter Strzok as the

A I don't know who wrote this, the document you're referring to. Maybe they have evidence that said it was Peter alone. I'm not aware of that.

Q So at the time "grossly negligent" was used in or initial drafts, was the FBI at that time intending to recommend prosecution of Secretary Clinton?

A At the time Director Comey drafted the first initial

Q So there's there are multiple drafts and then at some point documents show us that the edit was made by someone, the phrase "grossly negligent" to "extremely careless." So some of the earlier drafts had, you know, "grossly negligent" some of the later drafts and final statement had "extremely careless." So I guess my question is: During the time period where the drafts had "grossly negligent" in it

A Yeah.

Q during that time period, did the FBI intend to recommend prosecution of Secretary Clinton?

A No. No.

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Q So did the edit of replacing "grossly negligent" with "extremely careless" change the FBI's decision of whether to prosecute or its substantive legal analysis in any way?

A It didn't change any decision on what on our recommendation to prosecute.

Q And you said earlier you do not recall specifically whether this edit was made by Peter Strzok or who it was made by?

A No.

Q Okay. Do you recall any specific go ahead.

A No. Go ahead. I'm sorry.

Q Do you recall any specific discussions in the group about making the edit just in general, a discussion back and forth of whether to make the edit or it being commented upon?

A What I remember, and I don't remember the exact timeframe, but sometime before the statement was made is that there were discussions amongst several of us about the verbiage "grossly negligent," and that that same language is used in a Federal criminal statute. And so if we're going to use it, then let's make sure it's used correctly with the applicable law.

Q Was there a conclusion that it wasn't being used correctly or

A Yes. I think I guess that's one way to put it. I think there was a there was a conclusion that the Secretary did not act in a grossly negligent manner in regards to the the investigation we are handling.

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Q Do you recall who made that conclusion? Was it a collective conclusion? Was it certain

A I don't know that anybody independently. But, again, I can remember more than one discussion on this topic. And I what I don't remember is anybody disagreeing with the fact that that standard had not been met, that legal standard.

Q So there was a general consensus that the gross negligence standard had not been met in the case of Secretary Clinton?

A Correct.

Q So do you believe that this particular edit of replacing "grossly negligent" with "extremely careless" rendered this July 5th, 2016, statement inaccurate or misleading in any way?

A I think I forget when it's dated. But whatever the Director Comey's first draft statement is, I thought I thought it captured the essence of what he was thinking at that time.

Q Who held the authority to approve the final language of the July 5th, 2016, statement?

A The Director, Director Comey.

Q So Peter Strzok did not have the authority to approve the final language of the July 5th, 2016, statement?

A He did not.

Q Did Peter Strzok or anyone else that you're aware of ever make edits or suggestions to the statement in order to help Secretary Clinton or damage the Trump campaign?

A Not that I'm aware of.

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Q Do you recall Peter Strzok ever pushing back on the group consensus on any particular wording or phrasing during the drafting process?

A No, I don't recall that.

Q And I believe you already stated this earlier, but I'll just ask: Were members of the senior leadership free to express their concerns throughout the drafting process?

A Absolutely.

Q And do you recall any member of the senior leadership expressing significant disagreements about the statement's final wording?

A All I know is we had a lot of robust discussions, you know, all the way through on this this case and this statement. At the at the end, I don't remember, you know, anybody pounding the table or anything like that. But people certainly let their opinions be known throughout. This was not a shy group.

Q So no one was raising the strong objection to the very end

A No.

Q on the final wording of Director Comey's statement?

A No.

Q Okay. So if you can turn to page 3 of the same exhibit.

So the fourth full clause reads: "Whereas according to transcripts obtained by the Senate Judiciary Committee, former Director Comey was prepared to exonerate Hillary Clinton as early as April or May of 2016 when he began to draft a statement announcing the

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end of his investigation, before up to 17 key witnesses, including former Secretary Clinton and several of her closest aides, were interviewed."

So, Mr. Priestap, is it accurate to say former Director Comey was prepared to exonerate Hillary Clinton as early as April or May of 2016?

A First, I don't know when he started drafting this statement, so but, no.

Q So why was the initial statement drafted before the FBI officially closed the Clinton investigation in July of 2016?

A Director Comey unilaterally drafted the draft statement. I mean, I don't know why he chose to do that then.

Q Do you believe that Director Comey acted improperly or prematurely by drafting an initial statement before Secretary Clinton's and other interviews occurred?

A I do not. I actually applaud the fact that he was trying to think strategically about potential conclusion of this matter, and applaud that fact.

Q So if the FBI's subsequent interviews of Secretary Clinton and others produced new evidence that did support prosecuting Secretary Clinton, would the FBI have changed the recommendation to prosecute or just ignored that evidence and stuck with the existing draft statement?

A We would have absolutely followed the facts wherever they took us.

Q So in other words, these initial draft statements in the

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spring of 2016 didn't lock in the FBI's recommendation of time not to prosecute?

A They were not binding.

Q But the FBI did not actually receive any new evidence in these interviews that supported prosecuting Secretary Clinton. Is that correct?

A Correct.

Ms. Kim. I think we're ready to just end this round and we'll see you next round.

Thank you.

Mr. Priestap. Thank you.

[3:36 p.m.]

Mr. Parmiter. Let's go back on the record. Time is 3:36 p.m.

BY MR. BREITENBACH:

Q Mr. Priestap, you know, I think we're all here because of some angst or concern that, at its heart, that there were some potential irregularities in the FBI's investigation of the Hillary Clinton email investigation.

You know, I'd sort of like to engage in a little bit of a thought experiment here, a little hypothetical. I think, based on our colleague, Mr. Somers', admonition at the beginning of this interview to ensure that this interview remained confidential, that I think you would agree with me that if we all went back to our Gmails, or whatever personal email services that we might have, after this particular interview, we went back to our personal server, so to speak, back at our homes and started emailing summaries of this interview, you know, obviously, we're not in a classified session here, so it's not emailing anything classified. But I think you would agree that it's not really prudent to do so.

A It wouldn't be prudent in my mind, no.

Q And why wouldn't it be prudent, do you think?

Let me just propose that it might not be prudent because, again, it's not a secured email server. It's something that is offered publicly to anyone who might sign up for service, for instance, Gmail. It might not be prudent to send summaries of something that has been asked to be held in confidence over personal email servers.

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A Yes.

Q You would agree?

A Yes.

Q Let's change the setting now to where we're in the SCIF and that we're actually discussing classified matters. I think you would also agree with me that it would be imprudent and improper, potentially criminal, if we were to go back to our personal servers, personal email, and start sending classified summaries of what was discussed here today.

A Yes.

Q Would you agree that that could potentially rise to the level of criminality if we were going back sending classified summaries to our colleagues, for instance?

A Potentially, yes.

Q Okay. Let me just introduce into the record a letter that was sent to you from Greg Starr from the Department of State, where and I'll just read from here late last week, the Department reported that 22 Clinton emails would not be publicly released to their due to their top secret classification at the request of the intelligence community. It goes on to say that, finally, approximately 1,300 emails contain sensitive information that was previously redacted and classified as confidential, big C, which, as you know, top secret, secret, and confidential are the three classifications of classified information, prior to the emails' release under our FOIA process.

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I'm not sure what this should be labeled as.

[Priestap Exhibit E

Was marked for identification.]

BY MR. BREITENBACH:

Q So what I'm trying to get at is, is trying to understand the line at which the FBI might draw a conclusion that sending classified emails improperly over an unsecured, unclassified means may rise to a criminal or rise to the at least predication to bring a criminal case.

So if we go back to my hypothetical and we were to suppose that one of us were to send go back and I were to send to one of my colleagues one classified summary

A Yeah.

Q potentially that is or I would say that is not arguable that that is a spill of classified information on an unclassified server and, therefore, an improper use of unclassified means to disclose classified information. Would you agree?

A Yes.

Q What if I were to go back and send 10 classified emails, which also included and this is, again, a hypothetical we're discussing in this SCIF, this hypothetical SCIF top secret and Special Access Program information, which which, I guess, I'd like to for you to describe what you believe Special Access Program but what I understand it to be is potentially releasing information on, for instance, troop movements. Highly confidential troop movements would

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potentially fall within a SAP, or a Special Access Program. Is that accurate?

A Yes.

Q So if we were to go back in this hypothetical and send 20 emails that were classified to our colleagues, would you agree that that is highly problematic, on an unsecured server?

A Yeah. Problematic? I guess

Q I'm not asking if it's criminal yet.

A Yeah.

Q Is it problematic, in your mind?

A Improper.

Q Improper.

You stated earlier that your division investigates spillage, so to speak, of classified information, or mishandling of classified information.

A Yeah.

Q In fact, that statutory authority for reviewing, as an investigator, whether there has been improper spillage of classified information resides under 18 U.S.C. 793. Are you familiar with that statute?

A Yep.

Q I just want to read to you this is in a military court of appeals. And I'll state the case. It's Roller Marine Corps United States I'm sorry. United States versus Roller, Marine Corps, U.S. Court of Appeals of the Armed Forces. And the court

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there states that the purpose of the Federal espionage statute is to protect classified documents from any unauthorized procedure, such as removal from its proper place of custody, regardless of the means of removal, and it was appellant's gross negligence that was the proximate cause of the classified documents' removal. We stated that, quote, it is clear that Congress intended to create a hierarchy of offenses against national security ranging from classic spine to merely losing classified materials through gross negligence.

Do you agree, since you are familiar with 18 U.S.C. 793(f), the espionage statutes, that that is those statutes are still on the books as good law, good Federal law?

A Yes.

Q Those statutes, would you agree, range from willful misconduct to gross negligence?

A I can't speak for all the statutes, but

Q I can stipulate that there is a willful standard in the law and a gross negligence standard.

At what point, in your mind, do you see someone meeting a standard of a legal standard that could be held criminally liable in releasing classified information in an improper manner?

A Let me say first and foremost that the ultimate decisions when it comes to prosecution are determined by the Department of Justice. In other words, I'm not a prosecutor. That said

Q Okay.

A dealing with the former Director Comey, he had been an

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assistant U.S. attorney, a U.S. attorney, and the number two official in the Department of Justice. And so he had a lot of prosecutive experience. He also in the discussions that we had on this topic, we had a number of attorneys from our general counsel's office. What I'm trying

Q I guess, would you agree with me, just in a commonsense manner

Mr. Ettinger. Can he finish that, please?

Mr. Breitenbach. Sure. Go ahead.

Mr. Priestap. Just that in these discussions there were there's a lot of people more expert than I when it comes to meeting requisite standards. And so it's not that I don't have a voice in that discussion. But I'm an investigator at heart. I'm not a prosecutor. And so my responsibility lies, first and foremost, with the investigations and investigative team, not the prosecutive end of what we were doing.

BY MR. BREITENBACH:

Q Okay. Thank you.

So in terms of the line in determining the legal standard of gross negligence versus willfulness

A Yeah.

Q might it be one one manner that a prosecutor might take in determining where that line lies based on the number of classified emails that have been sent in an improper manner?

A I would think that's a reasonable consideration when

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looking

Q You know, I'm thinking of, you know, a child that does something once. Well, that was bad. If they continue to do it multiple times, well, maybe as a parent you might say that that it's becoming willful and we need to admonish that child for the continued improper behavior. So that's what I'm thinking in terms of number of times in a spectrum that you go from gross negligence to willfulness.

A Yeah. I think the number of times something occurs is a proper consideration. What I don't know is, and I don't have in my head is, you know, is the number 10, which I'm going to you know, versus, no, the number should be 100 instances of this before I should feel differently about it.

Q Well, I just think a lot of people might struggle in seeing in that letter sent to you by Department of State

A Yep.

Q that that number was not one or two or three classified emails but 22 top secret emails and 1,300 classified emails in general. So I think when one looks at that in terms of a spectrum and going back to the hypothetical, I think there might be many who would question whether people in this room would still be in this room if we had hit 1,300 emails on our personal Gmail service.

Would you agree that that is a

A Again, I think the number of instances is absolutely a proper consideration, so

Q You mentioned previously that it wouldn't be your

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determination as the as the AD of FBI, nor would it even be the Director's normal determination to determine whether to prosecute someone.

A Correct.

Q And you said that it would be the Department's decision under normal means to prosecute someone.

A Yes.

Q Well, I'd like to enter into evidence another one here. And this is this is one that's we've previously seen, those in this room. And it's an email written to your former boss, Mike Steinbach, from an unidentified individual in the general counsel's office

A Okay.

Q discussing how the HRC case is different from other cases that resulted in the prosecution with a focus on proving intent.

Does gross negligence, in your mind, need a legal standard of intent

A In my

Q to prove?

A In my mind, it does, based on conversations with people far more expert in the law than I.

Q What if you were to turn the page and see, under 18 U.S.C. 793(f), that under the note it states DOJ it states under the note: DOJ not willing to charge this, under 793(f).

A Okay.

Q I want to go to some information that has not been public,

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but we in this room have reviewed in terms of the DOJ production.

We are aware, and I'd like you to confirm, that there were search warrants obtained in this case beyond, in the last round, the search warrant mentioned in terms of the Anthony Weiner laptop. Is that accurate?

A I don't know that it is. You were there were other search warrants used in the case

Q Correct.

A writ large?

Q Correct.

A Like likely. I can remember a number of I don't know the numbers, but I want to say most of the stuff we received was via consent, but we certainly could have received other things via a search warrant. I don't remember those

Q You don't remember whether there were search warrants obtained in the case, other than the Weiner laptop?

A There certainly could have been, but I don't remember.

Q I can stipulate that we have seen drafts of search warrants submitted to the Eastern District of Virginia to obtain material in the Hillary Clinton case.

A Okay.

Q Based on those search warrants, the predication in the search warrants were listed the statute of 18 U.S.C. 793(f).

A Okay.

Q I'm sorry. 793. I don't recall whether

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A I understand.

Q But 793 was the predication.

A Okay.

Q Can you explain to us what I mean when I say "predication"?

A Predication for a search warrant?

Q To obtain a search warrant.

Mr. Ettinger. You want to tell him what you understand the work "predication" means as opposed to

BY MR. BREITENBACH:

Q When I say "predication," what does "predication" mean to you?

A It means the information necessary to meet a legal standard to take certain investigative action.

Q Is justification another

A Yeah.

Q synonym?

A Yes. Yeah. Legal justification.

Q Legal justification.

Would do you think or have you ever seen legal justification or legal predication used in a search warrant when there is no opportunity to use that legal justification for eventual prosecution?

A Yeah, I'm not sure I follow.

Q Okay. So sure. So as I mentioned, the predication that we have seen in the draft affidavits was 18 U.S.C. 793(f), the predication necessary for the FBI to have obtained material in the

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Hillary Clinton email investigation.

A Okay.

Q Have you ever seen any other instance when a search warrant uses as statutory legal justification a particular statute whose application would never be used in a prosecution?

Mr. Ettinger. I'm going to object to the form of that question, but he can answer. I don't think he can answer that question.

Mr. Breitenbach. Is there a reason why?

Mr. Ettinger. Yes. Because you're presuming facts in that question that he told you he didn't know?

Mr. Breitenbach. What I'm

Mr. Ettinger. Now you're asking him to answer it. And to answer it, he has to agree to the facts.

Mr. Breitenbach. Okay. Let me go I appreciate that.

BY MR. BREITENBACH:

Q Let me go right to back to this the document that has the chart of the various legal standards that might have been used to prosecute Secretary Clinton.

Where

A What exactly is this? Just so I know the context. Meaning page

Q This appears to be an email that was sent to Mike Steinbach from someone in OGC

A Okay.

Q forwarding on some legal analysis as to the available

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statutes for prosecuting former Secretary of State

A Okay.

Q Hillary Clinton.

A Got it.

Q We see in this chart that DOJ is not willing to charge this, meaning 18 U.S.C. 793(f). My question is going back to those draft affidavits. If DOJ is not willing to charge this statute, why would the FBI in an affidavit use this statute as predication to obtain a search warrant if this statute is never going to be prosecuted?

A So I I don't know who put this together and used this language.

Q Well, someone in the FBI general counsel's office.

A Yeah. No. No. I trust you.

But I don't know why they, again, put it together. I don't know why they used this language, "DOJ not willing to charge this."

My attitude is that if there is a Federal criminal statute still on the books, then, you know and we think there may or might be a violation of that, we still have to work to uncover whether, in fact, there was.

The prosecutive history of a particular statute isn't going to affect I sure hope it does not affect the fact finder's work.

Q So I mean, if and even in this case there were, at least as we see in that one email, 22 top secret emails and over 1,300 classified emails at the confidential level. If one were to deem one email gross negligence or 10 emails gross negligence or 1,300 emails

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gross negligence, yet you were to have received, and your boss obviously did receive this, an email indicating that 18 U.S.C. 793(f) is never going to be charged, would that would that bother you as an investigator that the predication that you're using for obtaining evidence is essentially a nullity in the eyes of the department?

A Yeah. If if if I understood from the department that they would never charge a particular statute, I would want to know that before I'm going to dedicate resources to a particular topic.

Q All right. Thank you. I think that's

A I didn't know that, but

Q Thank you. I think that's all I have.

A Okay. Thank you.

Mr. Meadows. Can I jump in real quick? And then I'll I want to can you hear me?

So let me go back to what we talked about before lunch, because I asked you about (b)(6),(b)(7)(C) per FBI and if you kne (b)(6),(b)(7)(C) per FBI, and you indicated you did not. And even upon a break, you still don't know who (b)(6),(b)(7)(C) per FBI is.

Mr. Priestap. No. I didn't I don't know.

Mr. Meadows. How did the this whole Hillary Clinton email server investigation start?

Mr. Priestap. It's my understanding, but, again, I wasn't there then, sir, but it's my understanding it began with a referral from the intelligence community inspector general.

Mr. Meadows. Right. And so you're an investigator, not a

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prosecutor, right?

Mr. Priestap. Uh huh.

Mr. Meadows. So in your investigations, since it was referred from them, what interactions did you get?

And the reason why I'm concerned is because (b)(6),(b)(7)(C) per FBI is really the one who started this whole investigation.

Mr. Priestap. Okay.

Mr. Meadows. And for you at this late juncture to not know who he is, it's problematic. But it happened before your time.

Mr. Priestap. Sir, if I may on that, the number of names that come up in any of our

Mr. Meadows. Yeah. But I think I rephrased it. I get it. And so I think I rephrased it with the intelligence community IG. And he that's currently a person by the name of, you know, Mr. McCullough.

Mr. Priestap. Okay.

Mr. Meadows. But I would think an investigator would understand the genesis of this whole investigation, wouldn't you?

I mean, I guess I find it curious that you wouldn't know those kinds of facts on how it actually got to the FBI originally.

Mr. Priestap. What I knew is that it was a referral from the inspector general, but I didn't again, didn't know the name of that person.

Mr. Meadows. So who is t (b)(6),(b)(7)(C) per FBI?

Mr. Priestap. (b)(6),(b)(7)(C) he he was a I want to say a supervisory

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special agent or a unit chief in the Counterintelligence Division.

Mr. Meadows. So before you were there.

Mr. Priestap. Yeah. I think there was a little overlap. I mean, he was still there when I got there, and he's now and has been

Mr. Meadows. So he was a colleague of Peter Strzok?

Mr. Priestap. Yes.

Mr. Meadows. Because here's the other thing that is would it surprise you to know and that, actually, the intelligence community IG made a special trip over to FBI headquarters, briefed [REDACTED], Peter Strzok, Mr. Giacalone about this anomaly that I mentioned earlier? Would that is that a surprise to you?

Mr. Priestap. So I don't recall ever hearing that.

Mr. Meadows. But you're an investigator. I mean, you're charged with the investigation. And we're really getting at the core and the heart of this investigation. And you're telling me here, in 2018, that this is all new news to you.

Mr. Priestap. That this person briefed John Giacalone

Mr. Meadows. That you got a briefing about the causal effect and the anomalies on a Clinton server. So you told me earlier that the anomalies on the Clinton server, that the first you heard of it was from me. And so are you you're saying that that briefing you were not aware that they came over and gave a briefing, and in that briefing they mentioned that there were anomalies and that was acknowledged by at least those three people in the room?

Mr. Priestap. Sir and maybe it's a nomenclature thing with

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anomalies. I did not know how the referral from the ICIIG made it to the FBI. Most of the referrals we receive are in written format.

Mr. Meadows. I get that. But in order to close this out, you actually have to go back to the referring agency to close it out. And, indeed, Peter Strzok, based on my personal conversations with the IG, called 10 minutes after the exoneration of James Comey press conference to say that they were going to send over the referral to close it out.

Now, if that's happening, and that happened without your knowledge, would it stand to reason that there were a lot of other things that happened without your knowledge?

Mr. Priestap. Oh, absolutely. There was a lot that happened in this.

Mr. Meadows. But this is core. I mean, here we're talking about classified information on a server, and you're telling me, as the chief investigator, that this is new information to you today.

Mr. Priestap. Again, "new information." I had understood that

Mr. Meadows. That there was anomalies in the metadata. And I don't want to share anything more than that because we're not in a classified setting. But here's what I'm saying, is I know enough, based on my conversations and based on an hour of phone calls, that you're saying in 2 years' worth of research you were not able to find.

Mr. Priestap. Again, in the nomenclature, sir, what you're calling anomalies

Mr. Meadows. You put it in your nomenclature.

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Mr. Priestap. No. And that's what I mean. I don't know exactly what you mean by that.

Mr. Meadows. I'm okay. So let me be clear, since maybe we're having a communication problem.

The inspector general for the intelligence community found anomalies on the metadata which would indicate that there was foreign penetration into the Hillary Rodham Clinton server from a foreign entity. They briefed your team on that, and you're saying that this is the first that you've heard of that.

Mr. Priestap. I don't recall ever hearing the terminology

Mr. Meadows. Don't get tied up with the words. I'm talking about the context of what I just asked you.

Mr. Priestap. So the context, as far as the ICIG referring the matter to the FBI, it was my understanding, and I don't recall all the particulars, although I'm sure I knew them at some point, was that they had become aware of something troubling relating to Mrs. Clinton's server that warranted bringing the FBI to look into what is going on. Is it something having to do with an attempt or a success by a foreign adversary, so on and so forth. And that that's, again, my very basic understanding of what initiated the investigation. But I I don't ever remember

Mr. Meadows. So as an investigator so as an investigator, this gets referred to you.

Mr. Priestap. Yes. Yep.

Mr. Meadows. Why was there never any followup with the people

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who referred it to you from your investigative team?

There was one briefing, and then there was no followup from your team. Why would you stand for that?

If you're really trying to get to the bottom of it, why would you stand for that?

Mr. Priestap. So, sir, I inherited the investigation about 6 months after it was already underway.

Mr. Meadows. I get that.

Mr. Priestap. But the reason I bring that up is, to me, whatever coordination needed to go on with the inspector general's office, it happens in the infancy of the investigation and at the end, unless things pop up during the middle of it in which we need clarification. But

Mr. Meadows. Wait a minute. So you weren't there at the beginning. I get that. But you were there at the end. And you're making an awful lot of definitive statements here today on what was right and what was proper and all of that. And yet Peter Strzok, who reports to you, was circling back with the very people that referred it, and this is new information to you today.

Mr. Priestap. That that Peter Strzok circled back I didn't know he had circled back in that timeframe. I think you said within hours of the statement being made.

Mr. Meadows. That's an irrelevant point.

What I'm saying is, is that you're saying you were there at the end.

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Mr. Priestap. Yep.

Mr. Meadows. How can you, with good authority, signing off on a deal on July 5th

Mr. Priestap. Yep.

Mr. Meadows. suggest that the whole process was done properly?

Can you do that?

Mr. Priestap. No. I what I

Mr. Meadows. I agree. You can't.

Mr. Ettinger. Can he finish his statement?

Mr. Meadows. Actually, he finished the statement.

Mr. Ettinger. He did not finish the statement.

If you want to make a speech

Mr. Meadows. Counsel, I'm not making a speech. I'm asking I'm asking questions, Counselor.

Go ahead. I will let you finish the question, but I'm not going to put up with that.

Mr. Ettinger. I'm not going to put up with you continually cutting him off. That's my job.

Mr. Priestap. I can only say I can only comment on the things, sir, of which I was aware of.

Mr. Meadows. But that's my whole point. I guess that's my whole point.

So why were you not aware of that?

Mr. Priestap. Of Pete circling back with the ICIG?



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Mr. Meadows. Of the whole process of anomalies with that would suggest foreign intervention on a Hillary Rodham Clinton server.

Mr. Priestap. I was certainly aware of of the necessity, the worry, that exactly what you're explaining took place. And that's why we dedicated the resources we did to try to determine if, in fact, that had occurred.

I never had anybody on my team brief me that we had evidence that what people were afraid of might have occurred actually occurred.

Mr. Meadows. Okay. So that that's but you're making statements that Director Comey's public statements and sworn statements you're making statements in here that there was no evidence of that. And yet even with that statement right there, you're saying that you were never briefed. So how could you how could you knowingly admit or confirm or deny that that was going on?

Mr. Priestap. Because I would I had regular meetings with the people again, the people I named before who were overseeing the team. And it's a question I asked frequently. And so if it was happening, they didn't tell me it was happening.

Mr. Meadows. All right. So you had regular briefings, according to your testimony, almost certainly Monday, Wednesday, Friday.

Mr. Priestap. Yes.

Mr. Meadows. But almost daily, I think was your words.

Mr. Priestap. Yes, sir. Yes, sir.

Mr. Meadows. So you're saying in these regular briefings it

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never came up that there were anomalies in the metadata that would suggest foreign intervention into her server. That's your sworn testimony here today.

Mr. Ettinger. This is not sworn, but I believe it's his testimony.

Mr. Meadows. Valid point.

That's your truthful testimony here today?

Mr. Priestap. The I want to be careful of the word "suggest." So what I would ask is, you know, do we have evidence that an adversary got in? No. Okay. The next day, next week, whatever. Has anything changed in our review? Do we have evidence that an adversary got in? I don't remember ever asking or them telling me, although they could have, about do we have anything that suggests that they might have got in. I was interested in what we could prove, not what might have happened. And so

Mr. Meadows. And but a reasonable person, knowing that there was so many arguments out there that would suggest that there was foreign penetration into her server, you know, almost daily in the news, but certainly within the confines of the FBI and DOJ, did you ever ask them, did you look for the proof?

Mr. Priestap. Oh, yeah. Absolutely.

Mr. Meadows. And so there so Peter Strzok's response I don't want to say Peter Strzok.

Who let you know that they looked for it and didn't find it?

Mr. Priestap. It would have been Peter or John Moffa. Peter

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Strzok or John Moffa.

Mr. Meadows. All right. So let me I'm going to finish

Mr. Priestap. One of those.

Mr. Meadows. I'm going to finish up here real quickly.

It gets back to the point that was made earlier in terms of what you were looking at in terms of the exoneration. We have a text message back and forth between Peter Strzok and Lisa Page in May May 15.

Mr. Priestap. Okay.

Mr. Meadows. And they said they need some clarifying data. And what they're referring to is what were we looking at. And it says, "Just retention, right?"

And so that "just retention" looks at in the context of it and we'll be glad to give you a copy and enter it as an exhibit. But it appears that all you were looking for was irregularities in retention, not in disclosure, according to this text message back and forth. And

Mr. Priestap. Could you repeat the

Mr. Meadows. Okay. It would have been yeah. It would have been 5/15 at 2300 hours .39, that Sunday. "Need some clarification."

Mr. Priestap. Got it.

Sir

Mr. Meadows. So is it your so having read that, is it your understanding that you primarily looked at retention problems, not disclosure problems? Because that seems to be the context.

Mr. Priestap. Yeah. It's it's my understanding we were

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trying to determine, did she she, the former Secretary intentionally possess on her unclassified electronic mediums classified information? Also, did she intentionally transmit classified information on her unclassified mediums? Also, if she did either of the first two things intentionally or not, did she provide it to somebody she shouldn't have provided it to, foreign adversary?

Mr. Meadows. And we know the answer to most of those are yes. But here is the interesting question. If you're only looking, as this text message back and forth would suggest, primarily at retention, you're missing the bigger issue of disclosure.

And so in your investigation, did you look primarily at retention, which it seems like from the three examples you gave me that was the case, and not at disclosure?

Mr. Priestap. When you say by "disclosure," do you mean transmission?

Mr. Meadows. Well, both. Disclosures to non nonrelevant individuals. And so that would be a disclosure. And also a disclosure in a more problematic way would be for foreign entities.

Mr. Priestap. Gotcha. So, to me, again, we weren't looking only at retention. We're looking at retention, transmittal. And to your point on the transmittal, where was it transmitted or disclosed.

Mr. Meadows. So what do you make of the question or the statement there, "The list will not include more serious cases, slash, disclosures"?

Mr. Priestap. Yeah. I I don't know. I mean

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Mr. Meadows. Peter Strzok was obviously the one leading this investigation. So do you not see that as an issue if he is looking at retention primarily and not disclosure?

Mr. Priestap. Yeah. But, sir, again, he was one of the people leading this. He wasn't the only one. And

Mr. Meadows. Well, you said he was the expert. That's your words, not mine.

Mr. Priestap. I said he was a counterintelligence expert. He wasn't the only expert on this case.

Mr. Meadows. Was he the lead investigator?

Mr. Priestap. He was the lead agent. He was not the lead analyst. I consider our analysts investigators as well.

Mr. Meadows. So did he

Mr. Priestap. But he was one of two lead investigators.

Mr. Meadows. So yes or no. Did you would there have been a higher priority on looking at retention issues versus disclosure issues? Is that fair to say?

Mr. Priestap. Higher priority. I don't think we consciously maybe put this differently. I didn't consciously put a higher priority on looking at retention as opposed to transmission. Mishandling can occur in either case. And I'd argue you can't transmit if you don't have it in your system to begin with.

Mr. Meadows. All right. Final question, and I appreciate the patience.

A text message, actually we'll give you a copy of this and maybe

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introduce it as an exhibit if it's relevant for the staff to do so.

On August the 5th of 2016, there's a meeting in which you were at. It appears to be maybe a meeting the first of a regular weekly meeting or as it related to a new investigation that you were setting up. And it says at 1637.25, at that hour, it says, Hi. It went well. This is between Lisa Page and Peter Strzok. It went well. Best we could have expected other than a redacted name. And that redacted name is [REDACTED] Quote, the White House is running this.

Who was th [REDACTED] that was in that meeting with you on August 5th as you started a new investigation into another subject?

Mr. Priestap. I'm sorry, but I'm not following you on that that no. I see the text. I'm not following that but I was definitely in this meeting.

Mr. Meadows. Well, I mean, we can provide proof. We know that you were there

Mr. Priestap. Okay.

Mr. Meadows. because it said you were there.

Mr. Priestap. Gotcha.

Mr. Meadows. So

Mr. Priestap. What did they talk about?

Mr. Meadows. this is what it appears to be the start of an investigation into either a Trump campaign or other issues on August the 5th.

If you think about the context, July 31st, an investigation is open. Immediately after that, Peter Strzok flies to London. He comes

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back. He makes it just in time for this meeting on a Friday in which there was a group. And it appears that [REDACTED] had to take a car to make it to this meeting. Just if you look at everything and piece it together, that a [REDACTED] being there.

Were you in a meeting that you can recall anything where the White House is running it?

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[4:16 p.m.]

Mr. Priestap. I'm in lots of meeting with National Security staff, but I don't remember again, this is almost 2 years ago I don't remember what this meeting was about and I don't remember

Mr. Meadows. Well, assuming it was your first meeting with the Russia investigation Trump campaign, do you remember that first meeting?

Mr. Priestap. No.

Mr. Meadows. You don't remember?

Mr. Priestap. The first meeting on that topic, no.

Mr. Meadows. I mean, after the investigation was open, the first briefing, you don't remember that?

Mr. Priestap. No. I remember information that was provided to me. But, sir, I have so

Mr. Meadows. What you're saying

Mr. Priestap. I have so many meeting every day that

Mr. Meadows. Yeah, but this was a big deal. I mean, you know, I think it was was this one of the headquarter specials? Did you approve this as a headquarter special, the Trump investigation?

Mr. Priestap. I can't speak on

Mr. Meadows. Yeah, you can.

And so I went back, and I don't know who is telling you you can't, but we went back and looked at the scope. And so it's any decisions that were made on why one was disclosed, the other was not, leading up to the 2016 election. So I'm not getting beyond the 2016 election.



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This is August 5th, 2016. It directly relates to the November 3rd letter that I think you're referring to.

Mr. Priestap. I'm sorry if there's confusion there. What I'm referring to is it's my understanding that somebody communicated with the staff up here and they told us to focus on the four bullet points.

Mr. Meadows. I don't know who's giving you that advice. I mean

Mr. Ettinger. I can tell you it was I was sent this letter with the four bullet points to talk on this. So this is what I talked to

Mr. Meadows. But that's not but that's not mutually exclusive of other areas.

Mr. Ettinger. I'm telling you what I was told in order to prepare Mr. Priestap, and what he had cleared through the OGC.

Mr. Meadows. So, are you saying he's not cleared to talk about that, Mr.

Mr. Boente. Depends on how far we go, sir. I mean

Mr. Meadows. I get that. And, listen, I was the gatekeeper. You can talk to your other processors in terms of the gatekeeper before. I'm not willing to go beyond that, and I get that. But what I'm saying, this is really within the scope.

Mr. Boente. Yeah, I'm not here to be a witness. If I can help, I thought that that someone else would have to tell you this, that that was opened as a stem, not by Mr. Priestap, but I could be completely wrong about that.

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Mr. Meadows. So I will note your objection.

At this particular point, this does not require anything other than your best knowledge and recollection. And as we get into it what I'm saying is the very first meeting that you had there was [REDACTED] that came to that meeting, probably in a car, is what it appears.

Wha [REDACTED] potentially would have been in a briefing if it relates to the Trump Russia investigation?

Mr. Priestap. I'm sorry, sir, I don't recall a meeting with a [REDACTED] in this timeframe. I'm not saying it didn't happen, but I don't recall.

Mr. Meadows. This was a larger meeting. This was your first initial meeting to kind of [REDACTED] and actually there was a prep that went on right after that. So you don't recall a y [REDACTED]

Mr. Priestap. I mean, again, I'm sure

Mr. Meadows. Give me the names of th [REDACTED] that you might have met with on this particular subject.

Mr. Boente. That's [REDACTED] again, I kind of feel like the guy from the bleachers yelling out. I apologize. There is [REDACTED] that works in counterespionage over at Justice, but unless she was someplace else.

Mr. Meadows. All right. So, [REDACTED].

Well, let me ask you some names. Wa [REDACTED] in that first meeting on Russia? Was she ever in a meeting?

Mr. Priestap. I don't recall a meeting

Mr. Meadows. How about Liz Beers?

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Mr. Priestap. Elizabeth Beers? Beth. I know her as Beth Beers. I don't recall Beth being in there. She could have been. I don't recall her there. Beth was in the FBI's Office of Congressional Affairs.

Mr. Meadows. I'll yield back.

Mr. Jordan. I will try to be quick. I want to direct Mr. Priestap to some questions from Congresswoman Stefanik to Mr. Comey in front of the House I want to direct Mr. Priestap to some questions from Congresswoman Stefanik to Director Comey at the March 20th Intelligence public hearing. And it's those two pages, if you can get that to him.

Mr. Priestap. Yep.

Mr. Jordan. I'm going to read this. I'll start with Ms. Stefanik.

"Thank you, Mr. Chairman.

"Thank you, Director Comey and Admiral Rogers, for your testimony today. My first set of questions are directed to Director Comey.

"Broadly" and you can follow along "Broadly, when the FBI has any open counterintelligence investigations, what are the typical protocols and procedures for notifying the DNI, the White House, and senior congressional leadership?"

Mr. Comey responds, "There is a practice of a quarterly briefing on sensitive cases to the chair and ranking of the House and Senate Intelligence Committees. And that also involves a briefing of the Department of Justice, I believe the DNI, and some portion of the

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National Security Council at the White House."

Follow me?

Mr. Priestap. Yes, sir.

Mr. Jordan. So Ms. Stefanik says, "So if that is quarterly "

Mr. Comey jumps in and says, "We brief them before Congress is briefed." So there is a briefing with DNI and the White House prior to talking to senior House and Senate leadership in the intelligence areas.

"So it is quarterly for all three senior congressional leadership, the White House, and the DNI?"

Director Comey: "I think that is right. Now, that is not by practice, not by rule or written policy, which is why, thanks to the chair and ranking member giving us feedback, we are trying to tweak it in certain ways."

Ms. Stefanik: "So, since in your opening statement you confirmed that there is a counterintelligence investigation currently open and you also referenced that it started in July" they're obviously referring to the Trump Russia investigation "when did you notify the DNI, the White House, or senior congressional leadership?"

Good question, Mr. Comey responds. "That is a good question. Congressional leadership, sometime recently they were briefed on the nature of the investigation in some detail, as I said. Obviously, Department of Justice had been aware of it all along. The DNI, I don't know when the DNI's knowledge was of it because we didn't have a DNI until Mr. Coats took office, and I briefed him his first morning in

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office."

"So just to drill down on this," Ms. Stefanik says, "if the open investigation began in July and the briefing of congressional leadership only occurred recently, why was there no notification prior to the past month?" referring to March.

"I think our decision was it a matter of such sensitivity that we wouldn't include it in the quarterly briefings."

Ms. Stefanik says, "When you state 'our decision,' is that your decision? Is that usually your decision, what gets briefed in those quarterly updates?"

Mr. Comey's response was, "No. It is usually the decision of the head of our Counterintelligence Division."

All right. So is that accurate, the way Mr. Comey described how this how Congress was first notified of the Trump Russia investigation?

Mr. Priestap. I assume it was. Mr. Comey was involved in those notifications, I was not.

Mr. Jordan. But let me ask you this. Was Mr. Comey the last statement I read. "It is usually the decision of the head of our Counterintelligence Division." Is that you?

Mr. Priestap. Yeah. I'm the head of the Counterintelligence Division.

Mr. Jordan. So it seems, the way I read this, Mr. Comey seems to say, you made the decision not to brief Congress. You instructed Mr. Comey not to brief Congress. Is that accurate?

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Mr. Priestap. I don't instruct Mr. Comey, nor did I ever instruct him to do anything.

Mr. Jordan. So why would Mr. Comey testify the way he did then? I think it was our decision he says, no, it's usually the decision of the head of the Counterintelligence Division, not his, when Congress gets briefed.

Mr. Priestap. When Congress gets briefed?

Mr. Jordan. Mr. Comey's response was it is usually the decision of the head of the Counterintelligence Division when they decide not to brief Congress on a sensitive counterintelligence investigation.

Mr. Priestap. So let me try to provide some context here. But, again, I never once told Mr. Comey what to do. Mr. Comey is a man who made his own decisions.

The Counterintelligence Division of the FBI generally on a quarterly basis briefs the chair and ranking of House and Senate Intel Committees.

Mr. Jordan. Yes.

Mr. Priestap. It's my understanding that we do that because we have an obligation to keep those committees apprised of significant intelligence failures or significant intelligence successes.

So, thus, on the regular basis in which they are briefed, they aren't so much case briefings as what we are providing them, again, are significant intelligence failures or successes.

We do not and again, I can't say it in this setting, but please believe me, we have thousands of counterintelligence investigations.

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The FBI and the Counterintelligence Division does not brief Congress every time we open a counterintelligence investigation.

Mr. Jordan. I guess what I'm asking, Mr. Priestap, is who made the decision not to brief Congress in this particular instance?

Mr. Priestap. Mr. Comey.

Mr. Jordan. Mr. Comey says, "It's usually the decision of the head of our Counterintelligence Division." I'm not saying Mr. Comey's words are it's usually your decision. And I'm asking, is that the case here?

Mr. Priestap. I think what Mr. I don't know what was going through Mr. Comey's mind. But I think what he's getting at is, it's the head of the FBI's Counterintelligence Division who usually provides the quarterly briefs to the chair and ranking of SSCI and HPSCI, and who usually decides on the content of those briefings.

Mr. Jordan. So that's usually you?

Mr. Priestap. Yes.

Mr. Jordan. You usually provide that briefing to the ranking member and the chair of the respective House and Senate Intel Committees?

Mr. Priestap. Yes.

Mr. Jordan. And in this situation you decided not to do that briefing and tell them about the Trump Russia investigation?

Mr. Priestap. I try to tell them about significant intelligence successes and significant intelligence failures.

Mr. Jordan. This is kind of a unique case and you didn't tell

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them. And according to Mr. Comey, he told Director Coats, day one, it was so darn important that Mr. Coats gets sworn in, and he says, I'm telling him today.

And yet, Mr. Comey's testimony here to Congresswoman Stefanik is, we didn't tell Congress right away, we told Director Coats right away, we didn't tell Congress like we normally do every quarter. That's Mr. Priestap's decision, and he decided not to do it.

Mr. Priestap. With all due respect, I wouldn't even have known how to characterize it at that time as a significant I mean, what am I briefing? Success? Failure? There's it's such in its infancy that I don't know what I would tell the chair and ranking.

Mr. Jordan. Maybe that you opened a counterintelligence investigation into one of the major parties' campaign. You don't think that's significant?

Mr. Priestap. Is that a success or a failure?

Mr. Jordan. I'm not saying it's either. I'm just saying it's important. And so important that Mr. Comey told Director Coats day one.

Mr. Priestap. Oh, but absolutely. But Mr. DNI Coats was the director of the intelligence community, not a congressional committee.

Mr. Jordan. Okay. Last question.

So is it is Mr. again, I guess, it seems to me Mr. Comey is saying when he says it's not you said it's his decision.

Mr. Priestap. Absolutely.

Mr. Jordan. But he says it's our decision. And usually when

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Ms. Stefanik asks him: Is it your decision or our decision? He says it's usually your decision, you as the counterintelligence head. And that's not accurate. You're saying that's not accurate. You're saying it's all his decision.

Mr. Priestap. What I am trying to say is that I do not speak for the Director of the FBI. Only he can speak for him. I can speak for the Counterintelligence Division of the FBI.

Mr. Jordan. It seems to me he's speaking for you here.

Mr. Priestap. And he can. He's the boss' boss' boss.

Mr. Jordan. Okay. Thank you.

Mr. Parmiter. Thank you, sir.

Mr. Ettlinger. Do you want to mark that exhibit?

Mr. Parmiter. Absolutely. I apologize in advance. This might seem a little disjointed. I just want to cover a few topics here.

[Priestap Exhibit G

Was marked for identification.]

BY MR. PARMITER:

Q I'm going to show you another document I've marked as exhibit F. Your copy has an arrow on it, pointing to the one I want to talk about.

You have stated in a document, not this one but an earlier one that had been produced to Congress, that initially you were, I think the word was wary of having the Director provide an investigative update.

I'm wondering whether what changed your mind about being wary

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about having the Director provide an investigative update in this case?

A I don't know if it was I can put my finger on any one thing that occurred and said that I'm not as I'm no longer wary. I can't think of

Q Did that tarmac meeting, which I believe Mr. Strzok is referring to in the in that text because, once again, I'm presuming Bill is you.

A As am I.

Q But he writes that you were, quote, "spinning about the tarmac meeting" and wanted to meet.

Do you recall having that meeting?

A I don't, but I know I was personally bothered by the tarmac meeting, and it stands to reason I would have wanted to discuss what the team thought about that.

Q Right.

A I thought the atmospheric were horrible.

Q So in that same text Mr. Strzok writes: Bill wants us to "bring lists of what we would do in an ordinary circumstance." And in a parenthetical, he says, "(easy, refer to PC) and in this circumstance." And in a parenthetical, he says, (easy, refer to 7th floor)."

A Where is that?

Q It should be in the same text after action.

What does PC mean to you?

A Generally when we say PC, it means probable cause.

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Q Is it possible in this circumstance it might mean public corruption?

A I don't remember public corruption referred to in this context. Sometimes PC in Bureau parlance, PC can mean public corruption.

Q I guess the reason I ask is because is what a way you could read this is to say, easy, refer it to as a criminal matter to be investigated. Whereas, you know, with the second part of this, it says, (easy, refer to 7th floor)." What is the 7th floor?

A The 7th floor is where our most senior leaders, so the Director, deputy director, executive assistant director sit. So it's the ultimate bosses of the organization.

Q In your view, is it reasonable to read this to have Mr. Strzok saying that an ordinary case could be referred for criminal investigation, but this case gets referred to the Director's office for a decision?

A That is certainly a reasonable reference.

Q Okay. Okay.

Mr. Ettlinger. Since we already have an exhibit F, do you want to call this exhibit G?

Mr. Parmiter. I'd be happy to.

BY MR. PARMITER:

Q Jumping around a little bit here. What was the earliest point in the investigation in the last hour you talked a lot about the statement when there was an opinion regarding charging in the

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case? Do you recall?

A I don't recall.

Q Would it have been around the time that the statement was drafted since it contained a conclusion?

A That stands to reason, yeah.

Q And so you don't recall an opinion, so you wouldn't remember who would have offered perhaps an opinion on that?

A No.

Q Did individual or group opinions change as the case progressed, as the investigation progressed?

A That's certainly possible. I don't remember. I don't remember that anybody at any as we were going through thought, you know, that in effect this looks like a prosecutable case at any time. So it wasn't like it's looking like prosecution or we would be able to recommend prosecution, what have you, and then something happened and, nope, we don't. It was more, boy, is there any here any there there?

Q So I guess when the Director on that subject when the Director authored the statement back in the early part of May or in April

A Yeah.

Q I believe you stated that was where you anticipated the case going, was that, you know, to find that she didn't act with gross negligence. How many witnesses had the Bureau not interviewed at that point?

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A I don't know. I think ultimately we interviewed, I think, in the neighborhood of 70, 72. And by May, we would have, of course, 10, 11 months into the investigation, we would have interviewed 50, 60, maybe 65 witnesses, meaning lots of people. We would also have reviewed thousands upon thousands upon thousands of emails.

What I'm trying to say is we would have done a substantial amount of investigative work.

Q But it's reasonable to assume that there would have been between 15 and 25 witnesses left to interview, including the Secretary?

A Sure. I don't know the exact numbers, but I

Q I believe we can stipulate that her interview was July 2nd of 2016.

A Yeah.

Q Okay. I believe in perhaps the same document when you were providing feedback on the Director's statement, one of the things that you recommended was that the Director explain that the FBI can in good faith recommend that you not pursue charges in a case when someone has committed a crime or in a case in which there's criminal activity.

Do you believe there was criminal activity in this case?

A No.

Q Did everyone on the team agree with that conclusion?

A I believe they did.

Mr. Somers. Which team? Both the Midyear Exam or I'm sorry, the executive team or the investigative team?

Mr. Priestap. Certainly the executive team. It was my

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understanding that most, if not all, of the investigative team felt the same way.

Mr. Somers. Where did you get that understanding regarding the investigative team?

Mr. Priestap. From Pete, Lisa, and Jon. Not Lisa. Pete, Jon, and [REDACTED]

BY MR. PARMITER:

Q How did the Midyear Exam team, the sort of the team that was briefing the Director, the team composed of senior officials

A Yeah.

Q get briefed about the evidence in the case? Who was doing that on a regular basis?

A I don't know who was doing the actual briefings to them, but Pete and Jon, and I believe also frequently [REDACTED] received daily or near daily briefings from, again, the supervisor, [REDACTED], and whomever he thought needed to brief on a given date. So they would go down to sort of the space in which the team was located and get those briefings very, very regularly.

Q Brief up the chain?

A Yes, exactly right.

Q Do you recall when President Obama went on TV and said that Secretary Clinton's actions did not impact national security?

A I remember reading about it. I don't remember like watching it on TV.

Q Do you recall that having an effect on anyone either on the

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Midyear Exam team or on the Counterintelligence Division?

A Sure, we found it troubling that it was discussed.

BY MR. BREITENBACH:

Q I just want to interject real quick.

Mr. Priestap, you just said that you do not believe that former Secretary Clinton committed a crime?

A I do not, no.

Q All right. I just want to direct you to I know we have other copies of this, but I can give this to you. Let me just read. This is an email from you to Mr. McCabe and Mr. Rybicki, dated May 18th, 2016.

A All right.

Q One of your points that you make here, you say, "Deputy Director and Jim: Below are my thoughts on the Director's draft and on whether the Director might provide an investigative update. Thank you for asking to weigh in. Bill."

A Uh huh.

Q In one of the bullets, you say, "I believe it's equally important for the Director to more fully explain why the FBI can, in good faith, recommend to DOJ that they not charge someone who has committed a crime (as defined by the letter of the law)."

A Okay.

Q Could you explain what you mean by that?

A Sure. This

Q It appeared and I'm sorry to interrupt you but it

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appears, just on reading

A Yep.

Q that you are stating that you do believe that she committed a crime, yet you believe it's necessary for the FBI, in whatever statement that eventually comes out, to explain why that crime was not prosecuted?

A Correct me if I'm wrong, but this was in response to the Director's initial draft statement, was it not?

Q No, I don't believe it was. This is dated May 16th, I believe, and the Director's original statement was May 2nd. So it may have been in terms of a future draft, but the original draft, no, this is a later period.

A From what I can recall, the Director took it upon himself to draft this statement that, again, in my opinion, captured to essence of what we had been doing, trying to do, what have you.

The Director used the term, I believe, in that draft, grossly negligent. I was understanding from the Director former Federal prosecutor, former head, meaning U.S. attorney, of a prosecutive office, former number two at Department of Justice I was understanding by him using that language that he had come to the conclusion that Mrs. Clinton's actions had satisfied the requirements related to the grossly negligent standard and the Federal criminal standard. In other words, I was deferring to his prosecutive experience in making that call.

Once he had that language and we began to parse it out and talk

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amongst ourselves, lawyers pointed out to me the intent requirement, at least in their minds, to be able to satisfy that requirement.

I then drew the conclusion, based on what my team had been telling me, that I hadn't seen evidence that we could satisfy the intent requirement of the grossly negligent standard.

And so that's when whomever pointed it out to Director Comey, and I don't know who that was, I believe they accurately pointed out that without evidence that we satisfied the intent requirement, there was no crime here. There was no crime that could be prosecuted.

Q But you're still stating in this email that you believed I mean, it appears that you believed that she had committed a crime, based on your review of the Director's statement?

A But, again, I'm deferring to the Director reaching the conclusion that she was grossly negligent. I'm in effect deferring to his experience and authority that if he believed he had met it, then he must know something that

Q Do you know who changed the final from grossly negligent to extreme careless?

A I do not. But I agree I agree with the fact that I do not believe we met the grossly negligent standard, which is why I responded to which one of you asked, do I believe she met she committed a crime? No, I believe she lacked the intent to do so in this instance.

Q So that's based on your presumption based on your attorney's guidance that intent was a standard within the statutory

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definition of gross negligence?

A Exactly.

Mr. Breitenbach. Thank you.

[Recess.]

Ms. Shen. Okay. So the time is 4:52.

BY MS. SHEN:

Q So, Mr. Priestap, in the last round there was great discussion about whether foreign entities had infiltrated Secretary Clinton's email server and the FBI's efforts in trying to find that out.

So I believe last round you mentioned that the FBI has computer experts, experts in the field designed to look at this issue. Is that correct?

A Yes. Yes.

Q And these experts have more technical they're not investigators, they're not the leads on it's not Peter Strzok who is doing this, it's other subject matter experts with technical backgrounds. Is that correct?

A Exactly right. Yes.

Q So at the time there was a team of such experts. And to your knowledge, did they thoroughly and independent investigate this issue of whether there was evidence of a foreign entity successfully infiltrating Secretary Clinton's email server?

A Yes, it's my understanding they did.

Q And is that normally what you would do in any FBI attempts

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to discover whether there is a successful infiltration by a foreign entity into a server?

A Yes, that's customary.

Q So I also want to circle back on the discussion of I believe it's exhibit 2, which is the I'm sorry, I think it's exhibit 3. I want to talk about the text messages with what appears to be some meeting occurred with ██████████ and the White House is running this, and I hope that's enough. I don't recall any more, I'm sorry. I can't recall.

Exhibit 2. Thank you. Okay.

So just to remind me, really, you said that you were you do not recall being at a meeting where someone said, quote, "The White House is running this."

A I do not recall that, correct.

Q And whatever meeting may have occurred that involved someone saying this phrase, do you recall you wouldn't recall what that meeting is about specifically?

A I do not, no.

Q And so that meeting could have been about Russia, it could have been something to do nothing to do with Russia. It's not something that you can speak to. Is that correct?

A That is correct.

Q So the text message we're talking about is August 5th, 2016. Around that time, were there briefings involving the FBI and Russian interference generally with the White House?

So let me rephrase. So there is the separate issue of

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investigating just in a box whether Russia was trying to interfere with the U.S. election, that the FBI was involved in investigating. Is that correct?

A Correct.

Q And on that narrow issue alone, would the FBI have been providing updates to the White House on a recurring basis?

A No.

Q Okay. Okay.

Ms. Shen. Okay. So on this different issue, I'll let Janet to this.

BY MS. KIM:

Q Mr. Priestap, I'd like to go back to the excerpt from Director Comey's House Intelligence Committee testimony that you were read by Mr. Jordan, I believe.

A Okay.

Q It's the exchange that Ms. Stefanik had with Mr. Comey about who decides when to give congressional briefings?

A Okay.

Q Do you remember after the opening of the investigation of the Trump campaign investigation in July 2016 when the next quarterly briefing to Congress was scheduled to be?

A No.

Q But presumably you were serving as the head of the Counterintelligence Division at the time of that next briefing?

A I was.

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Q And were you the final decisionmaker at that time about what to include in the FBI's quarterly briefings to Congress?

A Final decisionmaker? Final decisionmaker? I don't know that I'd put it that way.

I would propose to my 7th floor, my the person I answered to directly, the executive assistant director, what I thought ought to be briefed in the quarterly briefing. And I'm sure there's times he deferred to me, and I'm sure there's times, other times where he probably wanted to talk to others to make sure everybody was comfortable with me briefing what I anticipated briefing.

Q Sure. Let me parcel that out a little bit. So the 7th floor manager you were discussing, is that Mr. Steinbach?

A Yeah. When I first took over the job, Mr. Giacalone was in the role, but he left within a matter of a couple months and Mr. Steinbach replaced him.

Q Right. So let me try to understand what you're saying. You, as the head of the Counterintelligence Division, you are not in charge of what investigations to disclose publicly or to Congress. Is that correct?

A I am in charge of recommending what I think ought to be disclosed.

Q Right.

A And there's times others deferred on my recommendations.

Q Uh huh. But, for example, if Director Comey believed something should not be disclosed or someone on the 7th floor, Mr.

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Steinbach or Mr. Giacalone, believed it should not be disclosed, that decision would override your recommendation. Is that correct?

A Absolutely.

Q Okay. And was the counterintelligence investigation, Russia, and the potential connection with the Trump campaign, was that relatively new at the time of this briefing?

A I don't remember exactly the when the quarterly briefing fell. I just remember that in any calculus or just think that in any calculus I would have made, I would have said, what success or failure are we briefing here? What is the purpose of conveying it at this time? Because our obligation was to brief successes and failures, at least that was my interpretation.

Q So when Director Comey testified that he had recently the FBI had recently disclosed the existence of the investigation to Congress when he testified before Congress in March 2017, was that a decision that he made or was that a decision that you made?

A That's a decision he made.

Q And do you recall why the FBI decided to disclose the investigation to Congress at that time?

A I don't recall, no.

Q And do you remember how congressional leadership reacted to the news of the open investigation?

A I was not there.

Q Got it. Does the FBI disclose every open counterintelligence investigation to Congress?

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A No.

Q And I'm guessing some of the factors that affect the decision would be the sensitivity of the case, the newness of the case, the sensitivity of the different facets being investigated. Are those all decisions that inform whether to inform Congress about an investigation?

A Absolutely.

Q So I just want to sum up then. Is it inaccurate that you alone made the decision on when to brief congressional leadership about the existence of the FBI's investigation into the Trump campaign's contacts with Russia?

A That's inaccurate.

Q And is it accurate then sorry to have asked in the negative but is it accurate that the FBI reach that decision about whether to disclose and when to disclose based on concerns about sensitivity and integrity that apply to every sensitive investigation?

A Yes. That's not all the factors, but that's at least some of them.

BY MS. SHEN:

Q I'd like to turn back now to some of the events surrounding the October 28th, 2016, letter to Congress notifying opening of reopening of the investigation into Secretary Clinton's emails.

So on October 27th, 2016, the FBI Midyear Exam senior leadership team briefed Director Comey about the emails on the Weiner laptop.

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Were you at that meeting?

A Say that again?

Q On October 27th, 2016, senior leadership from the FBI on the Midyear Exam team, I guess, briefed Director Comey about the emails that may have that may have may be relevant to Secretary Clinton's investigation on Anthony Weiner's laptop. Is that correct?

A I believe I was at that meeting.

Q And you were at that meeting.

Do you recall what was discussed at that meeting?

A No. I mean, generally what would have been discussed is what we understood the current situation to be out in New York. Meaning, what did they think they have? Where were we in regards to the data process, we, the FBI? And where were we in regards to obtaining the necessary legal authority to review the laptop?

Q What was your personal opinion on whether the existence of these emails should be made public?

A Be made public?

Q So I guess what I'm getting at is, it sounds like there's a decision being made that there was a reasonable avenue to pursue the actual emails in question?

A Yep.

Q And there's also a separate, although related decision, into whether Congress should be notified with a good understanding that that could be made public very quickly.

A Yeah.

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Q So was there any discussion about that second aspect of whether this information would be made public and what the ramifications of that would be?

A There was certainly discussion about, if the FBI pursues the emails, meaning pursues the review of the emails, does the FBI, Director Comey, have an obligation to notify anybody of that fact?

I felt the FBI did have an obligation to review the emails.

Q Well, I think, again, gets to sort of the first part of my question on and it sounds like I could be I'm wrong that there was agreement to pursue the emails, to at least check what was on the emails and go through that process.

A Yeah.

Q But on the second question of whether there is an obligation and whether it is prudent to send a public letter to Congress or let me correct myself send a letter to Congress, that very well may become public.

A Yeah. So I guess I think of it this way. That I can't speak just as I was mentioning a few minutes ago I can't speak for Director Comey and what's going through his mind, what have you.

Based on the conversations we were having, some of us in the room believed that the FBI had an obligation to notify Congress that the that Hillary Clinton, called the Midyear Exam investigation, was no longer closed.

Again, the idea was that nobody had the idea, that I can recall, "Hey, let's notify the public." The question is, do we have an

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obligation to notify Congress? Because Director Comey had previously advised Congress, in sworn testimony, that the FBI was finishing or finished its investigation. By us reviewing emails, I'd argue that the investigation is no longer finished.

Q Was there ever any kind of discussion, though, on the pros and cons of having that information become public or was that just not a topic of discussion at all?

A Oh, no, absolutely. I liken it to what a mentor a long time ago told me, likened it to walking around a problem. Looking at an issue we're grappling with and try to look at it from all possible viewpoints and how it might be perceived in a variety of viewpoints.

And I can remember the not exactly what position each person took, but the internal debates of if we don't notify Congress the one thing there was consensus on was the FBI needs to look at this batch of emails, if legally authorized to do so.

If we do that and don't notify anybody and it comes out later that we did that, we would have been crucified, in my opinion, or at least some of us thought.

And so, yeah, we grappled with this mightily and tried to look at it from as different many many different perspectives as was possible.

Q Did the topic of the Department of Justice's election sensitivity policy ever come up in discussion?

A I'm sure it did.

Q And do you recall if people took positions on that

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A I don't recall the positions. But, again, there were robust discussions on this topic with a variety of positions taken by people throughout.

Q And can you explain to me, just in your personal knowledge, if you considered the DOJ's election sensitivity policy, why would sending those to Congress still be the correct action?

A Well, again, at the end of the day it's the Director who made the calculation that the FBI, and he personally who had testified before Congress, that he needed to update in effect Congress about his his about the team having the investigation no longer completed.

I guess all I can tell you is, is my personal viewpoint. I don't know I can't tell you how much Director Comey weighed on what I told him versus what anybody else told him. But to me the fact that he had made a public statement in the manner he did, the fact that he testified in the manner he did, I felt he had an obligation then to correct the record.

And whether at the end of the day should he have made the statement he did, meaning the July statement, should he have testified the way he did, those are different questions, the point is he did those things.

Once he did those, to me it's he either goes back and corrects the record, or he says nothing, we take our action in silence, don't tell anybody, but eventually it'll be revealed.

And to me, I don't know how you look people in the eye and say, yeah, we did this, but didn't think we had an obligation to correct

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the record with Congress.

I just to me that wasn't personally appropriate. But that wasn't my call, ultimately. I don't remember the exact words I shared with the Director, but I would have said something to that effect, that you did these first two things, I don't know how you can't do the third.

Q Okay. Can you briefly describe the process through which the October 28th, 2016, letter was drafted?

A I don't know that process. I mean, I don't remember being personally involved in the drafting of that.

The Director has an excellent team, meaning his the Director's staff, the Director's office. Excellent people in our Office of General Counsel. And I figured he leaned on some people from different components and got that done.

I just recall, I think it was a very short statement. The Director is an excellent writer, and so it's something even he could have drafted himself, just like he did the initial straw man.

So I don't know who drafted it.

Q Do you recall anyone from the FBI arguing that the letter should not be sent to Congress in light of election sensitivities and the policy?

Mr. Ettlinger. Which letter?

Ms. Shen. I'm sorry. The October 28th, 2016, letter.

Mr. Priestap. Yeah. If I recall correctly, there was again, there was debate with different positions taken into the room. But I don't remember who took what position.

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BY MS. SHEN:

Q There wasn't a universal consensus to choose the action of sending the October 28th, 2016, letter to Congress?

A I don't but consensus because it's not like, again, we vote and everybody, you know so you know at the end of the day so think of it, we're all sitting around this table and we have a very frank discussion and we can agree, disagree, and whatever, and some of these were lengthy.

Sometimes in the discussion itself, you might have been in the first 5 minutes strongly against whatever I was suggesting, but after hearing the debate for an hour, you might have changed the position, what have you.

But it's not like the Director at the end then says, everybody in favor, raise your hand. It's it was just a there was a lot of back and forth, and I can remember I can remember and these were shrinking violet, people strongly advocating for positions. What I can't remember is at the end of the day how many had come around to a certain way of thinking.

But I think, not positive, I think by the end more people than not, to include the most important person, the Director, who gets to make the decision, sided with you have an obligation to update.

Q Okay. So when did the FBI ultimately seek the search warrant for the emails on Anthony Weiner's laptop? When did the FBI ultimately seek the search warrant for the emails on Anthony Weiner's laptop?

A I don't know the exact date.

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Q Do you recall when these emails were made available to the FBI?

A No. No.

Q Are you able to describe what that FBI review process would have looked like, how that would have gone?

A Just very generally. Once we had once once the data processing was done, once the legal authority was obtained, we would have identified a group of individuals from the team. Because the team was no longer together because the investigation had been concluded, or we thought concluded. And so, for example, people who were in a field office would have returned to the field office.

Regardless of that, we would have said, hey, we've got this new batch that needs to be reviewed. Who are the best people to review those? We would have then ensured that we have the necessary computer systems to do the review in the best organized, most efficient, most comprehensive manner.

So, again, finding the requisite people, finding the requisite equipment, room, all that, you know, handling all those logistical things, and we would have just started reviewing.

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[5:15 p.m.]

BY MS. SHEN:

Q Did any of the additional information discovered in reviewing Anthony Weiner's laptop change your opinion of whether Hillary Clinton should be prosecuted?

A No, it did not.

Q Do you recall any discussions or acknowledgements that sending the October 28, 2016, letter to Congress could have an inadvertent impact on the election?

A I don't remember it in the context of, you know, that somebody brought up, hey, this is going to have a negative impact or a positive impact or I'm not saying that that didn't occur, but I don't remember it in that regard. But, certainly, I remember it in regards to and, again, it's the policy you referenced earlier, that is it appropriate with this timing and consistent with the policy on this. It was more in that regard as opposed to is this going to be helpful or hurtful to a particular candidate.

Q But outside of the question of whether specifically it would help or hurt the election, just was there any discussion or concern raised that it could have an impact on the election in any way?

A Yes. Yeah.

Q And so some people raised those concerns. You know, how many people raised those concerns?

A I don't know, but, again, I know that was it would have been it was certainly an important consideration that was not

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glossed over.

Just for context purposes, because the other thing that we had to consider is, if the investigative activity that we wished to take was not revealed by revealed, revealed to Congress and then there's an impact outcome of an election and then it comes up, and then is somebody going to call in that the results of the election are illegitimate because the FBI attempted to conceal the fact that they were reopening an investigation?

I guess I think it's just an extension of what you said. But in my

Q Sort of the other side of the coin of what you ultimately went with, which is

A We had to see it from both both perspectives.

BY MS. KIM:

Q Mr. Priestap, in March 2017, Director Comey disclosed publicly that the FBI had opened an investigation into, quote: the nature of any links between individuals associated with the Trump campaign and the Russian Government, and whether there was any coordination between the campaign and Russia's efforts, unquote.

Were you aware of the investigation before the election?

A Of the the investigation referenced in there?

Q Yes.

A Sure.

Q Was Peter Strzok aware?

A Yes.

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Q Was Lisa Page aware?

A Yes.

Q Was Deputy Director Andrew McCabe aware?

A Yes.

Q Was General Counsel Jim Baker aware?

A Yes.

Q And was Director Comey aware?

A Yes.

Q You said earlier that your Counterintelligence Division investigates unauthorized disclosures of information. Was there an unauthorized disclosure of the fact of this investigation before the election?

A I guess I don't feel at liberty to respond to that today.

Q Certainly. Let me try another tack. So do you remember when Director Comey first made the decision to make public the fact that the FBI was investigating Secretary Clinton's email server?

A Do I remember that?

Q Did that precede your time on this investigation?

A I think that preceded my time. I'm not positive, but I think it did.

Q Okay. I'm trying to reconcile the difference in the treatment of Secretary Clinton's investigation that the FBI was conducting and the investigation that was being conducted peripheral to the Trump campaign before the election.

So let me ask in a slightly more general way than I phrased it

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to you before, are you aware of any leaks before the election regarding the Trump investigation?

A I'm not aware of any.

Q And do you recall when Director Comey made the decision to disclose the existence of the investigation into the Trump campaign?

A No.

Q I'll represent to you that it's March 2017. That's when it came out, that's when he did it, with congressional testimony.

Do you know why Director Comey made that decision?

A I don't.

Q Okay. And do you ever recall a specific discussion before the election about whether or not to publicly disclose the existence of the Trump investigation to the public?

A Do I remember a discussion? I don't.

Q Going back to your earlier testimony, you said that there are a number of factors the FBI generally considers before deciding whether or not to disclose an investigation. I think I named at least a couple of things. I think I said sensitivity. I think I said the sensitivity of the subject matter and the sensitivity of the investigative activities. I believe you then stated to me those are some of the reasons, but not all of the reasons.

Do you remember what some of the other reasons are for some of the other criteria that the FBI consults in deciding to make the fact of an investigation public?

A In regards to making investigations public, we very rarely

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do so in any regard. And I think I or at least I had in my mind more referring to what went into the decision making on, you know, what we provided to Congress, as well as far as those quarterly briefings go.

But one of the major considerations, in my opinion, is what we know about what we're investigating. In other words, we open an investigation with information or allegation or an allegation that something occurred. When we look into it, we either get more or less information that is or is not true.

So depending where you are in any given investigation, you might be a lot closer to the final answer of whether it occurred or not or you might have hardly made any headway at all. And I think it can be extremely dangerous for the FBI to be providing even the quarterly briefing construct briefings on investigations in which we haven't made significant headway at a certain time, you know, as far as answering the central questions we're trying to answer.

In other words, if I'm on the receiving end of that brief, I'd be like, well, what exactly are you briefing me on? This likely happened or did it not or like what somebody just where are you in the investigation? And if you're in the beginning of one, you often don't have an awful lot to go on.

Q If I understand correctly from your general statements about those rubrics, that you felt the FBI did not have sufficient information about the Trump investigation to really be able to substantively brief the public or Congress on the content of that investigation?

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A In my yeah.

Q Okay. I'll ask you, have you been involved in any decisions to make public an FBI investigation?

A Post post charging or prosecution.

Q But not in the investigative phase?

A No, no.

Q Okay.

BY MS. SHEN:

Q Mr. Priestap, as I'm sure you're aware, there has been a litany of attacks from the highest levels of government accusing the FBI and Department of Justice of conducting investigations driven by political bias instead of just the facts and the rule of law.

Are you aware of any FBI investigations motivated by political bias?

A I am not.

Q Are you aware of any Justice Department investigations motivated by political bias?

A No.

Q On February 2nd, 2018, President Trump tweeted, quote: "The top leadership and investigators of the FBI and the Justice Department have politicized the sacred investigative process in favor of Democrats and against Republicans, something which would have been unthinkable just a short time ago. Rank and file are great people."

Mr. Priestap, do you agree that the top leadership and investigators of the FBI and the Justice Department have politicized

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the sacred investigative process in favor of Democrats and against Republicans?

A I do not.

Q Can you explain the basis for this belief?

A I have seen nothing in my time, not just as assistant director, but my time in the FBI, in which we have conducted our activities, our operations, our investigations for political purposes. I just see no I've seen no indication of that in my career.

Q I would like to ask you to turn your attention back again to Deposition Exhibit 1, House Resolution 907.

At the bottom of the first page, the resolution reads, quote: Where there is an urgent need for the "Whereas there is an urgent need for the appointment of a second Special Counsel in light of evidence that raises critical concerns about decisions, activities, and inherent bias displayed at the highest levels of the Department of Justice and Federal Bureau of Investigation regarding FISA abuse, how and why the Hillary Clinton email probe ended and how and why the Donald Trump Russia probe began."

Mr. Priestap, do you think that there was inherent bias at the highest levels of DOJ and the FBI regarding FISA abuse?

A I do not.

Q And is there any evidence of inherent bias displayed at the highest levels of DOJ and the FBI regarding how and why the Hillary Clinton email probe ended?

A Not that I saw.

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Q Is there any evidence of inherent bias displayed at the highest levels of the DOJ and the FBI against Donald Trump as part of the Trump Russia probe?

A Not that I saw.

Q Are you aware of any actions ever taken to damage the Trump campaign at the highest levels of the Department of Justice or the FBI?

A No.

Q Are you aware of any actions ever taken to personally target Donald Trump at the highest levels of the Department of Justice or the FBI?

I'll rephrase. Are you aware of any actions ever taken against Donald Trump at the highest levels of the Department of Justice or the FBI?

Mr. Ettlinger. I think you need to rephrase your question.

Ms. Kim. Are you aware of any actions ever taken against Donald Trump at the highest levels of the Department of Justice or the FBI for the purpose of politically undercutting him?

Mr. Priestap. No.

BY MS. SHEN:

Q Is there any evidence that any FBI or Department of Justice official took actions biased in favor of Clinton or biased against Trump?

A No.

Q Okay. So that includes James Comey?

A Correct.

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Q Andrew McCabe?

A Yes.

Q Peter Strzok?

A Yes.

Q Lisa Page?

A Yes.

Q Loretta Lynch?

A Yes.

Q Sally Yates?

A Yes.

Q Rod Rosenstein?

A Yes.

Q Robert Mueller?

A Yes.

Q Is there any evidence that President Obama ordered any investigative activity that was biased in favor of Clinton or biased against Trump?

A Yeah, not that I'm aware of.

Q So to be clear, you are not aware of any conspiracy against Donald Trump or the Trump campaign involving anyone from the FBI or Department of Justice or President Obama?

A I'm not aware of that, correct.

Q Mr. Priestap, why did you decide to join the FBI?

Mr. Ettinger. You really want to ask him that at 5:30?

Ms. Shen. Mr. Priestap, briefly describe why you decided to join

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the FBI.

Mr. Boente. He's actually wondering that right now.

Mr. Priestap. Yes, I am.

I didn't like when bad people did things to good people, so I wanted to see if I could help in that regard.

BY MS. SHEN:

Q And how important is it to you that the FBI succeeds in its national security counterintelligence and law enforcement missions?

A That's critically important to me. It's been my livelihood.

Q And are you proud to be serving the FBI today?

A I am.

Q And are you sitting where you are now, are you proud of your leadership and colleagues serving in the FBI today?

A I am.

Q So I have personally been bothered, troubled by the escalating attacks against the Department of Justice and the FBI, attacks against the independence of institutions, the integrity of their employees, and the legitimacy of DOJ's and FBI's investigations. And so I want to ask you about a few more statements and get your reaction.

On December 3rd, 2017, the President tweeted, quote: "After years of Comey, with the phony dishonest Clinton investigation (and more), running the FBI, its reputation is in tatters worst in history! But fear not, we will bring it back to greatness."

So, Mr. Priestap, do you agree with the President's statement that

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the FBI's reputation is in tatters and is the worst in history?

A I I can't speak for the American people as far as, you know, how they view the FBI. I guess I'd leave it at that. It's not my call what the reputation of my organization is.

Q Do you agree with the President's characterization that the Clinton investigation was phony and dishonest?

A That, no, I do that was not my experience, being a part of the investigation.

Q In your personal opinion, what kind of impact do statements like these, like this one, have on the morale of the rank and file at the FBI?

A I don't the bottom line is I don't know for certain what impact they have. But, I mean, just human nature, my experience, people generally don't enjoy being criticized. And in my experience, we have a lot of extremely dedicated, competent professionals, and so to be called anything but is probably difficult for some of them to hear.

Q Do you personally have any concerns that statements like this one could have an impact on the public's confidence in the FBI?

A Yes.

Q And how would losing the public's confidence how would FBI losing public confidence impact our national security?

A At the end of the day, the and just take my division, for example. This idea of protecting America's vital assets from foreign adversaries. The FBI can't do that alone. We need partners' help,

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we need the private sector's help, we need the public's help in an awful lot of regards. And anything that impacts the level of assistance we can get from others could arguably impact them, the ability of us to accomplish our responsibilities.

Q So at the White House press briefing the day after Director Comey was fired, Sarah Huckabee Sanders stated that the termination happened because, and I quote, "most importantly, the rank and file of the FBI had lost confidence in their director."

So, Mr. Priestap, looking back on the lead up to Director Comey's firing, do you agree with Ms. Sanders that the rank and file of the FBI had lost confidence in him?

A I can't speak for the rank and file of the FBI. I had not lost confidence in Director Comey, and nor had anybody communicated to me that he or she had lost confidence in Director Comey.

Q So of the FBI agents that you spoke to, none of them communicated to you that they lost confidence in Director Comey?

A Correct.

Q On that same day, President Trump tweeted, quote: "James Comey will be replaced by someone who will do a far better job bringing back the spirit and prestige of the FBI."

Do you agree with the President's assertion that there was a problem with the spirit and prestige of the FBI under Director Comey?

A Not from my perspective.

Ms. Shen. Okay. I think we're done with our round. Thank you.

Mr. Somers. I think we're going to conclude the interview then.

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Thank you for appearing before us today and for answering our questions

Mr. Priestap. Thank you, guys.

Ms. Shen. Thank you, sir.

[Whereupon, at 5:35 p.m., the interview was concluded.]

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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

COMMITTEE ON THE JUDICIARY,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: LISA PAGE

Friday, July 13, 2018

Washington, D.C.

The above matter was held in Room 2141, Rayburn House Office  
Building, commencing at 1:40 p.m.

Mr. Somers. Let's go on the record.

Good afternoon. This is a transcribed interview of Lisa Page, a former assistant general counsel at the Federal Bureau of Investigation. Chairman Goodlatte and Chairman Gowdy requested this interview as part of a joint investigation by the House Committee on the Judiciary and the House Committee on Oversight and Government reform regarding decisions made and not made in 2016 and 2017 by the Department of Justice and the Federal Bureau of Investigation regarding the 2016 Presidential election.

Would the witness please state her name and the last position she held at the FBI for the record?

Ms. Page. Lisa Page. I have always been an assistant general counsel at the FBI, but the last informal role I held was as special counsel to the Deputy Director of the FBI.

Mr. Somers. Thank you. I want to thank you for appearing here today. My name is Zachary Somers, and I am the majority general counsel on the House Judiciary Committee.

I will now ask everyone else who is here in the room to introduce themselves for the record, starting to my right with Art Baker.

Mr. Baker. Arthur Baker, investigative counsel, House Judiciary Committee majority staff.

Mr. Parmiter. Robert Parmiter, chief counsel for crime and terrorism, House Judiciary majority staff.

Mr. Breitenbach. Ryan Breitenbach, senior counsel, House Judiciary majority.

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Mr. Gowdy. Trey Gowdy, South Carolina.

Ms. Jackson Lee. Sheila Jackson Lee, Houston, Texas, Judiciary Committee.

Mr. Ratcliffe. John Ratcliffe, Texas.

Mr. Jordan. Jim Jordan, district, Ohio.

**(b)(6),(b)(7)(C) per FBI** associate general counsel, FBI.

**(b)(6),(b)(7)(C) per FBI**, associate general counsel FBI.

Ms. Bessee. Cecilia Bessee, acting deputy general counsel FBI.

**(b)(6),(b)(7)(C) per FBI**, counsel for Lisa Page.

Ms. Kim. Janet Kim, House Oversight Committee minority staff.

Mr. Hiller. Aaron Hiller, House Judiciary Committee.

Ms. Hariharan. Arya Hariharan, House Judiciary Committee.

Ms. Adamu. Marta Adamu, OGR majority.

Ms. Wasz Pipen. Lyla Wasz Pipen, House Judiciary minority.

Ms. Sachsman Grooms. Susanne Sachsman Grooms, House Oversight minority.

Mr. Apelbaum. Perry Apelbaum, House Judiciary Committee majority.

Mr. Nadler. Jerry Nadler, vice ranking member of Judiciary Committee.

Mr. Raskin. Jamie Raskin, Judiciary Committee.

**(b)(6),(b)(7)(C) per FBI** FBI congressional affairs.

Mr. Krishnamoorthi. Raja Krishnamoorthi, Illinois, Oversight.

Chairman Goodlatte. Bob Goodlatte, Virginia, Chairman of House Judiciary Committee.

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Mr. Biggs. Andrew Biggs, Judiciary Committee.

Mr. Buddharaju. Anudeep Buddharaju, House Oversight majority.

Ms. Green. Megan Green, House Oversight majority.

Mr. Gohmert. Louie Gohmert.

Mr. Perry. Scott Perry, Pennsylvania, Fifth District.

Mr. Gaetz. Matt Gaetz, Florida, House Judiciary Committee.

Mr. Somers. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we'll follow that I'll go over. Our questioning will proceed in rounds. The majority will ask questions first for an hour and then the minority will have the opportunity to ask questions for an equal period of time.

We usually go back and forth in this manner until there are no more questions and the interview is over. However, given our late start time today and the witness' willingness to reappear to resume this interview on Monday, our plan is to do two rounds for the majority and two rounds for the minority today, and we'll pick up again on Monday.

Mr. Jeffress. Just to be clear, we're willing to stay all afternoon this afternoon if we could finish today and would prefer that.

Mr. Somers. Okay. We'll see where we get at the end of the first two rounds.

Although a subpoena was issued for Ms. Page's appearance, Ms. Page, through her attorney, has agreed that we'll proceed with today's session as a voluntary transcribed interview. We anticipate that our questions will receive complete responses. To the extent that Ms. Page declines to answer our questions or if counsel instructs her

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not to answer, we will consider whether we need to proceed under our subpoena.

Typically, we take a short break at the end of each hour of questioning, but if you would like to take a break apart from that, please let us know. As you can see, there is an official reporter taking down everything we say to make a written record so we ask that you give verbal responses to all our questions. Do you understand that?

Ms. Page. I do.

Mr. Somers. So that the reporter can take down a clear record, we will try to do our best to limit the number of Members and staff directing questions at you during any given hour to just those Members and staff whose turn it is. It is important that we don't talk over one another or interrupt each other if we can help it.

Both committees encourage witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and you are appearing with counsel today. Could counsel please state her name for the record?

Mr. Jeffress. Amy Jeffress.

Mr. Somers. We want you to ask our questions in the most complete and truthful manner possible so we will take our time. If you have any questions or if you do not understand one of our questions, please let us know. If you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection, and it is okay to tell us if you learned the information

from someone else.

If there are things you don't know or can't remember, just say so, and please inform us who, to the best of your knowledge, might be able to provide a more complete response to the question.

Ms. Page, you should also understand that, although this interview is not under oath, you are required by law to answer questions from Congress truthfully. Do you understand that?

Ms. Page. I do.

Mr. Somers. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Ms. Page. I do.

Mr. Somers. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand this?

Ms. Page. I do.

Mr. Somers. Is there any reason that you are unable to provide truthful answers to our questions today?

Ms. Page. There is not.

Mr. Somers. Finally, I'd like to note that, as chairman of the Judiciary Committee stated at the outset of our first transcribed interview in this investigation, the content of what we discuss here today is confidential. Chairman Goodlatte and Chairman Gowdy ask that you not speak about what we discuss in this interview to anyone not present here today to preserve the integrity of our investigation. This confidentiality rule applies to everyone present in the room

today.

That's the end of my preamble. Do you have any questions before we begin?

Mr. Jeffress. I would just like to state on with respect to your last point, that if we understand that confidentiality has been violated by any media reports of what takes place today, we will consider ourselves to be released from that confidentiality provision and hope you understand that.

Mr. Somers. Okay. The time is now 1:45, and we'll get started with our first round of questions.

Mr. Gowdy. Good afternoon, Ms. Page. My name is Trey Gowdy. I'm from South Carolina. I'm on the Judiciary and Oversight Committee. I want to ask you about some texts that have been attributed to you, but I want to give you an opportunity to follow along as we identify them. I'm going to try to do it by date, but one thing that I have learned in the course of this investigation is sometimes the dates don't sync up. So, if there's ambiguity about the date, then I'll give you the first phrase of that text, that way your attorney can identify it.

Ms. Page. Do you have a

Mr. Gowdy. I want to start with one dated November 1, 2015. It's a text that you sent to Special Agent Peter Strzok: And I hope Paul Ryan fails and crashes in a blaze of glory.

Do you recall that text?

Ms. Page. I do not.

Mr. Gowdy. Do you dispute that you sent that text?

Ms. Page. Not at all.

Mr. Gowdy. What did you mean by "fails"?

Ms. Page. I don't recall the text, sir.

Mr. Gowdy. Could you review it and see if that refreshes your recollection?

Ms. Page. If you can give me the text in the context surrounding it, that would help, yes, please.

Mr. Gowdy. Sure.

Ms. Page. I don't know. I don't know. Sorry. My guess is I was watching the news about something. And I don't know what was happening in November of 2015, but my suspicion is there was some policy issue that I disagreed with, and that was my statement. But I really do not know.

Mr. Gowdy. Would it refresh your recollection to know that that was 2 days after he became Speaker of the House?

Ms. Page. Certainly.

Mr. Gowdy. And when you wrote "fails," what did you mean by "fails"?

Ms. Page. I couldn't tell you.

Mr. Gowdy. Out of the universe of options of what you could have meant by "fails"?

Ms. Page. I don't know precisely what I was thinking about, sir. I presume I really don't know. I can't take a guess at it. If there was a particular policy proposal or a particular objective that he had as Speaker, if there was something about a statement or a speech or

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something that he was saying that I was referring to, but I don't have the context for the rest of it, so I'm sorry.

Mr. Gowdy. How about "crashes in a blaze of glory"? What'd you mean by that?

Ms. Page. I don't have a better answer, sir. I'm sorry. I just don't recall precisely what I was referring to.

Mr. Gowdy. All right. How about we move to February 24 of 2016? And, again, my date may be different wouldn't be different by more than a day than yours.

Ms. Page. February 24, 2016? I'm sorry.

Mr. Gowdy. February 24, 2016, is a page that you would have sent to Special Agent Peter Strzok, and it begins, "One more thing." I'll wait until your counsel lets me know if she's got that pulled up.

Ms. Page. Oh, she's not pulling them up. I'm sorry.

Mr. Gowdy. You're not pulling them up?

Mr. Jeffress. I'm taking notes.

Mr. Gowdy. You don't have do you have a book of the text of your text?

Ms. Page. I do not, no.

Mr. Gowdy. Well, why don't we stop for a minute and let that happen so we're not

Ms. Page. Thank you. That would be helpful. Okay.

Mr. Gowdy. February 24, 2016, a page that begins, "One more thing."

Ms. Page. Ah, yep. I see it. Yes.

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Mr. Gowdy. Could you read that for us?

Ms. Page. Sure: One more thing. She might be our next President. The last thing you need us going in there loaded for bear. You think she's going to remember or care that it was more DOJ than FBI?

Mr. Gowdy. Who would be the "she" in the "she might be President"?

Ms. Page. Hillary Clinton.

Mr. Gowdy. What did you mean by "the last thing you need us going in there loaded for bear"?

Ms. Page. So, as I discussed at length in the IG report, there's a great deal of context here that needs to put this in context. And, in fact, there are easily a half dozen emails and other text messages all sort of surrounding this timeframe.

Pretty early on or actually right around this time in the investigation, almost every interview had been conducted the way FBI interviews are regularly conducted, with two agents, maybe a prosecutor or two, but it generally two agents and one or two prosecutors.

And as soon as the planning started to begin to interview some of the more high profile witness, not just Mrs. Clinton but also Huma Abedin, Cheryl Mills, Jake Sullivan, and her sort of core team, the Department wanted to change the sort of structure and the number of people who were involved.

And the FBI did not agree with that. We thought this is the way we normally do things. This is the way we this is the way as

you well know, sir, as a prosecutor. I was a prosecutor for 6 years as well a more effective interview is conducted with a smaller group, and you build a better rapport, not this lovely body notwithstanding.

And so we felt strongly that there should only we should maintain the same procedure that we had maintained, which was two prosecutors, two agents, and this represents kind of the middle of a fight that had been happening preceding this date and following this date about how many personnel should be present for these high profile interviews.

Mr. Gowdy. Who specifically at the Department advocated for a different way of interviewing what you refer to as high profile?

Ms. Page. David Laufman. David Laufman.

Mr. Gowdy. Anyone else?

Ms. Page. No, not to my knowledge.

Mr. Gowdy. And if I understood the context of your answers, at least someone at the Bureau, maybe you, but someone at the Bureau questioned why you would treat some witnesses differently from the way you treated other witnesses?

Ms. Page. No. Actually, the whole team. To the best of my knowledge, everybody at the FBI felt that we should proceed with the higher profile interviews, including for Mrs. Clinton, in the same way that we always had.

David Laufman felt strongly that he needed to be present for these higher profile interviews. And so that then cascaded: Well, if he's

going to be there, should we have Pete or someone else sort of higher ranking than the sort of line agents and line prosecutors who were conducting the investigation.

And then, once we started talking about including David, then the U.S. Attorney's Office also wanted to participate in the interviews, although they had participated in virtually none by that point. And so then the U.S. Attorney's Office was pushing to have the AUSAs, who were participating in the Clinton investigation, also participate.

And so now, all of a sudden, we were going from our standard two and two to this burgeoning number of people. And this text reflects my frustration that we should be doing things the way we always do things, and that we should not kowtow to the Department's desire to add people who are not necessary and who were not necessarily going to add value to these interviews.

Mr. Gowdy. How many interviews were conducted in the way that you think would have been different from an operational norm?

Ms. Page. I don't know for sure. I'd say a half dozen or less, but I am just sort of guessing.

Mr. Gowdy. Of the half dozen or less, did you send text or emails worried about the perception of treating that interview differently, or was it just the one when you referred to she might be our President?

Ms. Page. No. This was an argument that pertained to all of them ultimately. So this was not unique to her. Again, this is just sort of a sort of snippet in time, but we had multiple and I think it's reflected either in other texts or in other emails multiple



conversations and lots of back and forth and a great deal of frustration in which I was largely advocating the team's interest to keep it at two and two with the Deputy Director.

And George Toscas from the Justice Department was advocating for why he felt David Laufman should be there, and now the U.S. Attorney's Office is a partner, and so we need the two prosecutors who are actually doing all the work because they're the ones who have the substantive knowledge. But if David Laufman comes, how do we now exclude a higher ranking, you know, senior AUSA from the eastern district of Virginia who's involved.

And so it was sort of a back and forth that continued for possibly a week on this topic. And it pertained again, it was it came up first in the context of scheduling Jake Sullivan's interview, is my recollection, although I'm not positive. But I think he was the first one. And that's what sort of triggered the larger discussion.

Mr. Gowdy. All right. Two questions, but I'll let you take them in order. I wrote down David Laufman's name and then you introduced a name George Toscas.

Ms. Page. Yes.

Mr. Gowdy. Was it Laufman or Toscas that was advocating for the interviews to be done differently?

Ms. Page. I'm sorry. I should be more clear. It was Laufman. My understanding is that it was David Laufman who was the section chief of the then it was called the counterespionage section at the Justice Department. He was the he was the one who first said: I feel like

I need to be there.

George Toscas is his boss, and so David Laufman was a low enough was of a rank as you well know, the FBI is quite hierarchical. And so Dave Laufman was of a rank that he would not have been calling the Deputy Director to advocate for his position personally.

So he went to his boss, George Toscas, whom Andy McCabe has had a long relationship with because George has done counterterrorism and Andy did counterterrorism. And so David went to his boss, George Toscas, to further advocate for the position that the Department was that David Laufman wanted to take for two for, excuse me, for a greater number of prosecutors.

Mr. Gowdy. For those of us who might be inclined to side with your position that you should treat all interviews the same, what was the argument that you should treat certain interviews differently?

Ms. Page. Well, the one David posited, and this is I did not hear it personally, so this is secondhand to me. But what I understood David's argument was, was that he was the section chief over this investigation, so he was sort of the ostensibly the person running it, although he did not really have day to day involvement in the investigative activity, and that he would one day be in the room with Loretta Lynch and she would turn to him and sort of ask his view on the sort of credibility of the witnesses and otherwise and that he felt it was he had a responsibility to be present in order to be able to answer answer whatever questions were expected of him by

senior level people at the Justice Department.

Mr. Gowdy. And so the text I don't know if it's right after that. It's also dated February 24 from you to, I guess, then Deputy Director McCabe and another of your employee begins having a larger number. You see that one?

Ms. Page. I don't because I'm guessing it's probably on another set. If you wouldn't mind reading I know it just changes by like one or two lines, so if you wouldn't mind just reading it, sir.

Mr. Gowdy. Having a larger number in the room is not operationally necessary and that this is as much about reputational protection as anything.

Ms. Page. Got it. Yes.

Mr. Gowdy. Can you see how someone might read that text to be that the interview itself was kind of perfunctory and the interview itself was about reputational protection?

Ms. Page. I don't see it that way, sir, no.

Mr. Gowdy. How do you see it?

Ms. Page. Well, in part because I make the reference to sort of operational necessity, that doesn't go at all to the perfunctory nature. And this wasn't this argument, although here we are just talking about Hillary Clinton, this is just a snapshot of this one particular text. The broader argument was with respect to all of the sort of higher profile witnesses, and so what the what we're arguing is let's be reasonable here. I don't there's no operational necessity for it, and, furthermore, it's not the right optic. It's

now how we do things. It's not an optic because she's going to be President. It's an optic because we, the FBI, don't really like to come marching in, you know, loaded for bear or guns blazing or any other sort of turn of phrase that you want to use where it's not operationally necessary.

So, if you're executing a search warrant, you're going to come with a bunch of dudes. If you're trying to conduct an interview, it's not really appropriate to come with an army full of notwithstanding my friends here an army full of lawyers and agents.

Mr. Gowdy. Drawing on your background as prosecutor and as counsel for the Bureau, what is operationally necessary about having other potential fact witnesses attend an interview?

Ms. Page. I do not know. I would agree with you that it is not typically appropriate or operationally necessary to have fact witnesses attend the interview.

Mr. Gowdy. Do you know whether any potential fact witnesses attended the interview we'll start with Secretary Clinton?

Ms. Page. It's my understanding that both Cheryl Mills and, I think, Heather Samuelson attended her interview.

Mr. Gowdy. Who made the decision to allow them to be present?

Ms. Page. Somebody at the Department. I do not know whom.

Mr. Gowdy. And when you say the Department, you're distinguishing the Department from the Bureau?

Ms. Page. Yes. I'm sorry. I will always call the Bureau the FBI or the Bureau, and the Department the Justice Department or the

Department.

Mr. Gowdy. Were potential fact witnesses allowed to sit in in any of the other universe of interviews where things were done differently?

Ms. Page. Not to my knowledge.

Mr. Gowdy. So the best of your knowledge, it was only her interview where potential fact witnesses were allowed to sit in?

Ms. Page. That's correct.

Mr. Gowdy. Now, as a former prosecutor, I am sure that struck you as being highly irregular?

Ms. Page. We all at the FBI disagreed with it. And I recall both lawyers for the FBI calling to calling over to the prosecutors, and I am certain that Pete called over to the prosecutors to say, "This is BS," I'm sure is probably how he would have phrased it, like why are they attending. And the answer that we received back was that they did not have the they didn't see a legal basis to exclude them from the interview because Secretary Clinton was representing them as her lawyers.

Mr. Gowdy. Had she been interviewed in a compulsory setting, would she have been allowed to have fact witnesses present?

Ms. Page. I don't think that makes a difference. Well, I'm sorry. Do you mean like in a grand jury?

Mr. Gowdy. Yeah, like a grand jury.

Ms. Page. On a grand jury, she wouldn't have anybody present.

Mr. Gowdy. Right. Including your lawyer.

Ms. Page. She would not be permitted to have any lawyer present; that's correct.

Mr. Gowdy. Right.

Ms. Page. Right.

Mr. Gowdy. Do you know who at the Department would have made the decision to allow potential fact witnesses to be present?

Ms. Page. I do not, sir.

Mr. Gowdy. Who would be the universe of folks that would have the authority to do so?

Ms. Page. I presume so the reason I hesitate is because I don't know I know who the two line prosecutors were who we worked with regularly. I'm sorry. Oh. I worked with the two I know who the two line prosecutors were who were sort of responsible for the day to day investigative activity. I do not know whether they made those decisions on their own or whether they consulted their superiors, which would have been David Laufman and George Toscas again. I just don't know.

Mr. Gowdy. I want to go to March 3, 2016. Well, actually, let me ask you, Secretary Clinton was interviewed on July

Ms. Page. I think 2nd, I believe so.

Mr. Gowdy. 2. Do you recall when Attorney General Lynch recused herself?

Ms. Page. Either right before or right after. I don't remember exactly.

Mr. Gowdy. Would she have been still making the decisions on the

case? Would she have still not been recused by the time these conversations take took place about who could and could not be present?

Ms. Page. Oh, oh, oh. So well, two things. I guess, first, I am not sure she ever formally recused herself. She sort of, I think, did a half step, which I think she's been criticized for, which was that she didn't fully sort of step away from the investigation following the tarmac incident. She said that she would defer to the sort of judgment of the career prosecutor. So I don't I wouldn't we can call that a recusal if that's how you want to frame it, but I don't know that that legally would be considered one.

I really do not know. This case was unusual in that most of the high profile matters that I have been a part of during my services as Mr. McCabe's counsel required fairly regular meetings with high level Justice Department officials and so it was not uncommon to be briefing the Attorney General, and certainly more likely the Deputy Attorney General or the PADAG about the status of certain investigations.

And in this investigation, I do not believe that the FBI ever provided a substantive briefing other than very, very early in the investigation before I was working for the Deputy Director and before Andy McCabe was the Deputy Director.

So I actually can't answer any questions substantively with respect to what kind of briefings and what Loretta Lynch or Sally Yates or other high level Justice Department officials knew and when because we were not really privy at all to what sort of briefings and who was

delivering them and what the substance was of them.

Mr. Gowdy. I'm going based on memory here because I don't have the text in front of me, and if you don't recall it, then we'll get somebody to pull it up for us. But I have in the vague recesses of my memory a text you either sent or received that referred to Loretta Lynch as something other than a profile in courage.

Ms. Page. Yep, I remember that one.

Mr. Gowdy. Would that have been in connection with her decision to recuse herself?

Ms. Page. Right. So that was in that was in response to the tarmac episode. And as I said, also from memory, so this may be off a little bit, but my recollection is that she represented publicly that she would defer to the judgments or the recommendations of the career prosecutors. And I think my text said something to the effect of: It's a real profile in courage since she knows no charges would be brought.

At this point, this is late or early July, and so that does represent a presumption on my part. I do not have knowledge, actual personal knowledge that she knew no knew charges that she knew no charges would be brought. But every single person on the team, whether FBI or DOJ, knew far earlier than July that we were not going to be able to make out sufficient evidence to charge a crime. And so that was my supposition, but I don't actually know that she knew that.

Mr. Gowdy. I think one thing that folks sometimes struggle with is when that conclusion is reached and how many interviews are left



to be conducted before that interview is reached, and in particular, how many substantive interviews are left, like, for instance, including the subject.

Ms. Page. Uh huh.

Mr. Gowdy. So how could you know before you talk to the subject that the subject would not say something inculpatory during the interview?

Ms. Page. Chairman, I certainly take your point. I imagine you've probably had this experience too. At a certain point, when you have examined exhaustively every sort of avenue that you can with respect to available evidence, right, there's only if you have found nothing beyond testimony, right, beyond somebody saying, yes, I did this wrong or no, I didn't do this, it's challenging to be able to then confront a witness and try to despite whether you think that there was let me take a step back.

So the primary look in this investigation was mishandling of classified information, right. And so what we were looking for in particular was some indicia of knowledge that she knew these particular communications shouldn't be traversing the server she set up, that they were, in fact, classified, that there was a sort of purposeful or, you know, an intent to mishandle classified information.

And so, when by the point and I can't give you a precise date but, you know, March, April, Mayish, right, in the sort of early spring, when the bulk of the bulk of the investigative activity with respect to forensics, with respect to interviews of people who set up

the servers, like all of the people who you might think are not so closely connected to Secretary Clinton, that if there was something nefarious there, you might actually be able to find it, by that point, we simply did not see anything.

And so she's a very sophisticated woman. Cheryl Mills, Jake Sullivan, these are very smart, very savvy, you know, Washington players. They will all have highly competent counsel. So I don't think there was a strong expectation that the witness interviews were going to provide contrary evidence that we had uncovered evidence contrary to what we had uncovered to date.

Certainly, it's possible. It doesn't mean that it's not possible. But without being able to take a document and say, "Ma'am, how do you explain this, you know, this suggests X, how can you possibly say that this was the problem," there wasn't a strong expectation that the interviews were going to change the sense of the team, which was that there would not be a prosecutable case.

Mr. Gowdy. What element, in your judgment, was missing from making the case potentially prosecutable?

Ms. Page. Well, I am not super comfortable without looking at a statute right now. I'm sorry. I don't know if somebody has it, only because I want to misspeak. But I can say broadly: I think we all agreed rock on. Nice work. Thank you. One second, please.

Is it F? I can't remember.

Mr. Parmiter. Yes, F.

Ms. Page. So I should also say, I don't sort of formally work

in counterintelligence. I was when I was a prosecutor I did organized crime work so I did not do national security work. And so I am, like the further I am a lawyer, but I am not an expert in this area at all. But

Mr. Gowdy. Well, I may can ask you a question that will make it easier.

Ms. Page. Sure. Thank you.

Mr. Gowdy. Director Comey said what was missing was intent.

Ms. Page. Right.

Mr. Gowdy. IG Horowitz said what was missing, in his judgment, was knowledge. And it strikes me both of those would be of interest when you're interviewing the subject. The subject might actually be uniquely well positioned to address those two missing elements. So does it refresh your recollection at all that it might have been intent or knowledge?

Ms. Page. I think both are absolutely the case, but, again, it goes back to the point I made earlier, which is she will also know that intent and knowledge are the sort of two critical elements in order to prove this case. And to the extent that she at least knew all of the emails that were, you know, produced from her server and, you know, I have no idea what sort of defense work her she and her team at Williams & Connolly were doing, but these are fairly sophisticated attorneys, and so it's absolutely the case that a witness might say something that would speak to intent or knowledge.

But the general thinking was that this witness was going to be

sufficiently well prepared, that an error to the I mean, again, I can't say whether she had the intent or not. I have no evidence. I cannot point to any particular so I don't want to be unfair to the Secretary either.

I cannot point to anything with respect to what the team uncovered that spoke to her having an intent to mishandle classified information. I think it was not smart, but I don't think that it was it's my personal opinion, I don't I can understand why the judgment of the team was that this was not a prosecutable case.

And I guess, if I can just we didn't really do any background, but if I can do one tiny second on that.

I stand in an awkward position with respect to this investigation because I'm not formally on the team, the Midyear team, with the investigative people who are looking at the evidence every day and meeting every day on their you know, to team up and see what the next steps are. So I'm I don't have the sort of substantive knowledge that Pete or the other agents or the other attorneys or John Maffa (ph) would have because I'm not involved in the day to day decisionmaking; I'm not involved in the day to day uncovering of evidence. I am not reading every 302. I'm actually not reading hardly any 302s. I'm working for the Deputy Director. And so what the information that I have that I'm sharing now is largely information that's that I'm gleaning from meetings with the Deputy Director or the Director, you know, sort of the weekly or whatever tempo we were at at any period of time, updates that the Director and the Deputy

Director were receiving.

Mr. Gowdy. All right. I want to switch over to March of 2016. It's a text from you to Special Agent Peter Strzok.

Ms. Page. I'm sorry. What's the date, sir? March

Mr. Gowdy. March 3rd, 2016.

Ms. Page. Okay.

Mr. Gowdy. "God. Trump is a loathsome human."

Ms. Page. I see that.

Mr. Gowdy. What did you mean by that?

Ms. Page. I don't recall.

Mr. Gowdy. What does the word "loathsome" mean?

Ms. Page. Well, obviously, I know what that means. But I guess my point, sir and let me look because I did have ah. So this helps. So what is occurring, my belief, is, is that we are watching a Republican debate, and so this is us watching and sort of texting each other during the course of the debate. And I have absolutely no idea what particular thing was uttered that I was responding to, but and this is also the one, I will say, that, you know, in which, you know, genitalia size is discussed. So I don't know whether that is a reflection of that or some other sort of shocking and outlandish thing that I thought did not fit the candidate for Presidency. But that is what that's a reflection of.

Mr. Gowdy. One day later on March the 4th, there is a text from you to Special Agent Strzok: Poor Kasich. He's the only sensible man up there.

What did you mean by "up there"?

Ms. Page. I think my guess is, on the podium with the other I am not sure the dates are right. I have no

Mr. Gowdy. Could it have been a debate when he was the only one that, in your judgment, was sensible on a debate stage?

Ms. Page. Yes. That's my I don't know why the date is different, but you totally cannot rely on the dates the way these things get pulled. But, yeah, my guess is that it is they are all on the debate stage. This is a reflection of my saying, like, he's a sensible man, and this is a shame.

Mr. Gowdy. Let's flip to May of 2017, May the 9th of 2017. This is actually a text from Special Agent Strzok to you. And it begins: And we need.

Mr. Jeffress. Did you say 2017?

Mr. Gowdy. Yes, ma'am.

Ms. Page. Oh, sorry. May 8, you said, sir?

Mr. Gowdy. I have it down as the 9th, but it may well be the 8th. It begins, "And we need."

Ms. Page. May 9.

What am I missing here, Amy?

Okay. I don't have it. If you can read it to me.

No, it's not. This is the gap period, right, the December to May 17th or 18th or something like that.

It's not in this book, sir, but go ahead.

Mr. Gowdy. I'm happy to read it to you.

Ms. Page. Okay.

Mr. Gowdy. "And we need to open the case we've been waiting on now while Andy is acting."

Ms. Page. Yes.

Mr. Gowdy. Who is Andy?

Ms. Page. Andy is Mr. McCabe.

Mr. Gowdy. And this is, what, a day after Director Comey has been fired?

Ms. Page. That's correct.

Mr. Gowdy. What is the case that you could not open when Jim Comey was the Director but you might be able to since Andy is acting?

Ms. Page. You're misreading that text, sir.

Mr. Jeffress. Do you need to consult with FBI counsel?

Ms. Page. Yeah. Let me may I consult with counsel momentarily?

Mr. Jeffress. There may be instructions on whether or not she can discuss this case.

Mr. Gowdy. Okay.

[Discussion off the record.]

Ms. Page. Thank you, sir.

I've been instructed by FBI counsel that what I can say is the decision to open the case was not about who was occupying the Director's chair.

Mr. Gowdy. Pardon me? Sure.

Mr. Breitenbach. Can you inform us what the rationale is for a

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former employee consulting an FBI lawyer on whether there is guidance on answering a question from Congress?

Ms. Bessee. Sure. The guidance is based on the fact that the information she is testifying about is related to FBI information, FBI investigations. And the information that she's also testifying about she has been privy to as an FBI employee. So it is not her personal information. She would not have gleaned that information but for the fact she was an FBI employee at the time and it involves FBI equities.

Mr. Breitenbach. Do you have any legal basis for making that decision?

Ms. Bessee. When FBI

Mr. Breitenbach. Meaning, is there a regulation or a statute that you can point to on whether

Ms. Bessee. I'm not sure I can point to a regulation or statute. But whether you are current or former FBI employee, as part of the process of becoming that employee, you sign you when you get your clearance you sign nondisclosures for the accesses that you get. And based on that, whether you're current or former FBI employee, you cannot and the Touhy rights as well.

Mr. Breitenbach. And the what?

Ms. Bessee. Touhy rights. The Touhy ex rel. Ragen case also refers to that. And I'd have to look at it to be able to quote to you. We can get that at some point, but that's what I can tell you right now.

Mr. Gowdy. If we start citing case law, you're going to lose most

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of the Members of Congress.

Mr. Meadows. So, excuse me, Mr. Chairman, how long does this last? I guess, how long do you actually provide counsel to previous employees, I mean, in perpetuity?

Ms. Bessee. Yes. As long as it relates to FBI information and FBI cases.

Mr. Gowdy. All right. We'll try it again.

This is from Special Agent Strzok to you: And we need to open the case we've been waiting on while Andy is acting.

You, I think, if I understood your answer correctly, you've been authorized by the Bureau to tell us that that case was not contingent upon who the Director of the FBI was?

Ms. Page. That is correct.

Mr. Gowdy. Which you would have to have a lot of creativity to be able to read that text and reach that conclusion?

Ms. Page. I completely understand that. And if I was able to explain in more depth why the Director firing precipitated this text, I would.

Mr. Gowdy. Did it relate this is May of 2017. Did it relate in any way with the Russia investigation, the potential collusion between the Russian Government and/or others in the Trump campaign?

Ms. Page. Yes. I don't see what, I mean yes.

Mr. Gowdy. Well, then I'm sure you can appreciate the curiosity of not just Members of Congress but anyone wanting to know why something could not be done when Jim Comey was the Director, but yet the pathway

might be easier with Andy McCabe?

Ms. Page. Right. So it's not that it could not be done. So the next let me look at it more closely. Where was it, Amy?

Mr. Gowdy. I think it says: Waiting on.

Ms. Page. Oh, here it is. So it's not and this is a very important distinction. It's not that it could not have been done. The "waiting on" again, you have to understand that this is a was a this case had been a topic of discussion for some time. The "waiting on" was an indecision and a cautiousness on the part of the Bureau with respect to what to do, whether there was sufficient predication to open.

Mr. Gowdy. Why would Andy be less cautious than Comey?

Ms. Page. Sir, all I can tell you is that the occupant of the seat was irrelevant. I'm sorry.

Mr. Gowdy. Well, I got your answer, but just help me square it with the text: And we need to open the case we've been waiting on now while Andy is acting.

Was that a fear that someone other than McCabe would eventually be put into that slot?

Ms. Page. I'm sorry, sir. May I consult with counsel again?  
[Discussion off the record.]

Ms. Page. Sir, I'm sorry. I've been instructed by FBI counsel that I cannot answer that question at this time.

Mr. Gowdy. Well, that leads at least some of us to conclude that it may have been an obstruction of justice case. And the fact that

Comey was actually fired would have, in some people's judgment, added to the salience of an obstruction of justice case. Can you say whether or not that's what it was?

Ms. Page. That's a reasonable inference, sir, but I cannot, sort of, confirm that that's what we are referring to.

Mr. Gowdy. Was there an active obstruction case going on at the time Comey was fired?

Ms. Page. I think that goes to the particular investigative interest that we had in the Russian collusion case starting at the end of July through this time period, and I can't answer that question at this time, sir.

Mr. Gowdy. I think Comey was actually fired on that day.

Ms. Page. He was fired on May 9th. But whether this text again, just given the UTC and the way these are translated, this is either the 9th or the 10th, would be my guess. But it was he was fired at night on the 9th, so

Mr. Gowdy. So the firing of Jim Comey was the precipitating event as opposed to the occupant of the Director's office?

Ms. Page. Yes, that's correct.

Mr. Gowdy. Well, other than obstruction, what could it have been?

Ms. Page. I can't answer that, sir. I'm sorry.

Mr. Gowdy. Is there anything other than obstruction that it could have been?

Ms. Page. I can't answer.

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Mr. Gowdy. Was it a bank fraud case?

Ms. Page. I really, actually, honestly, can't answer.

Mr. Gowdy. Well, on down, I think I see a text, "We need to lock in," and it's been redacted, "in a formal, chargeable way soon." You see that?

Ms. Page. I do, sir.

Mr. Gowdy. Who's the "we"?

Ms. Page. "We" is the FBI.

Mr. Gowdy. Now, does the Bureau consult with the Department or U.S. Attorney's Offices before it locks in charges?

Ms. Page. Yes, but that's not what this text says.

Mr. Gowdy. Well, no.

Ms. Page. Oh.

Mr. Gowdy. We're going to get to that in a second.

Ms. Page. Okay.

Mr. Gowdy. "We need to lock in," redacted, "in a formal, chargeable, way." Do you consult with the Department or U.S. Attorney's Offices before you charge someone, other than those who commit a crime in your presence?

Ms. Page. We cannot charge someone. We require assistance by an AUSA or the Department in order to bring charges.

Mr. Gowdy. All right. And this is before Special Counsel Mueller was appointed?

Ms. Page. Correct.

Mr. Gowdy. What U.S. Attorney's Office or division of the

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Department were you working with on this case?

Ms. Page. The counterintelligence section. I believe the Eastern District of Virginia was also involved, but I'm really not certain. I'm pretty sure at this point they were, but I can't be 100 percent positive.

Mr. Gowdy. What's "a formal, chargeable way" as opposed to an informal, chargeable way?

Ms. Page. So I don't I don't that's not the turn of phrase that I read. What this is suggesting I don't actually know who we're talking about, to be honest with you, so I'm speculating a little bit because I don't remember what this text was about. But my suspicion is, we have either been interviewing some witness or have been getting kind of closer to some target, either we've already had interviews or we haven't. I just don't remember who we're talking about.

And so we are to me, we need to lock in so and so means like: Okay, we need to get them probably under oath like in a grand jury or, you know, with the 1001 admonition in advance of the interviews so that we have a chance to charge a false statement to the extent a false statement is made during the course of the interview.

And so what "a formal, chargeable way" means is and, again, I don't know who we're talking about, but rather than just have an FBI interview, which is maybe not with a not with the mindset toward wanting to be able to charge based on the interview, that what this is suggesting is, like, we need to start thinking about locking in whomever in a way that might be able to support charges.

Mr. Gowdy. Now, that portion of the text, is it from you or from Special Agent Strzok?

Ms. Page. I have no idea. I never know who this is.

Mr. Gowdy. I think it may be from you, but I stand to be corrected.

Ms. Page. I don't have any basis to challenge you, but honestly, they change each set of text and everything, so I'm really not certain. Let's see.

Mr. Gowdy. It begins, "We need to lock in."

Ms. Page. Yeah. Yeah. Yeah, it looks like it's me, yes.

Mr. Gowdy. All right. What would the purpose of that redaction be?

Ms. Page. Well, I didn't make it, so I don't know. My guess is that that represents an individual who is either a subject of the Russia investigation or otherwise a witness or something, and so, therefore, it's being redacted, but I don't know.

Mr. Gowdy. If you're talking about locking in someone's testimony, I guess what I'm trying to understand is, I could see if you said in a formal way, a formal setting, interview, grand jury. It's the word "chargeable" that I'm struggling with.

Ms. Page. So my suspicion, again and I don't know because I don't remember who we're talking about, but my suspicion is that we have somebody who we think is lying. Again, I'm just guessing. And so, to the extent we want to be able to charge them for lying, we need to lock them in in a formal way, in a way in which we will be able to

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support those charges. But I am just speculating because I do not remember who we're talking about.

Mr. Gowdy. Is that response connected to his text, "And we need to open the case we've been waiting on"?

Ms. Page. No. No, it is not. That I am confident in.

Mr. Gowdy. How are you confident in that?

Ms. Page. Because I'm sorry. I don't know how to answer the question without going more into the content of the prior text, sir.

Mr. Gowdy. All right. I'm sure I'll have colleagues that will come back to that. I want to go to August 15, 2016. It's a text from Special Agent Peter Strzok to you. It begins, "I want to believe."

Ms. Page. August, I am sorry, 10?

Mr. Gowdy. I have it down as August 15.

Ms. Page. I'm sorry. I'm just not hearing you. Sorry.

Mr. Gowdy. "I want to believe" is how it begins.

Ms. Page. Yep.

Mr. Gowdy. I want to believe the path you threw out in Andy's office, dash, that there is no way he gets elected, dash, but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40.

And that was Agent Strzok to you. Is that right?

Ms. Page. That's correct.

Mr. Gowdy. All right: I want to believe the path you threw out in Andy's office.

Did you understand the "you" to be you, Lisa Page?

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Ms. Page. I'm sure that it is.

Mr. Gowdy. And Andy would be whom?

Ms. Page. Andy McCabe.

Mr. Gowdy. Is there any chance he could be any other Andy?

Ms. Page. No, I don't think so.

Mr. Gowdy. How long did this conversation last?

Ms. Page. I have no idea.

Mr. Gowdy. Do you recall anyone else being present?

Ms. Page. I imagine that there were. Typically a meeting Andy and I would have certainly had meetings individually, but because FBI is as hierarchical as it is, the way it would have been unusual for Pete, who at this point was probably still a section chief, to have been in a meeting without at least his superior, his boss, or even his boss' boss. That's just how we operate. We tend to bring the whole chain of command.

Mr. Gowdy. What do you make of the dash?

I want to believe the path you threw out in Andy's office, dash, that there is no way he gets elected.

What does that clause "that there is no way he gets elected" modify?

Ms. Page. So I'll be honest: I don't remember and this was I don't remember precisely this event or this meeting. And, in fact, I went back, and some time ago looked at a calendar and there was nothing on the calendar that there was sort of a formal meeting. But I know sort of the sentiment that this text is meant to reflect,



if I can explain that.

Mr. Gowdy. Sure. I just want you to keep in mind we are 15 days into a then nascent counterintelligence investigation.

Ms. Page. Yes. Yes, I understand that.

Mr. Gowdy. If that helps put it in context.

Ms. Page. It definitely does. So, upon the opening of the crossfire hurricane investigation, we had a number of discussions up through and including the Director regularly in which we were trying to find an answer to the question, right, which is, is there someone associated with the campaign who is working with the Russians in order to obtain damaging information about Hillary Clinton. And given that it is August, we were very aware of the speed and the sensitivity that we needed to operate under.

And so we had sort of quite regular conversations about trying to balance getting the answer as quickly as possible, right, because if the answer is this is a guy just being puffery at a meeting with other people, great, then we don't need to worry about this, and we can all move on with our lives; if this is, in fact, the Russians have coopted an individual with, you know, maybe wittingly or unwittingly, that's incredibly grave, and we need to know that as quickly as possible.

And so what this text reflects is our sort of continuing check in almost with respect to how quickly to operate, what types of tools to use, trying to be as quiet as possible about it because we knew so little about what whether this was true or not true or what was going to

come, because this is, as you said, so nascent in the investigation, and then ultimately trying to balance that against my view, in this case, which was we don't need to go at a total breakneck speed because so long as he doesn't become President, there isn't the same threat to national security, right.

So, by which, I mean if he is not elected, then, to the extent that the Russians were colluding with members of his team, we're still going to investigate that even without him being President, because any time the Russians do anything with a U.S. person, we care, and it's very serious to us. But if he becomes President, that totally changes the game because now he is the President of the United States. He's going to immediately start receiving classified briefings. He's going to be exposed to the most sensitive secrets imaginable. And if there is somebody on his team who wittingly or unwittingly is working with the Russians, that is super serious.

And so what this reflects is my saying, he's not going to be elected. So let's not burn I think this, in particular, was whether we use certain investigative methods which might be sorry. I'm trying to balance the instruction that I've given with respect to investigative step and but wanting to be forthcoming.

Mr. Gowdy. I think we know what you're getting at.

Ms. Page. Okay. Okay. So so, anyway, so this reflects: Let's be reasonable, let's not, you know, throw the kitchen sink at this because he's probably not going to be elected, and so then we don't have quite as horrific a national security threat than if we do if he

gets elected.

Mr. Gowdy. All right. I want you to hold that thought for a second.

Ms. Page. Okay.

Mr. Gowdy. The counterintelligence investigation was initiated on July 31.

Ms. Page. That's correct.

Mr. Gowdy. How many witness interviews were done between July 31 and August the 15th?

Ms. Page. I don't know that answer. I do know I mean, I'm allowed to say this now, right?

Ms. Bessee. Yes.

Ms. Page. Okay. Sorry. I know that there wa (b)(7)(E) per F I'm aware of (b)(7)(E) per F certainly between

Mr. Gowdy. I'm aware o (b)(7)(E) per FBI . Are you aware o (b)(7)(E) per F

Ms. Page. I'm aware o (b)(7)(E) per FBI, sir.

Mr. Gowdy. When is the (b)(7)(E) per FBI ?

Ms. Page. I'm not allowed

Mr. Gowdy. What was the date?

Ms. Page. I'm not permitted to say, sir.

Mr. Gowdy. Was it (b)(7)(E) per FBI ?

Ms. Page. No, it was not. (b)(7)(E) per FBI but before I don't remember now, but (b)(7)(E) per FBI , yes.

Oh, I don't know the date, sir. I'm sorry.

Mr. Gowdy. Chairman Goodlatte wanted to know why you can't

provide us with the date of that interview?

Ms. Page. I don't recall the precise date. I just my recollection is that there is (b)(7)(D), (7)(E) per FBI [REDACTED]. I just don't know the date.

Mr. Gowdy. Was the interview done (b)(7)(D), (7)(E) per FBI [REDACTED]?

Ms. Page. Yes.

Mr. Gowdy. Are you aware of (b)(7)(D), (7)(E) per FBI [REDACTED]?

Ms. Page. Well, almost anybody who provides us information is a CHS, so

Mr. Gowdy. With respect to the origination of this case, are you aware of (b)(7)(D), (7)(E) per FBI [REDACTED]?

Ms. Page. No. No.

Mr. Gowdy. So we're referring to (b)(7)(D), (7)(E) per FBI [REDACTED]. It's just a question of (b)(7)(D), (7)(E) per FBI [REDACTED]?

Ms. Page. My

Mr. Gowdy. Let me ask you this: Was it is the (b)(7)(D), (7)(E) per FBI [REDACTED]?

Ms. Page. (b)(7)(D), (7)(E) per FBI [REDACTED]

[REDACTED] I do not know if i (b)(7)(D), (7)(E) per FBI [REDACTED]

[REDACTED] I just don't know. There are

Mr. Gowdy. Is it (b)(7)(D), (7)(E) per FBI [REDACTED]

Ms. Bessee. I think we need to may we confer with our client, Mr. Chairman?

Mr. Gowdy. Sure.

[Discussion off the record.]

Ms. Page. Sir, I've been advised by FBI counsel that because that starts to get into the content of who we interviewed that I can't answer that question, sir.

Mr. Gowdy. Did the interview take place in the United States or somewhere else?

Ms. Page. I can't answer that, sir.

Mr. Gowdy. Why is where the interview took place protected?

Ms. Page. My guess is because of the potential to reveal who the CHS or where it is, but I'm

Mr. Gowdy. Well, right now, we're within the United States and outside of the United States. Those are two pretty big categories.

Ms. Bessee. Mr. Chairman, I would instruct the I'm going to instruct her not to answer because it goes into sort of what's under the purview of the special counsel in terms of whether it's gathering, looking at the evidence they looked at, whether it's gathering evidence, whether it's talking to sources. That all goes into what investigative methods that the special counsel is looking at, so I will instruct her not to respond.

Mr. Gowdy. Well, I've tried to be really careful not to go into the substance of these interviews. I'm trying to establish a chronology. We have a conversation about an insurance policy on August 15, and Ms. Page has walked us through the analysis that there was a weighing and balancing of whether or not President Trump was likely to win. And I would like to engage in a weighing and balancing

of whether or not he was likely going to be inculcated in their investigation. So I don't know how I can do that without having some conversation about what information existed.

Ms. Bessee. And

Mr. Gowdy. I mean, I didn't author this text. It's not mine. And if you're discussing and her answer clearly discussed whether his prospects for a successful campaign and whether or not he would be elected President. I think it's fair to discuss the prospects of a successful investigation.

Ms. Bessee. And while I understand what you're looking to get at, Mr. Chairman, it also still goes into what the special counsel in terms of what the special counsel is looking at in their investigation. They look at the evidence gathered, how evidence is gathered. All of that still impacts the special counsel

Mr. Gowdy. How does the location of an interview impact Special Counsel Mueller's ability to investigate a matter?

Ms. Bessee. That I am responding in a way based on the guidance we received from the special counsel. There equities are involved here. So that would be something that you would have to discuss further. But based on the guidance we've been given by the special counsel, that would impact their investigation itself.

Mr. Gowdy. All right. I'm sure I'll have colleagues who will want to follow up on that. I think I'm about out of

Mr. Parmiter. Can we just note for the record that the objection to these questions is contrary to what we understand to be House of

Representatives policy. So we would, you know, take issue with you not answering those questions, just to note for the record at this point. I'm sure we're going to run into this again.

Mr. Gowdy. I want the record

Mr. Jeffress. What policy are you noting?

Mr. Parmiter. I'm speaking of discussions that have been held at the highest levels of this body over the last couple of days. I know we don't recognize, you know, testimonial privileges. You know, we're not asking questions that are substantive in nature that pertain to the ongoing investigation. As Chairman Gowdy just pointed out, we're asking about locations of interviews. We're asking about dates. We're asking about things like that. We're not asking substantive questions.

Mr. Gowdy. Just so the record is clear although it usually is, and you don't usually have to say "for the record," so I won't if witness Page's answer includes an analysis of the likelihood of a successful campaign, it is not unreasonable to also ask whether or not it was a factoring in of the likelihood of a successful investigation.

Ms. Page. Sir, my I'm sorry.

Mr. Gowdy. Pardon me?

Ms. Page. I was just going to clarify, if maybe it would help, my answer does not would not speak to an analysis with respect to the question, was it in the United States, or was it in the U.K., doesn't speak to an analysis with the respect to the success or not of the Presidential campaign. I don't know if that helps at all, but

Mr. Gowdy. No. What I was getting at is when we were going over the text of this insurance policy, I thought there was a debate as to whether or not he was likely to get elected.

Ms. Page. Well, the only reason that debate is relevant is because we, the team, again, like sort of through Director Comey, were trying to decide how aggressive or not aggressive, or do we burn sources or not burn sources or do we use X tools or Y tools, and all of that was based on the likelihood not based on the likelihood of success but was being weighed against the likelihood of success.

As I sort of explained, if he is not going to be President, then we don't need to burn longstanding sources and risk sort of the loss of future investigative outlets, not in this case, but in other Russia related matters, in other

Mr. Gowdy. I am with you. I followed that answer. But I am equally sure you can follow the analysis that if there is a paucity of evidence, that that also would influence your willingness to burn sources and use investigative techniques that are likely to be detected by people who are not our friends.

Ms. Page. I totally agree. But by this point, at, you know, the 15th, there it is at the literally the very beginning. So there is, in fact, a paucity of evidence because we are just starting down the path to figure out whether the predication is true or not true, and who might ultimately be somebody who, if true, would have been in a position to receive the information.

And so my only, sort of based on counsel's advice, hesitation to



answer the "where was it" question is that the answer would call for the answer would has the potential to reveal a substantive investigative equity.

Mr. Gowdy. Which I don't want to do. And I appreciate the fact that if you're talking about one witness, some could consider that to be a paucity of evidence on the 15th, which necessarily means there would be a paucity of evidence also on August the 9th.

And I'm looking at a text that you sent to Special Agent Strzok: Trump's not ever going to become President, right? Right?

And then the agent who originated this counterintelligence investigation who is a point of contact, who drafted the initiating document responding: No, no, he's not. We'll stop it.

Ms. Page. Right. Well, so, that's a different sort of context, which I'm happy to explain. The one thing I'll note, I just think it might maybe alleviate some concern, the reason that Pete opened it is that it was a Sunday. So the reason he's both the originator and like the approver is because it was a Sunday, and so there's nobody around.

Mr. Gowdy. July 31st was a Sunday; you are correct.

Ms. Page. And so he went in because we were like, holy cow, this is a big deal, and we're all very stressed about this. And so I think we learned about the case on a Friday or Thursday or Friday. I can't remember now. I can do the math, but I'm a lawyer.

Mr. Gowdy. 28th.

Ms. Page. Thanks.

Mr. Gowdy. You learned about it on the 28th.

Ms. Page. Right. Thank you.

And so, for what it's worth, there was just nobody else around, so but did you want me to speak to the other text?

Mr. Gowdy. Yeah. I mean, I think you understand what our concern is.

Ms. Page. I do.

Mr. Gowdy. I do understand weighing and balancing what investigative tools to use. That requires, in your judgment, an analysis of whether or not the candidate's likely to succeed. In my judgment, it also requires there was some conversation about whether or not he was going to prevail.

Ms. Page. I definitely agree with you, Chairman, but I don't want to leave the impression that that was sort of the factor. This is, again, just one single snapshot, one meeting of which we are having almost daily meetings, given the sort of seriousness of the threat. And so it's not accurate to say that the determining factor on what we did was whether or not Donald Trump is going to become President. You asked me what's the context for this text. That's the context for that particular text, but that's not the determining factor.

Mr. Gowdy. I did not mean to suggest

Ms. Page. Okay.

Mr. Gowdy. that that was the singular factor that you were using. But by the same token, nor would you singularly rely on a CHS in a prosecution or investigation.

Ms. Page. No.

Mr. Gowdy. The "C" in the CHS leads us to believe you don't want to identify that person. So there's a paucity of evidence and there's a paucity in some people's minds of a successful campaign. And I'm looking at texts about insurance policies and stopping a Presidency.

Ms. Page. Right. So let me start with the first thing you said first. Which is the it's true you would it's very unlikely that you would

(b)(7)(D), (7)(E) per FBI

(b)(7)(D), (7)(E) per FBI

[2:44 p.m.]

Ms. Page. It's more than sufficient to open an FBI investigation, because, of course, all you need, particularly to open a preliminary investigation although, I think this was opened as a full is an allegation, essentially.

So any kind of and I don't remember the exact standard, maybe one of my FBI friends can remind me but for a full you need an articulable oh, my God, I've been gone 2 months and I forgot. Anyway, sorry, I digress, my apologies.

Regardless, at a week's time it is entirely common, particularly in a counterintelligence investigation, that you would only have you would have a small amount of evidence, certainly but opening an investigation based on (b)(7)(D), (7)(E) per FBI

[REDACTED]

[REDACTED]

Mr. Gowdy. We're out of time.

[Recess.]

Ms. Jackson Lee. We're back on the record.

Ms. Kim. We're back on the record. The time is 2:55.

Ms. Page, thank you for being here. My name is Janet Kim. I'm a counsel for Ranking Member Elijah Cummings for the House Oversight Committee.

Our members have some questions for you, and then we'll progress to questioning by the staff.

Ms. Page. Sure thing.

Ms. Jackson Lee. Thank you. And my only haste is because I have to catch a plane that does not wait.

Ms. Page. No problem.

Ms. Jackson Lee. And let me thank the staff very much, and Mr. Raskin, who will proceed afterwards.

Ms. Page, you watched, by any chance, the hearings yesterday that were televised

Ms. Page. I did.

Ms. Jackson Lee. with Mr. Strzok?

Did you have anything that you disagreed with him on?

Ms. Page. Oh, gosh. I mean, that was a long hearing. So, no, not off the top of my head, no.

Ms. Jackson Lee. What is your thought about the representation of political bias that impacted the prioritization between the Clinton and the Russian investigation?

Ms. Page. So bias had nothing to do at all with respect to prioritization. If by what you mean is in October, so the Weiner laptop versus I mean, as I tried to describe with the majority interview, ma'am, there is simply no greater threat than what the Russians pose to the United States.

They are they have as an objective, as you well know, the sort of dismantling of the Western alliance and dilution of democratic ideals.

And so the notion that a Russian was offering assistance to a Presidential campaign was incredibly grave to all of us. And with all

due respect to the Clinton investigation, the possible mishandling of classified evidence 3 years prior, for which we had yet to see any evidence, and for which we didn't necessarily expect that, even with the sort of revelation of the Weiner laptop, there were certain things that ultimately made us interested.

But if you were weighing resources with respect to which poses a graver threat to national security, which is more, frankly, important, there is no doubt at least in mine or anybody else's mind that I know that the Russia investigation posed an incredible threat to national security, and whether we got into the Weiner laptop simply did not.

Ms. Jackson Lee. I'm sort of going to weave back and forth in a number of different questions.

Did you know Mr. Baker?

Ms. Page. Jim Baker?

Ms. Jackson Lee. Yes.

Ms. Page. Yes, I do.

Ms. Jackson Lee. Was he the source of the salacious dossier?

Ms. Page. The source? No, ma'am.

Ms. Jackson Lee. You can affirmatively say that he was not?

Ms. Page. Yes, I can.

Ms. Jackson Lee. You know that there's been representation by Republicans that he was?

Ms. Page. No, I did not.

Ms. Jackson Lee. And so you're saying that he was not?

Ms. Page. He was not, no.

Ms. Jackson Lee. You advised Mr. Comey during the presentation of his first statement about Mrs. Clinton?

Ms. Page. I was one of the members in the room, yeah, who discussed it with him, yes, ma'am.

Ms. Jackson Lee. Are you aware about the change in language to from gross to

Ms. Page. Gross negligence to extremely careless?

Ms. Jackson Lee. Yes.

Ms. Page. I am, ma'am.

Ms. Jackson Lee. And what was the purpose of that?

Ms. Page. So that came relatively soon after he provided his original draft to the team to review. So this is, I suspect, sometime in May.

It was ultimately the conclusion of some very experienced counterintelligence lawyers, also in consultation with the Justice Department, that well, let me take a step back.

It was our understanding that we did not we neither had sufficient evidence to charge gross negligence, nor had it ever been done, because the Department viewed it as constitutionally vague. And so when we saw the term gross negligence in the Director's

Ms. Jackson Lee. Statement.

Ms. Page. early draft, we were concerned that that would be confusing to leave it in there, because it was our understanding that we did not have sufficient evidence nor the sort of constitutional basis

to charge gross negligence.

And so what we actually did, we didn't actually change gross negligence to extremely careless, we removed the gross negligence language. Extremely careless had already appeared in that draft, and we moved that draft up earlier in the I'm sorry, moved that paragraph up earlier in the draft.

And so it looks like it was essentially a substitution, but, really, it was just an omission of the word gross negligence because we thought it would be confusing, because it has an actual legal term.

Ms. Jackson Lee. You had both two functioning attorney generals, Loretta Lynch and Deputy Attorney General Sally Yates. As counsel, why would you allow Mr. Comey, a police officer, to make that presentation? Did you not what did you counsel him?

Ms. Page. Honestly, we all felt that we were more credible than the Justice Department to close this investigation out. And so it was in genuinely good faith. And I honestly did not anticipate the criticism, although I understand the criticism as I sit here today.

Ms. Jackson Lee. Well, do you regret not counseling otherwise?

Ms. Page. I'm not sure, ma'am. We all in very good faith thought that the integrity of the FBI and the independence by which we operate would give greater confidence to the American people that this investigation was done fairly, because it was, and it was an amazing team, and they worked incredibly hard.

And the closer we got to sort of the intense political process, the less credible we felt. We, the whole team, really, felt that the



Justice Department, being led by Democrats, would be to essentially absolve the Democratic candidate.

And so the intent was really quite earnest and genuine. And so, while I appreciate the criticism, I really don't I don't know what I would do again. I mean

Ms. Jackson Lee. Let me just give you this final question and then I'm going to go into another series of questions.

You're talking about two seasoned prosecutors, Ms. Lynch, Ms. Yates, could have even written their statement.

Ms. Page. It's not at all about their capability. They are both absolutely enormously capable. It's really about perception.

And so I think that the Director's view and again, I'm speaking for him, so it is an awkward position to be in because he's a pretty good speaker but the perception I think was that, look, she is she was so she is so loathed, she is a very polarizing figure, Secretary Clinton, and so we all knew it was 100 percent consistent and universal that she was there was not a prosecutable case.

And we, the FBI, thought that that message was more credible coming from the FBI, who is independent and is not a political sort of body, in the same way that the Justice Department is being headed by political appointees who have closer relationships with the White House.

Ms. Jackson Lee. Well, I think you have determined that that didn't work.

Ms. Page. It has not been fun, ma'am.

Ms. Jackson Lee. The perception of the FBI is law enforcement inside the Justice Department, and the Director is not a Cabinet appointee. And so they are not considered equal to a Cabinet appointee.

Ms. Page. Agreed.

Ms. Jackson Lee. And in essence it is like a mayor and a chief of police in a higher level.

So what was intended for good did not turn out well. And so I was just wondering whether there was consultation to sort of vet what would have been the best approach.

Ms. Page. Yes, there was.

Ms. Jackson Lee. Would it not and I'll make this is the last one could you not perceive the Attorney General and the FBI Director standing together, Attorney General making the first announcement and the FBI Director then making a followup?

Ms. Page. We certainly could, and it was among the various things that we discussed.

With all due earnestness, I don't honestly have the sense that the Attorney General was ultimately disappointed, because it really did let the Justice Department off the hook.

Everybody talks about this as if this was the FBI investigation, and the truth of the matter is there was not a single step, other than the July 5th statement, there was not a single investigative step that we did not do in consultation with or at the direction of the Justice Department.

And so the reality is this has turned into the FBI investigation of Secretary Clinton, but it was, in fact, a joint investigation, as most are.

And so I certainly agree that the intent backfired, but it is my firm belief that it was done in good faith.

Ms. Jackson Lee. Let me quickly go to these questions.

Are FBI agents allowed to have personal political affiliations?

Ms. Page. Yes, they are.

Ms. Jackson Lee. When the FBI staffs a politically sensitive investigation for example, a public corruption case does the FBI consider the personal political persuasion of its agents in making those staffing decisions?

Ms. Page. Absolutely not. That would be highly inappropriate.

Ms. Jackson Lee. When the FBI puts together a team of investigators is the consideration ever, "I need a couple of Republicans or a couple of Democrats"?

Ms. Page. No, ma'am.

Ms. Jackson Lee. Does the FBI ask about the political affiliations of its own agents as they are employed or as they are promoted to another position?

Ms. Page. That's illegal and impermissible, ma'am.

Ms. Jackson Lee. In fact, it is explicitly forbidden for the FBI to ask about political affiliations when staffing investigations, correct?

Ms. Page. Correct.

Ms. Jackson Lee. How do FBI agents know not to let political bias interfere with their political work?

Ms. Page. Because it is our identity. It literally pervades everything we do. It is not and I appreciate that this maybe just is feels weird, because you are political people and sort of this is your identity, but both at the Justice Department, where I started my career, and at the FBI, where I ended my public service for now, duty and institutional value is paramount. That is what we all think about. And that is our what you feel personally or politically is irrelevant.

And if I might say one more thing. Many of us in law enforcement really dislike the subject of our investigations, right. We are not keen on pedophiles and fraudsters and spies and human traffickers. We, in fact, detest many of them.

And if you were to pull the text messages of agents investigating, you know, people who are engaged in child exploitation or human trafficking, I'm quite certain you would find quite harsh language. And that is fine.

What would be impermissible is to take that harsh language and to act in some way that was illegal or against the rules. And we don't do it. And if somebody did do it, they'd be crushed.

Ms. Jackson Lee. So the inspector general's report, which indicates although they were uncomfortable with the various engagements and texts, but their summary dealt with their lack of being able to discern bias, you are wholeheartedly saying that you were both

investigating the Clinton investigation, and if the Russian investigation had proceeded in full force, it was going on, that you could have likewise two different people were impacted by it you could have likewise been unbiased.

Ms. Page. Absolutely ma'am. And I would note

Ms. Jackson Lee. Continuously unbiased?

Ms. Page. Unquestionably. I would note, too, in the inspector general report, that it specifically highlighted in multiple places that Pete and I, in particular, were consistently the most advocating most aggressively to take the most aggressive steps with respect to certain investigative steps with respect to Secretary Clinton.

Ms. Jackson Lee. In your time at the FBI and Justice Department, have you seen evidence of anybody applying political bias in the investigation of any subject matter?

Ms. Page. I have.

Ms. Jackson Lee. And in what instance?

Ms. Page. I'm aware of senior executives telling people on the Clinton team who are anti Clinton that they had to get her, that they were counting on us to get her.

Ms. Jeffress. Can you clarify whether it was the senior investigator

Ms. Page. I'm sorry.

Ms. Jeffress. The senior executives who were anti Clinton or the people they were talking to.

Ms. Page. No, no.

So I am aware of senior FBI officials talking to subordinate FBI officials on the Hillary Clinton investigative team who unquestionably had anti Hillary sentiment, but who also said: You have to get her or again, I don't have an exact quote but like we're counting on you, you know.

Ms. Jackson Lee. How would you respond to that? How would an investigator respond to that? That's their superior.

Ms. Page. My guess is they just probably parried and said: Just follow the facts, ma'am/sir. It's a challenging place to be put in, I would say.

Ms. Kim. I'm sorry, I just want to clarify.

The people with the bias, were they the senior executives or were they the people on the investigative team?

Ms. Page. Sorry. They were the senior executives.

Ms. Jackson Lee. Okay. Do you have their names?

Ms. Page. I do.

Ms. Jackson Lee. And what are they?

Ms. Page. My understanding, and I was never a personal witness to this, but this is what I've been told, was that at various times Sandy Cable (ph), who was an early executive on the case, as well as Randy Coleman, who at one point was the AD of the Counterintelligence Division, had both made comments to that effect.

Ms. Jackson Lee. Thank you.

Let me move quickly to the Russian investigation. And thank you very much for your patience.

And thank you, staff.

I just have some quick places that I wanted to finish at.

Let me indicate that in a Wall Street Journal article and, of course, it has been many places, but that's what I'm holding right now these are texts that might have been sent to you or were sent to you. And, of course, it's the F the cheating MF Russians the text in late July b a s t a r d s, I hate them. That is from Peter Strzok.

Do you remember receiving that?

Ms. Page. Vaguely, yes.

Ms. Jackson Lee. What would you how would you explain that?

Ms. Page. The Russians are quite possibly our most threatening, most hostile, most fierce, and successful foreign adversary. This is a government that assassinates journalists and human rights activists and political dissidents and a government which has been humiliated by the success of America around the world, and whose singular objective is to weaken the Western alliance and to do so by cheating and stealing and lying and corruption, and to do so so as to regain prominence on the world stage. And so I really hate the Russians.

Ms. Jackson Lee. So a further one that said: F'ing, conniving, cheating savages at statecraft, athletics, you name it. I'm glad I'm on Team USA. That captures

Ms. Page. That's it.

Ms. Jackson Lee. And would that motivate any bias in the investigation of a particular issue dealing with the Russians?

Ms. Page. No. As I sort of said earlier, we dislike a lot of the folks that we look at. And so while saying that I'm biased against Russia would sort of be funny, the question is ultimately, do you follow the rules? Does your feeling, does your sort of personal sentiment, ultimately impact the activities and the actions that you take. That, to me, is what a bias is.

Ms. Jackson Lee. I'm going to go quickly through these questions. Thank you.

We now know the Russian investigation began before the election, in July of 2016, but no news of that investigation regarding President Trump's campaign leaked out to the press. Were you aware of this investigation before the election?

Ms. Page. Yes, of course.

Ms. Jackson Lee. Did you leak that there was such an investigation?

Ms. Page. I did not.

Ms. Jackson Lee. Approximately how many FBI officials were aware of this investigation before the election?

Ms. Page. Oh, gosh, employees, sort of writ large, that's a very hard thing to say, because I don't know really the size of the team. But 30, 40.

Ms. Jackson Lee. And with those 30 or 40, did any leak come out before the election regarding the Russian investigation?

Ms. Page. Not my knowledge.

Ms. Jackson Lee. Would you attribute that to the rules of



protocol, but also the oath and the behavior of FBI agents?

Ms. Page. Both of those things, ma'am, but also a sense of fairness, because we did not know what we had. And it would have been highly inappropriate to while we all had had and still have incredibly damning information which could have been released, even without having the full picture, right, bits and pieces without the full context could certainly have been damning, but that's not fair. And that's not how the FBI operates.

Ms. Jackson Lee. Are you aware of any FBI officials leaking information about this investigation before the election?

Ms. Page. Not to my knowledge.

Ms. Jackson Lee. Did you make any disclosures about this investigation to the press or the public before election day?

Ms. Page. No, ma'am.

Ms. Jackson Lee. Why not?

Ms. Page. For the reasons I just said. It's both impermissible and would be patently unfair.

Ms. Jackson Lee. Thank you.

How do you think a disclosure to the press or to the public would have impacted Donald Trump's electoral prospects?

Ms. Page. That's not mine to speculate on, ma'am.

Ms. Jackson Lee. Well, on the basis of the information, would it have been damaging? Would have it have been major?

Ms. Page. I would yes, I would suspect so.

Ms. Jackson Lee. If someone at the FBI was trying to stop Donald

Trump from being elected President, yourself or Mr. Strzok or others, do you think they could have publicly disclosed that his campaign was under investigation for potentially colluding with Russian Government actors?

Ms. Page. That's what you would think.

Ms. Jackson Lee. You're saying yes?

Ms. Page. Yes, ma'am.

Ms. Jackson Lee. But to your knowledge, no one at the FBI did disclose this fact publicly, correct?

Ms. Page. No, ma'am.

Ms. Jackson Lee. Would you consider this strong evidence that there was not a deep state conspiracy at the FBI to stop Donald Trump from being selected elected?

Ms. Page. Yes, ma'am. That and the fact that this is an extraordinary conservative organization. So the notion that there's a deep state conspiracy about anything is laughable.

Ms. Jackson Lee. Okay. Let me give you two more. Any and strong evidence that you personally were not trying to stop Donald Trump from being elected President? You were not personally

Ms. Page. I'm sorry. I didn't understand the question.

Ms. Jackson Lee. You were not personally trying to stop Donald Trump from being President?

Ms. Page. Oh, no.

Ms. Jackson Lee. Okay. So I would just match that with the actions of Director Comey in the fall of announcing that new operations

or new investigations for Mrs. Clinton. Do you see how they're juxtaposed together? Would you could you make the same argument there with that statement of Mr. Comey?

Ms. Page. I certainly understand that perception, you know. I happen to know Director Comey quite well. I have been in innumerable meetings with him over the course of my career. He's not a political person. There is absolutely not any doubt in my mind at all that his decision, whether you agree with it or not, was not done for political purposes, but was done because he felt that that was what he was obligated to do in light of his earlier statement closing the investigation so publicly?

Ms. Jackson Lee. Okay. And finally, did you remember the Director Comey decision to disclose in March 2017 the existence of an investigation into the Trump campaign? Do you remember that?

Ms. Page. Yes.

Ms. Jackson Lee. And do you know what led him to do so?

Ms. Page. I don't remember exactly. My recollection is that there were already there were lots of articles at this point about the Russian investigation, if I'm not mistaken. So it was increasingly there was sort of increasing attention in the news that there was a some sort of Russian collusion investigation going on.

And I can't really remember if there was a precipitating factor, I don't remember what it was. But I do know that we obviously went to the Justice Department. Dana Boente, current FBI general counsel, was, of course, the acting DAG at the time, and the decision

to do so was done in consultation with and with the permission of the Justice Department.

Ms. Jackson Lee. I know that there will be further questions pursuing this. Thank you so very much for your questions.

Ms. Page. You're welcome, ma'am.

Ms. Jackson Lee. I yield. Thank you.

Mr. Raskin. Ms. Page, when did you join the FBI?

Ms. Page. In 2012, September or October. I can't really remember right now.

Mr. Raskin. Before that, you were working where?

Ms. Page. I was a prosecutor at the Justice Department.

Mr. Raskin. Got you.

When did you become special counsel to the Andrew McCabe, the Deputy Director?

Ms. Page. Well, I was his special counsel first when he was the executive assistant director over the National Security Branch. So that would have been in approximately September of 2014.

He then was promoted to be the assistant director in charge of the Washington field office in about a year later, September 2015. And so when he became ADIC, I went back to working more line type cases.

And then when he was promoted, he was promoted to associate associate Deputy Director? in, I think, August of '15. I have my dates wrong, I think. I'm sorry, I think I might be off by a yes, I'm sorry.

He becomes EAD in about July of 2013. I joined his team in

September of 2013. He becomes ADIC in September 2014. He becomes ADD September 2015. And then in February of 2016 he becomes the Deputy Director and he asks me to join his team as his special counsel.

Mr. Raskin. When were you staffed to the Midyear Exam investigation?

Ms. Page. So immediately. The investigation had already been ongoing. It had been opened the prior July. Mr. McCabe did not have any supervisory authority over it until he became the Deputy Director.

And so in February of 2016, when he became the Deputy Director, that's when I started getting substantively involved in the investigation.

Mr. Raskin. And what was your role?

Ms. Page. So I am his sort of counsel. And so in all things, both on the Clinton investigation, but in other matters as well, I served as both a sounding board with respect to, you know, assisting in his decisionmaking.

I think one of my more valuable contributions, or at least I hope, was sort of ensuring that he had the most complete and accurate information before he made decisions.

One unfortunate downside to the at least in my view the hierarchical nature of our organization is that it is the information flow, as it goes up the chain, is only as good as each of the links in that chain. And so it is sometimes the case, and also given the fact that our EADs and our ADs have such enormous jobs and they have such an extraordinary amount of responsibility, that they

can't possibly know everything they need to know.

And so I made it my job to know as much as I possibly could about the things that were going that were coming to the deputy so that I could provide effective counsel.

Mr. Raskin. Were there other Office of General Counsel attorneys who reported directly to Director Deputy Director McCabe?

Ms. Page. No, sir. Just the general counsel, Jim Baker.

Mr. Raskin. Got you.

Ms. Page. But no other line attorneys.

Mr. Raskin. Got you.

Okay. So I wanted to turn to the question of the fact that there were no leaks about the Trump Russia investigation before the election.

Were there special steps undertaken to make sure that nothing went out or was it just the general background?

Ms. Page. No, I would say it's both. I mean, we all understood the extraordinary sensitivity of this case. And so we are always careful, obviously.

Mr. Raskin. Yeah.

Ms. Page. But we just were more careful. I don't I can't say that and perhaps there were, in fact, actual steps that were taken, although, as I sit here today, I can't think of any.

Mr. Raskin. Yeah.

Ms. Page. We just made sure that people who did not have a need to know did not know what we were investigating.

Mr. Raskin. So I'm just interested in how you reconciled, either

you personally or the office, reconciled taking precautions to make sure nothing leaked out about the Russia investigation with the posture that Director Comey had about the Clinton investigation.

Specifically, the original statements where he went into great detail discussing the case and what he viewed as her moral, if not legal, culpability.

Ms. Page. So I can't really speak to the latter question with respect to sort of the depth of detail that he went into, but what I can say, I think they are very different situations.

Secretary Clinton, the fact that Secretary Clinton's investigation was well known and very public. That wasn't our doing, but it was from for quite some time it was known that she was under investigation.

So the notion that you would not have said anything when the investigation was closed is foolhardy, because of course the fact that we were closing it without prosecution is something that I certainly think she would have wanted to have done and was necessary.

As I said to Ms. Jackson Lee and I say this simply because I have personal knowledge of the discussions and the thinking behind making the statement it was genuinely done in an effort to ensure the American people that we had been independent and fair.

And I do think that he, and we, probably overestimated the credibility that we could carry by simply cloaking sort of the FBI mantle around: We did this, and we're the independent people, and we don't really care who's in power, and this is why.

And so I think the depth of his statement was very much meant to reassure, you know, here is what we did, here is why we did it, you know, here is what we found, so that the American people were confident that this was not a politically motivated investigation one way or the other, and

Mr. Raskin. So then were you surprised by the level of political reaction that

Ms. Page. I personally was, but I'm not a political person, so maybe I shouldn't have been.

Mr. Raskin. Well, do you think that then the decision in October to go ahead and make another statement several, I guess, days before the election was an attempt to compensate for the original decision to go forward with that



Ms. Page. No, I don't. I think that a couple I mean, and these are just my personal views, I think there were a couple things were operating.

I do think that the fact that we were going to execute a search warrant, I do this is, again, my view, and I can't speak to Director Comey or others, I do think the fact that we were going to execute a search warrant and that it was going to be executed in New York, necessarily played a factor in the decisionmaking.

We were going to to have less ability to keep it quiet. We were very good during the Clinton investigation, and we were very good during Russia, because it was our team. And we had picked the people purposely. Everybody understood the gravity of the situation. This is now executing a warrant in a different district and necessarily relying on a different field office to effectuate that warrant.

And so I do sincerely think there was a concern that the fact of the execution of the warrant would leak and that without the context of, again, Director Comey's explanation, it would be as unfair, if not more unfair, I can't make that calculation, but it would be as unfair to let that stand without further explanation because then the speculation could run wild about what it was, and why, and all of that.

And so I do think that that played a role in his decision to speak, to do it. Although I would say I'm sorry if I can say one more thing, I was not present for that meeting so I was not personally in the room during the course of the discussion in which the Director decided to send a letter to Congress.

So this is based on sort of my understanding both of subsequent meetings and from talking to others on the team.

Ms. Hariharan. Just to quickly clarify, are you referencing when you say another field office and team, the New York field office?

Ms. Page. Yes. Yes. That's where the Weiner laptop had originally the original warrant had been executed.

Mr. Raskin. Okay. I just have a few questions and then I'm going to excuse myself.

What kind of decisionmaking authority did you have with the MYE investigation?

Ms. Page. No decisionmaking authority. None, sir.

Mr. Raskin. Okay. So you were not in charge of scheduling the witness interviews?

Ms. Page. No, no.

Mr. Raskin. No? Or negotiating immunity agreements.

Ms. Page. I was not in charge of anything.

Mr. Raskin. Okay. Let's see, was this investigation designated as sensitive investigative matter?

Ms. Page. I'm sure that it was.

Mr. Raskin. Well, what is that?

Ms. Page. It just adds additional sort of notice requirements to the Justice Department, a SIM, as we call it, involves both sort of, you know I can't remember the particular categories. I can't believe the amount I've forgotten about the FBI already. I can't speak

to the specific categories, but in general, like, you know, political corruption type case or SIMS.

Mr. Raskin. Did you play a role in designating it as such?

Ms. Page. Oh, no, no, that's just by policy. It's a perfunctory thing, to be honest with you. It doesn't really have a lot of meaning.

Mr. Raskin. Okay. And what's a headquarter special?

Ms. Page. That's not actually a thing. It's sort of a loose term. The difference is that with respect to the Midyear investigation, it was actually Mark Giuliano, the prior Deputy Director, decided that he wanted the case run out of headquarters as opposed to at a field office, which is where investigations are typically run.

And so it is my understanding that Giuliano and the then counterintelligence director, which would have been Randy Coleman, decided to run it out of headquarters. In part to keep it close, I think, and to, you know, it does sort of keep fewer people in the hierarchy out of the investigation. Because when you have it in the field office you have whoever is running it, the case agent, all the way up through their chain, then you cross over to headquarters and then you have all the way up the headquarters chain.

Mr. Raskin. You mean it keeps more out of the

Ms. Page. It keeps more people out of, sort of

Mr. Raskin. Got you.

Ms. Page. the reporting chain.

Mr. Raskin. But, presumably, it would not change any

investigative decisions

Ms. Page. It does not. It has no impact on that.

Mr. Raskin. Okay. All right. And was it the FBI's or the DOJ's decision to designate it an unknown subject? Do you know anything about that?

Ms. Page. I don't. That would have happened before I was involved in it at all, because it was opened in 2015. So that would have been it wouldn't have been Pete either. I don't remember who was leading it at the time, but I don't know who made that decision.

Mr. Raskin. Got you. What was your involvement briefing senior DOJ leadership?

Ms. Page. On Clinton?

Mr. Raskin. Yeah.

Ms. Page. To my understanding, it never happened or it only happened once.

Mr. Raskin. Once with?

Ms. Page. Before I was involved in the investigation. But I think Director Comey has talked about, I think in hearings, earlier on meeting with AG Lynch early in the investigation, maybe August of '15 or September of '15 to talk about it, and that's where the sort of famous, you know, call it a "matter" comes out of.

But to my understanding, that's the only briefing that ever occurs with respect to the Clinton investigation.

Mr. Raskin. Did any political appointee at DOJ issue orders on how to conduct the investigation?

Ms. Page. I don't know. I suspect so, but, again, this was very unusual, in the sense that we had almost no contact with the people who we normally have contact with at the Department.

Mr. Raskin. Yeah. Okay. Let me just ask you one final question, which has been troubling me from the beginning about the search for evidence of intent. And forgive me because I'm a law professor by training. And when people are using this phrase here, they're looking for evidence of intent of what?

Ms. Page. To mishandled classified information.

Mr. Raskin. Okay.

Ms. Page. So I think Director Comey, and I don't have his statement in front of me, but I think does sort of the best job of, in his July 5th statement, of distilling the types of mishandling cases that typically get charged. And sort of in general, you're talking about either extraordinary number of clearly marked classified documents or somebody who otherwise has a nefarious interest in having those documents. Like these are the types of intents that we tend to look at.

Mr. Raskin. Yeah.

Ms. Page. When somebody, you know inadvertently

Mr. Raskin. You're looking for some kind of nefarious or corrupt intent to hide something?

Ms. Page. Correct, correct.

Mr. Raskin. Okay. So you're not looking for an intent to violate the law, but you're looking for an intent to do an act which

is in violation of the law's central command.

Ms. Page. That is correct.

Mr. Raskin. Got you. Okay. Thank you. And I'll turn it back to the staff now.

Ms. Kim. Thank you so much.

#### EXAMINATION

BY MS. KIM:

Q Ms. Page, I want to return to something that you just told Mr. Raskin. You said that you suspected that political appointees at DOJ may have issued orders on how to conduct the Midyear investigation?

A I guess that's not fair. I don't know. I sincerely do not know what kind of briefing schedule so this is what I, this is what I do know. I do know that at least John Carlin, for example, who is a political appointee was kept abreast of the sort of investigative activity that was going on. And the only reason I know this is because when there was conflicts between us and DOJ, John might call over to John Carlin might call over to Andy McCabe, and sort of make his team's pitch, and then Andy would, you know, sort of the back and forth would go on.

So it is clear that John had, was getting some sort of briefing, but he was not, it was, it never occurred by the FBI, which is, in my view, atypical.

Q So are you aware of who Mr. McCabe's direct counterpart on this investigation at DOJ was?

A So it would have been John. John Carlin is the person who

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would have most he is not necessarily like we care about hierarchy at the FBI, so

Q I understand?

A so he is not necessarily, like, on the same level, but to the extent there were when issues came up, it was either John Carlin or George Toscas who would have, who would have reached out to Mr. McCabe.

Q The reason I'm on this point is that numerous witnesses have confirmed to us that George Toscas, a career prosecutor, was in charge of the day to day operation of DOJ on this investigation. And that Carlin and other political folks above him had briefings certainly, so they had knowledge but didn't have input in the investigation.

Does that comport with your knowledge?

A I don't know.

Q So do you have put another way

A I don't have

Q Do you have any personal knowledge of John Carlin, Loretta Lynch, Sally Yates, or other political appointees at the DOJ issuing orders on how to conduct the Midyear investigation?

A I have no personal knowledge of that.

Q Thank you.

Ms. Hariharan. Hi. I'm Arya Hariharan. I work for Ranking Member Nadler of the Judiciary Committee. I just wanted to quickly before I hand it back to Janet, quickly followup on two names you mentioned when Congressman Jackson Lee was speaking.

COMMITTEE SENSITIVE

Peter Strzok testified yesterday that the or when did he testify not yesterday.

[Discussion off the record.]

BY MS. HARIHARAN:

Q Peter Strzok when he met with us for 11 hours on June 27th, he said that the Midyear investigation had been opened out of the FBI headquarters by then Assistant Director Coleman, and I believe at the time chief of counter espionage section Sandy Cable. Is that your understanding?

A That's my understanding, yes.

Q And so when you mentioned that they had expressed some anti Hillary Clinton bias, can you give us a sense of when you heard that information or who told you?

A Pete told me. But when, I really they were no longer in, I guess, I do not yes, I know this for sure.

They were no longer in a position of authority over the Clinton investigation, right, so it was not, to my knowledge and I could be wrong about this but it was not while they occupied the roles of section chief or AD, which makes sense to me, because they no longer have any sort of supervision or authority over the course of the investigation.

And so the comment as was told to me was, as I sort of described already.

Q So just to be clear, when

A But I don't remember I'm sorry but I don't remember



when they each respectively took different jobs.

Q So just to be clear, when Mr. Coleman and Mr. Cable made those statements, they were no longer they no longer had a supervisory role over the Clinton email investigation?

A To the best of my recollection, yes.

BY MS. KIM:

Q Ms. Page, I would like to turn back to the specific text messages.

I'm so sorry, actually, let's keep on this Coleman cable point for a second.

You said that you have heard it from Pete Strzok, is that right?

A That's correct.

Q Do you remember if Pete Strzok heard it directly from either Mr. Coleman or Mr. Cable?

A That's my understanding.

Q That he directly heard anti Hillary Clinton sentiments from Mr. Cable and Mr. Coleman?

A I believe so, yes.

Q And what was the timeframe in which he heard these comments?

A I don't know. I don't recall at all. I just know it was my belief is that it would have occurred after both were neither was neither was in a position of authority over the investigation any longer.

Q But at this point Mr. Strzok was still involved in the Midyear investigation, is that correct?

A Correct. He was, whenever he started, I think August ish, August, middle of August of 2015, he stayed on the investigation until its completion.

Q And during his time on the investigation, he was given instructions or encouragement from Mr. Cable and Mr. Coleman that the FBI should, quote, "get her," "her" being Hillary Clinton?

A I don't know if I would characterize that as instruction. I would characterize it as their sentiment. I don't know.

Q And are you aware of Mr. Cable or Mr. Coleman making similar remarks to other investigators of the Midyear team?

A It is possible they could have, to John Moffa, but I don't know.

Q So it is possible that Mr. Moffa was also given this encouragement by Mr. Cable and Mr. Coleman?

A I don't know. I know that during the course of the investigation, lots of different people on the team would get messages of distaste or dislike of Secretary Clinton. That's just who, when, by whom? I have no idea. But she is not a particularly well liked figure among some corners. That's sort of a self evident statement, I suppose. And so, but I don't have any, I don't have any personal or more detailed information than that.

Q And you earlier made an observation that the FBI is generally a politically conservative organization.

Is it your observation that this political conservatism manifested itself in distaste or dislike of Secretary Clinton at the

FBI?

A I can't really speculate about that.

Q Okay. What is the basis for your understanding that the FBI, especially headquarters, is a politically conservative place?

A It is just, it is law enforcement. It just, that's just generally, I mean, I'm speaking in gross generalities, so I'm sort of uncomfortable threading in this ground right now. But in general, I think if you had to choose between left leaning or right leaning, the FBI as an organization is right leaning.

Again, I would stress unquestionably that I do not think that that impacts our work, right. What we are is apolitical, independent of the personally held political views of any of its members. But if you were going to try to categorize it as an institution, it is a law enforcement organization. It is, generally speaking, more conservative.

Q And what about your understanding that members of of the Midyear team were receiving this external input from people not on the Midyear exam team that they should be getting her or they should

A So I don't want you to make too much of this. This is sort of smack talk, right. I mean responded to the question that Ms. Jackson Lee asked because that was the truthful answer, if I ever heard of anybody in particular exerting sort of bias trying to direct the investigation. And that is the answer.

But with respect to sort of the talk that various members of the team might have sort of gotten or heard or whatever, it is just not,

again, atypical from investigating a particularly heinous, you know, child predator, and saying, like, you better crush that guy.

So, I don't want to make too much of it, because I don't want it taken out of context.

Q Certainly. And I just want to make it clear for the record then your statement about the smack talk specifically about the Midyear case is based on your general recollection of conversations with your colleagues on the Midyear team?

A That's correct.

Q Okay. And in fact, did that smack talk influence the actions taken by the investigators on the Midyear team?

A No.

Q So in your opinion there, was no political bias manifest in the investigative decisions made by the Midyear team?

A This was one of the proudest investigations I've been a part of. Everybody worked incredibly hard, incredibly independently, knowing every step would be sort of every investigative step would be scrutinized. And I can unequivocally say that no bias entered into any action that was taken. And I think that that's validated by the inspector general's report as well.

BY MS. SHEN:

Q Hi. My name is Valerie Shen, and I work for Ranking Member Cummings, Oversight Committee.

Just one quick followup. So, I believe just earlier you said that, you confirmed Mr. Strzok's testimony was that Assistant Director

Coleman and Section Chief Sandy Cable were part of opening the Clinton email investigation part of Washington headquarter staff, correct?

A That's correct.

Q And we just talked about how in no way would you believe that that would influence fair investigative decisions, as part of the official action despite the anti Clinton sentiments that were communicated to you, is that correct as well?

A Yes, I think that's right, but can you ask that question again.

Q Sure. I'll rephrase. So despite being involved in the opening of the Secretary Clinton's email investigation and having

A You're speaking of Mr. Coleman and Mr. Cable now?

Q Mr. Coleman and Mr. Cable.

A Okay.

Q And the what was communicated to you as their anti Clinton sentiments that they expressed, you don't believe those sentiments would have impacted their official actions as part of her investigation?

A I don't think so, but I wasn't around in the I don't think so but I was not, I was not there at the beginning of the opening. So I don't have any personal knowledge of that either.

Q As a general matter, if FBI agents had expressed anti sentiments against the target of their investigation or I guess the subject of their investigation, would you view that investigation as tainted?

A No, that's the point I keep trying to make, which is, like, we don't like a lot of the people we investigate. In fact, we mostly don't like the people we investigate.

We don't like drug dealers. We don't like pedophiles. We don't like fraudsters. We don't like spies. We don't like terrorists. I mean, we don't like them. Right? We are law enforcement, and so we mostly think they are gross and loathesome.

So the fact that in this case this is the, you know, either political people as opposed to pedophiles is mostly immaterial. We don't like people who commit crimes.

Q So, for example, some are making the allegation that Mr. Strzok, as he was part of the initiation of the Russia interference investigation, which was now been folded into the special counsel's investigation, is your sentiment the same for that, that Mr. Strzok's participation in the initiation of the special counsel's initial investigation and despite some of the anti Trump views that he expressed on a personal basis should not taint the special counsel's investigation?

A I have no doubt in my mind. We are all entirely capable of holding personal political views and putting our duty to be fair and to follow the rules above all else. That is what defines the FBI.

Q Thank you.

BY MS. KIM:

Q Thank you. As I previewed earlier, I would like to return to the text messages that

A I love the text messages.

Q you discussed with the majority earlier. As a general matter, when you communicate by text, do you generally spend a great deal of time perfecting your word choice?

A No. The only thing I really care about is spelling, because misspellings drive me nuts.

Q So are they quick ad hoc communications or are they designed to be precise communications

A No.

Q into which intent should be read?

A They are quick and ad hoc.

Q Thank you. And to be clear, the inspector general did interview you about your text messages after that?

A Yes, I was interviewed by the inspector general eight times over, like, 36 hours about my text messages and an innumerable number of other topics.

Q So his conclusion that, quote, "our review did not find documentary or testimonial evidence that these political views directly affected the specific investigative decisions" unquote, was based on eight different interviews with you?

A That unquestionably, not just with me, but with virtually every single person who had any involvement whatsoever in the entire investigation, and an intense review of the investigative steps we in fact did take such that they could determine that there was no step which was as a result of bias.

Q Excellent. Thank you.

Earlier Mr. Gowdy discussed with you a text message in which you stated, quote, "he's not ever going to become President, right? Right." And Mr. Strzok responded, quote, "no, he's not, we'll stop it."

Do you remember that text?

A I do.

Q What was the context for your initial text to Mr. Strzok?

A So it is a week prior. I was incredibly upset by the candidate Trump's attack on the Khan family. I thought it very honestly it was very much that, it felt like that could have been my family.

(b)(6), (b)(7)(C) per FBI This is is a person who's, you know, very much to me the American dream, right. Somebody came here, raised their family here, his son volunteered to serve our country and was killed. And the notion that they were now being criticized, not just criticized but, you know, belittled and demeaned, I was incredibly bothered by, honestly.

I myself almost joined the military and instead decided to enter public service. And so I was really, really bothered by it. And the sort of lack of sort of both dignity and decency for a family who had lost a child, regardless as I have two young kids and I cannot imagine anything worse, but lost a child to, you know, in service to our country.

And so I was, I was upset. I was quite upset. And so honestly, I don't have a particular recollection of the text, but I think he was



just trying to comfort me.

Obviously, it is well known that we were in a relationship, and I think I don't remember what particularly prompted the, "he's not really going to become President." My guess, I think it was late at night, and so I think my, since there's practically nothing out there that's not known about me, I read like the news on my phone at night. And so my guess is that I had read something that sort of bothered me, and so I sort of shot out this flippant, like, this is not really going to happen, right?

And that this was just an attempt to just sort of comfort, although, it is sort of empty words but.

Q I'll note that you said empty words.

Mr. Strzok's text back to you has been interpreted by some as "we, the FBI, will stop Donald Trump from becoming President."

Can you give me your read on whether or not that's a plausible interpretation?

A I mean, that's just not us, number one, and number two, we didn't in fact. Right? We took no steps. We took no effort.

As we've already discussed, I think with the majority, we have and still have information which would have been damaging, particularly if the purpose was to insinuate. You don't have to have an actual as is well the case, you don't have to have an actual fact, you have to have an insinuation. You have to have something suggestive.

So you don't have to prove anything if what you're trying to do is undermine. And we took absolutely no step to do so.

Q Thank you. I would also like to turn to the August 15, 2016, text message that Mr. Strzok sent you. I think it is famously known as the insurance policy text?

A Oh, okay.

Q Can you explain how you understood Mr. Strzok's analogy to an insurance policy?

A So it is sort of similar to the question I was answering for Chairman Gowdy. He's making an analogy here so my suggestion is, let's not, you know, throw the baby out with the bath water, let's sort of be a little bit more cautious with respect to our investigative steps because if he's not President, this plays a less of a threat to our national security.

And he is saying, no, we have to, you know, do what we have to do in order to get to the bottom of this because it is like an insurance policy. There is no actual insurance policy. He is making an analogy. It is like an insurance policy in the unlikely event you die before you're 40.

I have insurance. I don't expect to die any time soon. I hope that I don't, but I have life insurance. Unlikely. I'm 38, but you get it in the unlikely event that you die young.

Q So to your knowledge did Mr. Strzok have an insurance policy to prevent Donald Trump from becoming President?

A No.

Q In fact, the FBI did have a potent way to affect its electoral chances by leaking the information out of context that the FBI had

gathered as part of the investigation, isn't that right?

A That's yes.

Q It would have been improper but that was at that time the FBI's disposal?

A Yes.

Q And to your knowledge, neither you nor Peter Strzok nor anyone else in the investigation leaked any of that information?

A Quite the contrary.

Q Thank you.

BY MS. HARIHARAN:

Q All right. So we only have a couple more minutes. I'm going to try and breeze through this. Some of these will seem kind of basic just because it is for the purpose of getting it clearly on the record.

A Sure.

Q So what is the FBI's policy with respect towards agents commenting publicly about an ongoing criminal investigation?

A So we're not permitted to.

Q And what are some of the possible negative consequences if that policy is violated?

A I mean, it's one, comes from fundamental fairness, but certainly during the investigative stage, you might foreclose investigative possibilities if the subject or witnesses or others are aware of the existence of the investigation.

Q So, I think it is fair to say that you're familiar with the IG's report on the FBI's handling of the Clinton investigation and the

fact that it was highly critical of the Department from departing from that excuse me, of Director Comey from departing from that protocol and commenting publicly about an ongoing criminal investigation?

A I am familiar with it.

Q So if you were to answer similar questions in a manner involving an ongoing criminal investigation, you are potentially then, one, violating the Department of Justice's policy, and would put yourself at risk for an IG investigation if you were still employed by the Bureau?

A That's true. Although, I would just sort of distinguish that when Director Comey spoke it was a closed investigation, so I don't think the analogy is quite perfect, but I understand your point.

Q To quickly go back to some of the questions that we heard earlier and that have been sort of floating around in both in our hearings and in other interviews, I want to go back to confidential human sources.

And when testifying before Congress the FBI Director Wray, he explained how important protecting confidential human sources are, quote, "the day we can't protect human sources is the day the American people start becoming less safe." End quote. Do you agree with Director Wray?

A That is it a, yes that is a yes.

Q So it's fair to say that when Director Wray was talking about revealing these sources, it would make America less safe. And I understand you were not in the counterintelligence division for that

long or

A I've never been in the counterintelligence. I'm a lawyer.

Q Your general understanding, from working at the FBI, how dangerous would it be to reveal the identity of a confidential human source?

A I mean it is just, it is I cannot tell you how devastating it is to all of us, honestly.

Q And so

A Sources are one of the back bones of our work and it is exactly we tell people come to us with your secrets and we will keep them secret and safe. And frankly post noting we have done a pretty poor job of doing that and it makes me quite concerned about our ability to effectively protect America moving forward.

Q So this would also include perhaps a disclosure of their location or

A To the extent their location would make the source identifiable, yes.

Q Or when perhaps they've met with the FBI?

A Yes.

Q Okay. And how does this affect the ability of the FBI to recruit or retain human sources?

A I mean, as I said, it is incredibly damning. It is a huge step to decide to come to the FBI and rat on someone else or share secret or sensitive or in the case of counterintelligence another country's secrets, right. I mean, that is an enormous ask that you make of

another person. And you do it in part, often not of, you know, sometimes it is a financial motivation, sometimes it is patriotic, there are variety of reasons that people choose to become sources but it's a heavy burden that we ask our sources to take and when we cannot protect their identities, I could certainly understand people hesitating before they came back to us.

Q All right. Thanks. I think we're going to go off the record now. It is 3:56.

[Recess.]

[3:56 p.m.]

Mr. Ratcliffe. Go back on the record at 3:56. Ms. Page I'm John Ratcliffe from Texas. We had a chance to meet before the start of your deposition here. I'm going to go back, try and get back to where Chairman Gowdy left off. We were talking about July 31st and the opening of the Russia collusion investigation. But before that, I want to cover a couple of things that I'm not sure anyone has asked.

First of all, I know there was some question about you getting access to FBI documents that delayed your appearance before our committee. Have you had access to all the documents you needed at the FBI?

Ms. Page. I cannot make the representation of all, and I don't mean any disrespect to my former FBI colleagues. But I have had access to documents. It cannot possibly be all of them, but I know they are trying their best.

Mr. Ratcliffe. Okay. I'm just trying to confirm on the record you don't feel like you're impaired in terms of your ability to answer questions?

Ms. Page. No, I don't think so. I have certainly not had the opportunity to review all of the ones that they have provided to me, but to the extent I can't answer, I will tell you.

Mr. Ratcliffe. Okay, great. Other than your lawyers, did you speak with anyone to prepare for this interview?

Ms. Page. No, sir.

Mr. Ratcliffe. All right. Did you watch Peter Strzok's

testimony yesterday?

Ms. Page. Most of it, sir.

Mr. Ratcliffe. Have you reviewed a transcript of Peter Strzok's prior testimony?

Ms. Page. No.

Mr. Ratcliffe. When was the last time you talked to Peter Strzok?

Ms. Page. We ran into each other when I was leaving the FBI on Tuesday night. He was coming into the FBI. And we were both with our counsels and were in the sort of vestibule of the FBI where people enter and leave. So it was sort of: Hey, how you doing? How do you think? Great, you know.

Mr. Ratcliffe. Just a passing meeting?

Ms. Page. Correct.

Mr. Ratcliffe. When was the last time you had a substantive conversation with him about anything?

Ms. Page. Oh, it's been a very long time.

Mr. Ratcliffe. Can you give me a timeframe? At least a year, more than a year?

Ms. Page. A substantive conversation about like the matters before us?

Mr. Ratcliffe. Yes.

Ms. Page. Yeah.

Mr. Ratcliffe. To the best of your recollection.

Ms. Page. Yeah. I don't know. A yearish, but I'm that's

Mr. Ratcliffe. Okay, fair enough. I want to go back to one of



the things you said, and I wrote it down. We were talking about the Hillary Clinton email investigation, and you said: Everyone at the FBI and the DOJ involved knew far earlier than July that we were not going to be able to make the case against her.

Do you remember saying that?

Ms. Page. I do.

Mr. Ratcliffe. Okay. And you talked about the reason being that there was and I don't know if I got this exactly, but you said there was we couldn't find any indicia of knowledge that she knew that these shouldn't be traversing her server, evidence of intent, of an intent.

Ms. Page. That's mostly right, sir. It's really the problem really is, in a mishandling case, you have to sort of show that malign intent. And with respect to what she was doing, you know, her claim and was not one that we could ultimately rebut is: I didn't know it was classified; we were trying to execute our job.

You know, when we bring mishandling cases, it's people who are often hoarding classified documents, bringing them home when they're marked, and they know that they shouldn't. Often it's somebody who we suspect of spying that we simply can't make out a case of.

And the you know, the ability to prove like that would obviously be her defense. And the ability to prove beyond a reasonable doubt that she, in fact, you know, intended to handle classified information in a way that was not permissible was just not possible.

Mr. Ratcliffe. Okay. And that's I think, when you talk about

intent, that's certainly true under part of 18 793(f), but it sounds like you all just blew over gross negligence.

Ms. Page. We did not blow over gross negligence. We, in fact and, in fact, the Director because on its face, it did seem like, well, maybe there's a potential here for this to be the charge. And we had multiple conversations, multiple conversations with the Justice Department about charging gross negligence.

And the Justice Department's assessment was that it was both constitutionally vague, so that they did not actually feel that they could permissibly bring that charge, and also that it had either never been done or had only been done once like 99 years ago. And so they did not feel that they could sustain a charge.

And, in fact, one thing I will note is that the Director asked the Department to pull for him a record of every mishandling case that had been brought in the last like 30 years.

Mr. Ratcliffe. I saw that. I saw a series of emails about that. But my question, the question I had was: He requested all of those in the June 2016 timeframe. He wrote his memo, what we've referred to as the exoneration memo, on May 2nd of 2016. So he made the request to look at the cases to see the cases weeks after he'd already written a draft ruling out gross negligence.

Ms. Page. That's right. Well, no, no, no. So we should clarify a couple things. So the cases were about mishandling, not about gross negligence. So the 30 years back were really about like: Show me the types of mishandling cases that we do bring.

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So it's true I think the Director had a sense already like, well, we can't make out garden variety 793(f). And so let me challenge my own views on this, could you please produce like let me see what kinds of cases we brought and sort of the facts that surrounded those cases. And so that's what that pull was.

Separately, you know, we had multiple conversations with the Justice Department about bringing a gross negligence charge. And that's, as I said, the advice that we got from the Department was that they did not think that it was constitutionally vague and not sustainable.

Mr. Ratcliffe. Okay. So let me if I can, I know I'm testing your memory, but when you say advice you got from the Department, you're making it sound like it was the Department that told you: You're not going to charge gross negligence because we're the prosecutors and we're telling you we're not going to

Ms. Page. That is correct.

Mr. Ratcliffe. bring a case based on that. Who at the Department was telling you that?

Ms. Page. Richard Laufman is my understanding.

Mr. Ratcliffe. Okay.

Mr. Parmiter. Sorry, did you mean David Laufman?

Ms. Page. I'm sorry. Richard Scott. No, no, that's my fault.

Mr. Parmiter. Thank you.

Ms. Page. Sorry, sorry. Probably David Laufman too, but

Mr. Ratcliffe. Okay. Have you still got those text messages in

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front of you? If you turn to June 30th.

Ms. Page. I'm sorry. Which year, sir?

Mr. Ratcliffe. I'm sorry. June 30, 2016. I'm trying to get back to July where we left off. But there was one text message from Peter Strzok to you: Just left Bill I assume that's referring to Bill Priestap He changed President to another senior government official.

Ms. Page. Yep.

Mr. Ratcliffe. Do you see that?

Ms. Page. I do.

Mr. Ratcliffe. So, obviously, I know you didn't write that text. It was sent to you, but we've all noticed there were different drafts of that exoneration memo. It originally said the President. Then it said senior government official. And then it disappeared altogether.

Tell me what your recollection was about why that was important to take that out of the what ultimately became Jim Comey's July 5th public statement?

Ms. Page. I don't really recall. I don't remember a lot of attention spent to this. I think it was Bill's would you remind me what this was in reference to? Was this about

Mr. Ratcliffe. This was in

Ms. Page. No, I know that. But I just can't remember what the why Bill was concerned that highlighting the President or senior government official was sensitive, and I just I don't know if anybody has the if anybody has the July 5th statement.

Mr. Ratcliffe. I don't know. That's what

Ms. Page. No, no. If

Mr. Ratcliffe. That's what I'm trying to find out.

Ms. Page. If we can come back to it, if someone wants to pull the July 5th statement. I just want to see where it was in the statement, and that will help I think refresh my recollection.

Mr. Ratcliffe. Fair enough. We can do that.

All right. So getting back towards the start of the Russia investigation on July 31st, before that, on July 26th, you sent a text to Peter Strzok, July 26, 2016. You said: Yeah, it is pretty cool, blank.

It looks like: Blank just has to win now. I'm not going to lie. I got a flash of nervousness yesterday about Trump.

I assume that that's you're referring to Clinton has to win now.

Ms. Page. I'm sure that's right, but I just haven't found it yet. I'm sorry. July 26, you said? July. I'm in June, I'm sorry.

Mr. Ratcliffe. July 26, 2016.

Ms. Page. Do you have a page number that might get me to it faster? Like the DOJ production number, I don't know if you have it.

Mr. Ratcliffe. I don't. I have a summary of it.

Ms. Page. That's okay. Amy, can you help me find this? The "now she just has to win." I'm literally not seeing it. Yeah, it is pretty cool.

Mr. Ratcliffe. July 26.

Ms. Page. Oh, I found it. I'm sorry. Oh, mine says 27th. I'm sorry. That's why.

Mr. Ratcliffe. Okay. Well, it may be the 27th.

Ms. Page. No, no, no. I don't that's fine.

Mr. Ratcliffe. What is the context of that, if you can recall?

Ms. Page. So I just take from the context here, we are watching Secretary Clinton receive the nomination.

Mr. Ratcliffe. Okay.

Ms. Page. He is I know he was sharing it with (b)(6), (b)(7)(C) per FBI [REDACTED]. And so it was I think sort of a particularly momentous moment that a woman was being nominated.

Mr. Ratcliffe. Okay. And I'm just I mean, I don't think it's any big secret. I'm trying to and I think you've made it clear. I mean, you wanted Hillary Clinton to win and nervousness about Donald Trump. You're not a fan of Donald Trump.

Ms. Page. That's true, except that I'm not really a fan of Hillary Clinton's either. Given truthfully. I mean, given a Trump Clinton race, yes, I was supporting Clinton, but I was not a particularly big fan of hers.

Mr. Ratcliffe. Okay. So the response from Peter Strzok to your text is: We've got to get the memo and brief and case filing done.

Ms. Page. Uh huh.

Mr. Ratcliffe. What does that relate to? What memo, what brief, what case filing?

Ms. Page. So I think that the memo is a reference to we we

in the Department decided to write a closing LHM is what we call it, a letterhead memorandum.

Mr. Ratcliffe. Right, a summary of 302s.

Ms. Page. A summary of essentially the investigation. So, typically, when you close an investigation, you would do some sort of summary document.

Mr. Ratcliffe. Okay.

Ms. Page. But because this one was actually quite complicated from a forensic standpoint, you know, we had done an extraordinary amount of forensic investigation. And so we wanted to sort of put in one place: Here is what we did in you know, in an exhaustive way. And so it was a and we also wanted to be we wanted it to be like as error free as humanly possible, because we understood that the case would get scrutinized. And so the I'm not sure what the brief is, to be honest with you. Oh. I'm not really positive. But the memo and I don't see the text, but was it memo, brief, and what?

Mr. Ratcliffe. I'm sorry. The case filing.

Ms. Page. Oh. I think that's just like closing it up. Like closing up the file. Like getting all those sort of i's dotted and t's crossed. But the memo I think is a reference to the LHM.

Mr. Ratcliffe. Okay. The date of this was July 26, July 27. It's also as we've talked about, this is right in the timeframe where you

Ms. Page. We don't know about it yet.

Mr. Ratcliffe. The opening of the Russia investigation. You

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don't know about it yet, because the date that you know about it is July 28.

Ms. Page. I think the 28th, correct.

Mr. Ratcliffe. Right. Okay. So that being the case, look at the text right before that on July 24. There's a series of texts, actually, between you and Peter Strzok where you talk about FISA Judge Contreras and the fact that he would have to recuse himself on espionage FISA cases, given his, quote, "his friend oversees them," end quote. What was the context of how that came up?

Ms. Page. I mean, that was just I didn't I knew that he had had been friends with Judge Contreras for some time. I didn't know that he was a FISC judge. I just knew that he was a judge on the D.C. District Court. And I had been on Wikipedia to sort of look for FISC judges for some reason, I don't remember why. And I saw him. And so although I don't have the text in front of me, but that I'm sort of exclaiming like, oh, I didn't know Rudy was a judge, right, or was on the FISC. And he said yeah. And I just thought like it would be neat to meet him because he I wanted to know his friends, he wanted to know mine. I mean, it was really more of a personal interest.

Mr. Ratcliffe. Okay.

Ms. Page. And, again, I don't have it in front of me, but my recollection is I asked like: Well, does he know what you do?

And he said: Well, he knows like I'm an agent, but I'm not sure that he has sort of detailed knowledge about the sort of types of work I do.

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And he expressed his concern that it would be inappropriate to know what he did because of the potential risk that a matter that Pete was supervising or for a matter for which he was seeking a FISA

I mean, I should be more precise. In the position that Pete held, he actually doesn't really have any role at all in the FISA process, so but he would be supervising investigations for which a FISA might be sought.

Mr. Ratcliffe. Okay.

Ms. Page. And so his point was simply, you know, would this cause him to have to recuse if there was a matter on which I was on. And, again, you see me saying, I don't actually think so, but it was really just

Mr. Ratcliffe. Okay. So is it your testimony that this exchange was not related to or prompted by a discussion about any potential FISA relating to the Russia investigation?

Ms. Page. Oh, no, no.

Mr. Ratcliffe. Okay. So that gets me back to where Chairman Gowdy left off on July 31st. And I want you to look at the text that Peter Strzok sent to you that says, quote: And damn, this feels momentous because this matters. The other one did too, but that was to ensure we didn't F something up. This matters because this MATTERS, in all caps, period. So super glad to be on this voyage with you, end quote. Do you see that?

Ms. Page. I do.

Mr. Ratcliffe. What do you recall about when you received that

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and

Ms. Page. So this is we are now opening the Russia collusion investigation. And I agree wholly with the sentiment, to be honest with you. The Clinton investigation was whether she mishandled classified information. That's important. It matters, but it does not matter like a person associated with a Presidential campaign receiving and potentially accepting, which we didn't know, obviously, but the risk that somebody had received and accepted an offer of assistance from Russia, which I view as our sort of most treacherous adversary. So this one was a more significant, more concerning investigation and unquestionably one which was more threatening to our national security.

Mr. Ratcliffe. Okay. And I thought I heard you earlier, I thought I heard you say, in talking about this being on a Sunday, that it had just happened, and you were stressed.

Ms. Page. I think all of us were yes, I can I can confidently say that the very small group of us who knew about the predication were all very concerned.

Mr. Ratcliffe. Okay. So, as I read this, though, and I realize this is Peter Strzok, but when he says this matters because this matters, so super glad to be on this voyage with you, it doesn't sound like he's stressed. It sounds like he's happy. If you're super glad, he sounds like he's happy.

Ms. Page. That's a personal comment, sir.

Mr. Ratcliffe. What's that?

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Ms. Page. That's a personal comment.

Mr. Ratcliffe. I don't know what you mean. Explain that to me.

Ms. Page. That's a reflection that, okay, the Midyear investigation is over, right. So he's going back to kind of his day job. I'm going back to my day job. And now we have a new investigation, which will necessarily involve regular contact.

Mr. Ratcliffe. Okay. So a week later, on August 6th, you texted Agent Strzok about the candidate Trump's criticism of the Khans, and you stated: Jesus, you should read this, and Trump should go F himself.

Ms. Page. Yes.

Mr. Ratcliffe. Okay. And his response to that was something and F Trump.

Ms. Page. Yes.

Mr. Ratcliffe. Okay. That same day, you sent a text to Peter Strzok that says: So this is not to take away from the unfairness of it all, but we are both deeply fortunate people and maybe you're meant to stay where you are because you're meant to protect the country from that menace.

Do you find that?

Ms. Page. I'm sorry. Is it on the 8th too? Yes, I see it.

Mr. Ratcliffe. On the 6th.

Ms. Page. Yes, I see it. Yes, I do. Yes, I do. I'm sorry. Yes, I see it.

Mr. Ratcliffe. So, when you said, "Maybe you're meant to stay where you are because you're meant to protect the country from that

menace," who is that menace?

Ms. Page. The menace is Donald Trump.

Mr. Ratcliffe. Okay. And so, if you're telling Peter Strzok that he's meant to protect the country from Donald Trump, who is a menace

Ms. Page. Although

Mr. Ratcliffe. I don't know how to read that other than you

Ms. Page. No, no, no. Well, I think that it is, but I think it's in the context of well, I'm not certain, to be honest with you. I think it's Donald Trump. But the reason I'm hesitating is because this is so close in time to the opening of the Russia investigation that the concern that we all had that there was a member of his campaign colluding with Russia was so great that I'm not I'm not 100 percent positive that I can split those

Mr. Ratcliffe. Well, I'll tell you why it's really important, because you're right; it is so close to the opening of the Russia investigation. And so, if a week after the Russia investigation is open, you and Agent Strzok are talking about protecting the country from a menace, if you're meaning it's Donald Trump, I don't know how to read that other than you have prejudged him.

Ms. Page. So you are misunderstanding, sir. I have at the time that we opened the investigation, I don't have any reason to believe that it is Donald Trump himself who was colluding with the Russians. What the predication told us was that there was that the campaign had received an alleged that the campaign had received an

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offer of assistance by the Russians to release damaging release information or release emails, I think, or maybe information, I can't remember, which would be damaging to Hillary Clinton.

There was absolutely no preconceived belief or feeling at all that it was Donald Trump himself. We took quite deliberate steps, and we were very judicious in deciding who we would open on and what criteria we would use in order to open those investigations in order to determine who might have been in a position to receive this offer, if it was even true.

Mr. Ratcliffe. Okay. Well, I appreciate that. But I'm not trying to put words in your mouth. These are your words, and so I'm asking you what they mean because this is really important. And the way I read this is an FBI lawyer a week after this case is opened is saying you, speaking to the FBI agent who is the lead investigator in this nascent investigation, you are meant to protect the country from that menace. And the only way an FBI agent can protect the country from a menace who is a Presidential candidate is to ensure that he doesn't become the President.

Ms. Page. I can understand the reading of that, sir. But what I am trying to tell you is that there is it is I understand that "menace" is a very loaded word, but this is a sort of singular flash in time.

I think the other thing that's important to understand is the meant to stay where you are is because he was considering putting in for another job. And so this is really in the context of a conversation

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we had for days or weeks about whether to seek a promotion to another job versus to sort of stay where he is. And the can I may I

Mr. Ratcliffe. Yeah, sure you can.

Ms. Page. And the truth of the matter is, and I am quite confident that people who have worked counterintelligence would say this, Peter Strzok is the best counterintelligence agent in the FBI, certainly in a position of management.

And so the notion that he would take a different position and leave open a management position which would necessarily be filled by somebody less qualified is also reflected in that.

Mr. Ratcliffe. Okay. Are you finished?

Ms. Page. I am.

Mr. Ratcliffe. I didn't want to cut you off. I appreciate the context for the part about whether he's meant to stay where you are. I'm more concerned about you're meant to protect the country from that menace that you believe is Donald Trump, especially when it's followed up with the next text that you send to him on August 8th, Trump's not ever going to become President, right, right, to which he has responded, no, no, he's not, we'll stop it.

So you're meant to protect the country from the menace of Donald Trump. He's not going to become the President, right? No, we'll stop it.

And these texts are being exchanged with the lead investigative agent a week after he has opened the investigation into the Russia collusion matter.

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Ms. Page. I completely understand that. I will say sort of two things in response. The first is I know this person very well. And so, while I completely understand how, after the fact and with the little snippets that a text message represent, I understand wholly why you and others would interpret it that way. I sincerely do. But I know this person, and I know myself, and I know the sort of integrity and the investigative quality that we both bring to work. And that is ultimately what that represents.

And then certainly with respect to the "he's not going to become President, right," I don't know whether you were here when I was discussing it with the minority staff. But I was very deeply affected by the by the harshness and the cruelty that I felt that Donald Trump exhibited toward the Khans. I felt like it was there but for the grace of God go we. I am an immigrant (b)(6), (b)(7)(C) per FBI the same as the Khans are. I very seriously considered joining the military before I decided to enter public service. And I was unbelievably appalled that anyone, let alone a Presidential candidate, would insult the family of a slain servicemember. It's inappropriate, and it's disgusting. And it remained with me for quite some time.

And so, yes, I sent the, you know and, again, I don't know whether as I said earlier, before I fall asleep, I sort of read; it's when I catch up on the news. And so my strong suspicion is that I was on my phone; I read something about it. I was upset and bothered, and so I made the "he's not really going to become President, right"

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and "no, we'll stop it" was simply an attempt to comfort me.

Mr. Ratcliffe. Okay. Well, I can appreciate the emotion and opinion that you have regarding that event. I'm sure a lot of people in the country may have felt that way, but those people were not in a position to influence the outcome of an investigation. There was only one lead investigator in the country on this investigation, and the way this reads, you asked him whether or not well, you asked: Donald Trump's not ever going to become President, right?

And he responds: No, no, he's not, we'll stop it.

That sounds like a promise from someone who's in a position to keep a promise.

Ms. Page. And it's not. And I completely understand the interpretation, but I would also, frankly, point you to the fact that not a single action was taken that would evidence that we attempted to stop it. There was no leak of the investigation. As I've said multiple times, we then and continue to have information which certainly would have been damaging, and particularly so during the run up of a Presidential election. That's just not who we are.

And I understand that perhaps for people whose jobs is politics, it strains credulity that you would not be dominated or motivated by politics, but we are dominated and motivated by fidelity to our institution. And that is the FBI, and we do things the right way at the FBI.

Mr. Ratcliffe. Well, and I appreciate the explanation, and I hope you can appreciate the job that we all have, which is to ask you

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about the things that you said and the things that he said, and that you are two people at the center of a very important investigation that, unlike the rest of the country, were not in a position to influence the outcome.

Ms. Page. I do understand that, sir. But honestly, having a view, even a strongly held view, even a virulent view as to who would be best President does not mean that it makes me does not mean or make me biased in my work.

Mr. Ratcliffe. Let me move on to a text message on September 2nd of 2016. It's a series of texts that you exchanged with Agent Strzok. And at one point you text him: Yes, because POTUS wants to know everything we are doing.

Ms. Page. Oh, yeah. I don't see where it is, but I know what it is, yeah.

Mr. Ratcliffe. Okay. And do you know the context of what it is?

Ms. Page. It is. This is in the context of

Mr. Ratcliffe. Well, first of all, so is POTUS, I'm assuming that's

Ms. Page. President Obama.

Mr. Ratcliffe. President Obama, okay.

Ms. Page. Yes. So this is in the context of the take a step back. In August oh, this is going to call for a classified answer. I'm sorry. Can we

Mr. Ratcliffe. Do you need to confer?

Ms. Page. I don't think this is a classified space.

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Mr. Ratcliffe. Okay.

Ms. Page. Sorry.

Mr. Ratcliffe. It's not.

Ms. Page. I think I can answer it.

Mr. Ratcliffe. I'm just trying to clarify

Ms. Page. It's not about the Midyear investigation, if that's the question. It has to do with Russia. It does not have to do with the Clinton investigation at all.

Mr. Ratcliffe. Okay. It does have to do with Russia, the Russia investigation?

Ms. Page. No, not the Russia investigation. It has to do with the broader look at Russian active measures.

Mr. Ratcliffe. Okay. All right.

All right. Let me move ahead to May 18th of 2017, which is, to put it in context, is either the day of or the day after Bob Mueller has been appointed special counsel.

Ms. Page. The day after, sir.

Mr. Ratcliffe. The day after. And Peter Strzok texted you and said, quote: For me and this case, I personally have a sense of unfinished business. I unleashed it with the MYE. Now I need to fix it and finish it.

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Ms. Page. I don't have it in this set. Can I sorry, I don't know why, but maybe I do. May 18th you said, right? Can I have one second, please?

Sorry about that.

Mr. Ratcliffe. Did you find it?

Ms. Page. I did, yes.

Mr. Ratcliffe. Okay. What is your recollection of the context of you receiving that text message?

Ms. Page. So it was I had been asked to join the Mueller team by that point, and he was probably the one of the likely candidates to join, to the extent he would bring sort of all the institutional knowledge of the investigation to date.

By the same token, my view was, if you are going to rise in the organization, you need to stay where you are and do your time. So the FBI is very hierarchical and very sort of box checky with respect to promotion. And that we had had, again, many conversations discussing whether he should join the team or whether he should sort of stay in place and then seek the next promotion.

And so the sort of there's a great deal of texts which sort of precede it, because I was also quite I was hesitant to join. In fact, I initially said that I did not want to join the team.

And so this is sort of one of the many reasons I think reflected in these texts about whether or not to join the team. And I do think that he felt we all felt a great deal of concern that when the director sent the October statements not the statement, the October

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letters in the Hillary Clinton case, that we had affected the election.

And it's not because of who won or who didn't won, but because that is like the worst possible place for the FBI to be in. And I know all of my friends on the team, all the people that I talked to really continued to carry a lot of trauma is too strong a word. I can't really think of a better one right now. But just a lot of weight about whether we actually impacted an American election.

And so that is really what I think this is a reflection of. He very much participated you know, he participated in the decision to send the letter to Congress about the reopening of the Midyear investigation. And so I think that this is sort of a reflection of like just that.

Mr. Ratcliffe. Okay. Well, given the timing of it, though, the start of appointment of a special

Ms. Page. Right. But that's because of the opportunity to essentially had Director Comey never been fired and a special counsel not been necessitated, he would have stayed as DAD in the Counterintelligence Division. He would have done it for another whatever, 6, 8, 10 months. He would have been eligible to be, you know, promoted to an SAC somewhere, and then he would have gone on his merry way.

The problem is, with the appointment of special counsel, now there is a new sort of job opportunity which is not career enhancing, because it doesn't matter if it's high profile or if it's like interesting, the FBI cares about box checks. So you do all you want on some special

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project, if you have not done sufficient time in this box, the likelihood of you getting promoted is quite slim.

And so the only reason that, you know, he's confronted by this choice and the timing of the choice is because the director has been fired and DAG Rosenstein has appointed Bob Mueller as special counsel.

Mr. Ratcliffe. Okay. But, again, and I realize these aren't your words. I'm asking you, though, if you have any knowledge. It's given the timing and that Bob Mueller has been appointed special counsel and given the context that you've given that you thought that you may have affected the outcome, when Peter Strzok says, now I need to fix it and finish it, a person reading it might come to the conclusion the fix it means fix the outcome, change the outcome, stop Donald Trump, finish it.

Ms. Page. I understand that. I don't have a better I don't have a better explanation than the one I've given.

Mr. Ratcliffe. Okay. So that same day in the consideration of this, he texts you and says: "You and I both know the odds are nothing. If I thought it was likely, I'd be there, no question. I hesitate, in part, because of my gut sense and concern there's no big there there." What's he talking about?

Ms. Page. So I think this represents that even as far as May of 2017, we still couldn't answer the question sorry. Can I consult with counsel? I'm sorry, I need to consult with FBI counsel for a moment.

Mr. Ratcliffe. Okay.

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[Discussion off the record.]

Mr. Ratcliffe. You said you still couldn't answer the question.

Ms. Page. So, yeah, I'm going to have to like rephrase my answer a little bit. It's a reflection of and I'm sorry, I'm not trying to be cagey. I'm just trying to stay within the confines that I've been given.

Mr. Ratcliffe. Well, let me ask you this: Do you know whether or not Peter Strzok was talking about the fact that, as the lead investigator of the Trump Russia investigation, he didn't know or that he knew that the odds were nothing and that he had a concern that there was no big there there regarding any collusion between Trump and

Ms. Page. No, I don't think so. I think it's a reflection of us still not knowing. I guess that's as good as I can answer. That it still existed, because we were it was still an active investigation. It still existed in the scope of possibility that there would be literally nothing, probably not nothing nothing, as we probably knew more than that by that point.

But in the scheme of the possible outcomes, the most serious one obviously being crimes serious enough to warrant impeachment; but on the other scale that, you know, maybe an unwitting person was, in fact, involved in the release of information, but it didn't ultimately touch any senior, you know, people in the administration or on the campaign.

And so the text just sort of reflects that spectrum. And I think the sort of unfinished business to me really just reflects who Pete

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is, which is he's a leader. He cares about Russia in particular, it has in many ways dominated his career, and wanted to finish out the investigation, whatever the outcome.

Mr. Ratcliffe. Well, based on that answer, though, it does sound like, as the lead investigator, you took it to mean he was saying the odds are nothing and, as the best counterintelligence agent, he had a gut sense and concern that there's no big there there.

Ms. Page. I'm sorry, what's the question?

Mr. Ratcliffe. With respect to any collusion between the Trump campaign and Russia.

Ms. Page. Right. And so he is the best investigator. So if someone is going to find it, it's going to be him.

Mr. Ratcliffe. But at that point

Ms. Page. That's not out of animus; that's out of I hate Russia.

Mr. Ratcliffe. But at least at that point, he had a concern that there wasn't anything there.

Ms. Page. I mean, we it was I'm sorry, I'm not supposed to talk about the sufficiency of evidence, so that's why I am weighing my words carefully.

Let me do it this way: Investigations are fluid, right? And so at various times leads are promising and leads fade away. And so I can't I can't answer more his sentiment with respect to this particular text, but certainly at this point the case had been ongoing. We didn't have an answer. That's obvious. And I think we all sort of went back and forth about like what what the answer was really

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going to be.

Mr. Ratcliffe. Okay. But in describing those terms, the lead agent said he had a gut sense and concern, a concern that there's no there there, a concern that I'm not going to find anything.

Ms. Page. Right. But that's

Mr. Ratcliffe. Did he want to find something?

Ms. Page. No, no, no. That speaks to again, this is all in the context of do I stay or do I go, right? And so if this is going to fizzle out and be a nothing, then I shouldn't sort of sacrifice my sort of long term career prospects. If it's going to end in impeachment, that's kind of a big deal. I mean, put aside who it is, put aside how we feel about it. You know, that's monumental. People who are on Watergate are still known as somebody who was on Watergate.

And so that's not sort of taken with respect to the, you know, feelings about Donald Trump. It's about being on an unbelievably kick ass team and being a part of, you know, something impressive. Sorry. I probably shouldn't have

Mr. Ratcliffe. Four days later, another series of text messages are exchanged, and at one point Peter Strzok responded to a text from you and said: God, I suddenly want on this, you know why.

Ms. Page. Oh, lord. If you're asking me why, I have no idea. I'm sorry. We talked about this for days on end. So I really couldn't tell you what he was thinking in that particular moment.

Mr. Ratcliffe. Okay.

Ms. Page. Is there more context there? I don't

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Mr. Ratcliffe. No, I don't. I'm just asking you. It sounds like he's saying, you know why I suddenly want on the Mueller investigation.

Ms. Page. I'm sure 18 months ago I did, but I have no idea right now.

Mr. Ratcliffe. Okay. One last question. What was the obviously, you left the Mueller investigation team at some point in time. Give me the circumstances about why.

Ms. Page. Sure. I so I participated in the first briefing for Bob Mueller upon sort of giving him an overview of like here's what we got. And at the end of the briefing, he went to Mr. McCabe, who at the time was the acting director, and said, who was that woman? And he said, that's Lisa, she works for me. And he said, I want her on the team. And Andy said, okay.

And so he came to me and said, Bob wants you to join the team. And I said, I don't want to. And he said, well, you don't say no to Bob Mueller. And I said, you know, one, Andy was acting director and so I wanted to sort of stay by his side; and, two, I have young children at home and the prior sort of 18 months working for Andy were the most fulfilling of my professional career, they were unbelievably demanding. And I

Mr. Ratcliffe. Okay. So and these text messages so the point I'm really trying to get at, the text messages had not become public.

Ms. Page. No, no, no. I'm 30 seconds, I'm going to get there.

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Mr. Ratcliffe. You bet.

Ms. Page. So I was very hesitant to join the Mueller team, because I had already worked two incredibly demanding years with Andy and I wanted a life back and I wanted to parent and be home and be around. And so I went to Bob Mueller to talk to him about it. And so, as a compromise, I offered a 45 day detail.

And so I joined his team for 45 days to sort of help them stand it up, with the understanding that he wanted me, he wanted me full time. He he, you know, thought I had something to add. But at the end of the 45 days, I just you know, I just despite, you know, it being an impressive crew that he assembled, wanted a life back.

Mr. Ratcliffe. Thank you.

Mr. Jordan. Thank you, John.

Ms. Page, I just want to understand some basics. Did you report directly to Mr. McCabe or did you report to Jim Baker and then had some kind of special arrangement? How did it work?

Ms. Page. I reported directly to Mr. McCabe. I stayed in close touch with Jim Baker. I mean, we worked together very, very closely, but I would say I considered

Mr. Jordan. Was it a special arrangement? I mean, you're part of the general counsel, part of the FBI General Counsel Office, but it was a special arrangement where you worked directly for Mr. McCabe?

Ms. Page. Essentially, yes. I in the minority testimony, I had worked for Mr. McCabe when he was the Executive Assistant Director for the National Security Branch. So when he took that job on, it was

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shortly after the Snowden disclosures. Things were crazy busy, in terms of intelligence community reforms. And so he asked me at that time this is in September of 2013. He asked me to sort of join his his staff as counsel to kind of help support him through that, because it really fell in his bucket.

And so it was already an arrangement that we had had before. And so when Andy when Mr. McCabe became Deputy Director in February of 2016, he asked me to sort of join in the same kind of arrangement that we had had previously.

Mr. Jordan. And did that mean that your actual physical office was somewhere different from where the normal FBI General Counsel Office was?

Ms. Page. That is correct. It moved a jillion times, just because of the way space moves, but ultimately yes.

Mr. Jordan. Did you provide any information to reporters, journalists, or media personalities about anything related to the Trump Russia investigation

Ms. Page. No.

Mr. Jordan. in 2016, 2017, or 2018?

Ms. Page. No.

Mr. Jordan. Did you ever interact with the press?

Ms. Page. In my official capacity at the FBI? A couple of times, yes.

Mr. Jordan. And can you tell me who you interacted with and when those occurred?

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Ms. Page. So there's the one that's the subject of the IG investigation or the IG report about Mr. McCabe that I'm not I don't think I should get into here. It's a criminal referral now.

And then I was asked

Mr. Jordan. So you can't are you saying you don't want to tell me when or who or neither?

Ms. Page. No, no. So it's the it's the it's the Devlin Barrett Washington Post in the late October timeframe.

Mr. Jordan. I know which within you're

Ms. Page. Yeah, yeah. So, I mean, I was obviously involved in that. And then in early 2017, I was asked to so the Clinton case was sort of over and there were a number of outlets who were seeking to write like the comprehensive story of the Clinton case.

And so Mike Kortan, who is the head of public affairs, was engaging with a number of them to kind of figure out who would sort of tell the big story. And then there were a number of other outlets that were doing it anyway. And so I worked with Mike on, I don't know, two or three maybe Clinton stories.

Mr. Jordan. Did the press ever I'm sorry. Did the press ever approach you and give you any information?

Ms. Page. Not that I recall. I don't think so.

Mr. Jordan. Okay. I've just got a list of names I want to run past you and ask if you've communicated with any of these individuals.

Did you ever communicate with Christopher Steele?

Ms. Page. No.

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Mr. Jordan. Richard Dearlove?

Ms. Page. I'm sorry, I didn't hear you, sir.

Mr. Jordan. Richard Dearlove.

Ms. Page. No.

Ms. Jeffress. Can we just consult for one moment?

[Discussion off the record.]

Ms. Jeffress. Go ahead.

Mr. Jordan. Joe Mifsud?

Ms. Page. I'm sorry?

Mr. Jordan. Joe Mifsud. Joseph Mifsud.

Ms. Page. Joseph Mifsud, no.

Mr. Jordan. Alexander Downer, have you ever talked with him?

Ms. Page. No.

Mr. Jordan. Have you ever talked with Glenn Simpson?

Ms. Page. No.

Mr. Jordan. Have you ever visited or talked with Nellie Ohr?

Ms. Page. Yes.

Mr. Jordan. Can you tell me about those conversations and when they took place?

Ms. Page. Yes. Bruce Ohr was my first boss at the Justice Department.

Mr. Jordan. I was asking you about Nellie, but you can talk about Bruce as well.

Ms. Page. I have to get to Bruce I have to get to Nellie through Bruce.

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Mr. Jordan. Got it, okay.

Ms. Page. Because the only time I've ever spoken to her was in the context of a summer barbecue that Bruce held for the office in, I don't know, 2011 maybe, summer of 2011.

Mr. Jordan. So were you pretty close with Bruce Ohr?

Ms. Page. No. He was my boss. It was for the whole office.

Mr. Jordan. Bruce Ohr had it for your office?

Ms. Page. So I was a prosecutor at the Justice Department from 2006 to 2012.

Mr. Jordan. Okay.

Ms. Page. And that entire for almost that entire time, at least until maybe early 2000 or middle of 2012, Bruce Ohr was my supervisor.

Mr. Jordan. Got it.

Ms. Page. He was the chief of the Organized Crime and Racketeering Section, and I was a line prosecutor. And so in the

Mr. Jordan. You worked for Bruce Ohr for how long, again, I'm sorry, Ms. Page?

Ms. Page. He was in that position for I think 5 of the 6 years that I was there, I think.

Mr. Jordan. Okay.

Ms. Page. Maybe 5 and a half, I don't know. So in that in that context, he had you know, he would have like a summer barbecue for his

Mr. Jordan. Got it.

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Ms. Page. staff and employees, and so I met Nellie at that.

Mr. Jordan. Okay. Did you ever talk with (b)(6), (b)(7)(C) per FBI?

Ms. Page. Who?

Mr. Jordan. (b)(6), (b)(7)(C) per FBI.

Ms. Page. No.

Mr. Jordan. Did you ever communicate with Cindy Blumenthal?

Ms. Page. No.

Mr. Jordan. Okay. How about Victoria Newland in the State Department?

Ms. Page. No.

Mr. Jordan. All right. I want to ask you a little bit about travel. Did you travel much with your current with your time at the FBI working for Mr. McCabe, did you travel abroad much?

Ms. Page. No.

Mr. Jordan. Did you travel abroad any?

Ms. Page. Abroad, once.

Mr. Jordan. And where to?

Ms. Page. To London.

Mr. Jordan. And what were the dates of that travel?

Ms. Page. End of December no, early December sometime in December in 2016.

Mr. Jordan. And that was for official business?

Ms. Page. Yes.

Mr. Jordan. Can you tell me what you did in London while you were there in early December of 2016?

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Ms. Page. I can't do that, sir. I'm sorry.

Mr. Jordan. Pardon?

Ms. Page. I can't on advice of FBI counsel, I can't go into that detail.

Mr. Jordan. You went to London in early December 2016. Did anyone travel with you, anyone else from the FBI?

Ms. Page. Yes.

Mr. Jordan. Who? Did Bill Priestap?

Ms. Page. Bill Priestap did not.

Mr. Jordan. If you can tell me who. Want me to guess?

Ms. Page. So I'm trying to count the right number of people. It's either four or five others, but all are GS 15s or below so except for Pete. I'm sorry, Pete was there, but

Mr. Jordan. Peter Strzok and then four or five others?

Ms. Page. No, no, no. Me, Pete, and three others, I believe.

Mr. Jordan. And can you give me their names?

Ms. Page. I cannot, sir.

Mr. Jordan. And why can't you?

Ms. Page. Because I've been instructed that GS 15s and below, we're not providing those names.

Mr. Jordan. Okay. And that was the only time you traveled to London?

Ms. Page. That is correct.

Mr. Jordan. All right. I want to just give you something that I brought up with Mr. with Mr. Strzok yesterday, if I could. This

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is an email that you and he exchanged back and forth. If we can pass that down. I've got several copies there. I don't know if you've been labeling exhibits, if the staff has or whatever, so I don't know what number or letter this would be.

If you could just take a look at that, Ms. Page. Are you familiar with this email exchange from January 10th, 2017?

Ms. Page. I mean, I have no recollection of it, but I see it before me.

Mr. Jordan. Okay. So I just want to read what Agent Strzok sent to you. He says: Comparing now. The set is only identical to what McCain had. It has differences from what was given to us by Corn and Simpson. And the subject line is: BuzzFeed is about to publish the dossier.

Do you know who Mr. Corn or do you know who Corn and Simpson are?

Ms. Page. I'm sorry. I'm super confused from where we all landed on this yesterday, because it went round and round. Can FBI counsel tell me what the parameters are on this?

[Discussion off the record.]

Ms. Page. I'm sorry. I do know the names Corn and Simpson, yes.

Mr. Jordan. You know their first names?

Ms. Page. Glenn Simpson, David Corn.

Mr. Jordan. And that's who this is referring to, this email?

Ms. Page. Yes, I assume so.

Mr. Jordan. Okay. Can you just tell me, because I didn't quite

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get this square yesterday. It looks to me like in this particular email that there are a couple versions of the dossier, at least parts of the dossier. There's the set that BuzzFeed is about to publish which, according to Mr. Strzok's email, is identical to what was given to the FBI by Mr. McCain, Mr. McCain's staff Senator McCain's staff, I should say. And then there's this other one that you're getting from David Corn and Glenn Simpson, which is the dossier, but different. Is that how you read it?

Ms. Page. I think so, but honestly, I didn't have a ton to do with it, so I don't that seems right to me, but I really don't know, because I wasn't really substantively involved with this.

Mr. Jordan. Have you read the dossier? Did you read the dossier while you were working on this case at the FBI?

Ms. Page. So let me I guess I just want to clarify. I know that the press has called the sort of set of reporting that that was released on Buzzfeed and other outlets the dossier. What we have are a set of reports from a source, obviously now well known.

Mr. Jordan. Yes.

Ms. Page. So I did read some, but not all of the reports that we received from Christopher Steele.

Mr. Jordan. When was the when did you first read the reports from Christopher Steele?

Ms. Page. I think we got them on the team in mid in mid to late September. So

Mr. Jordan. That's the first time you'd read them?

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Ms. Page. Yes.

Mr. Jordan. Mid to late September. Okay, thank you. I know we're out of time, but I did want to circle back with one. Do you communicate did you communicate with anyone at the State Department on any type of regular basis or on any basis in the course of this investigation?

Ms. Page. In the course of Russia or Midyear?

Mr. Jordan. Both, but mostly Russia is I guess what I'm focusing on.

Ms. Page. No, no on Russia. On Midyear, I had a couple of conversations, I don't know, I'd say three or fewer, where we were trying to get classification decisions out of the State Department in order to sort of finalize certain things. They were very slow in kind of going through the classifications needed so that for us to make an assessment about whether there was classified information or not.

And so I was on probably one or two or three at the absolute most conference calls with people at State, but that's the extent of it.

Mr. Jordan. And you don't recall the names of individuals you spoke with in?

Ms. Page. Not right now, no.

Mr. Jordan. Okay. I think we're out of time, but thank you, Ms. Page.

[Recess.]

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[5:20 p.m.]

Ms. Kim. We're going back on the record. The time is 5:20.

Ms. Page, I'd like to return to the text messages. For each one that I'll return to, I will try to introduce it as an exhibit.

So I think this is actually the first formal exhibit we're introducing in three rounds of questioning. So I'll mark as exhibit 1 a text message from July 21st, 2016.

[Page Exhibit No. 1

Was marked for identification.]

BY MS. KIM:

Q It's about: I have no idea how destabilizing his Presidency would be.

So I'll direct you to the text, eight texts from the top. It's where you text Mr. Strzok an article link with the title, "Donald Trump Sets Conditions for Defending NATO Allies Against Attack." And you attached your personal comments, quote: "This is really shocking."

Can you explain this text?

A Yes. So I don't remember the article, but just based on the context of the on the message here, you know, it's essentially talking I mean, the sort of whole notion of the NATO alliance is an attack on one, it's an attack on all. And so the prospect of in any way diminishing or diluting that alliance is extraordinarily concerning. And so, obviously, I'm just quite shocked by the prospect of what I presume is explained in this article.

Q You spoke earlier about your general experience dealing with

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Russia, the country, as a threat. Can you explain in that context why the NATO alliance is important?

A I mean, the NATO alliance is one of the sort of primary forces which holds Russia in its sort of hegemonic seeking, you know, pursuit of dominance in check.

Q So in your view, would it be a major diplomatic shift for a candidate to state that he would impose new conditions for defending NATO allies against attack?

A Yes, very much so.

Q So around 10 minutes after you sent that article, you texted Mr. Strzok another article link. It looks like it is entitled, "How Donald Trump Picked His Running Mate." And you also appended a personal comment here, quote: "This campaign is like watching a train wreck happen over and over and over again."

So let me just give you the context for that article. It was published on July 20th, 2016, in The New York Times. I think the most widely publicized excerpt from that article reads: Donald Trump wanted to make a senior adviser to John Kasich an offer nonetheless. Did John Kasich have any interest in being the most powerful Vice President in history? When Kasich's adviser asked how this would be the case, Donald Jr. explained that his father's Vice President would be in charge of domestic and foreign policy. Then what, the adviser asked, would Trump be in charge of? Quote, "Making America great again," unquote, was the casual reply.

Does it concern you that Donald Trump Jr. was offering Vice

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Presidential candidates the portfolio of domestic and foreign policy so the President could focus on making America great again?

A It represents a certainly different model for how the executive branch is typically run.

Q I think that's an accurate statement.

So then I think, let's turn back to your text exchange with Mr. Strzok. He responded to these articles, quote, "Trump is a disaster. I have no idea how destabilizing his Presidency would be."

Can you explain to me how you understand Mr. Strzok's text?

A I mean, I think it is in large part a reference back to the sort of conditions for defending NATO allies. As I said, I mean, NATO represents one of the sort of primary checks against Russian expansion of power. And so changing conditions for NATO is destabilizing to the world order, and I think that's entirely what his text message reflects.

Q So, again, what did you understand would be destabilized through Mr. Trump's potential Presidency?

A The world.

Q The world. Thank you.

[Page Exhibit No. 2

Was marked for identification.]

BY MS. KIM:

Q The next text that I'd like to discuss with you is what I'll introduce as exhibit 2. It's a March 3rd, 2016, text exchange. You talked about this briefly. It's from the evening of March 3rd, 2016, when FOX News hosted a Presidential primary debate with the four

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remaining candidates.

I'd like to read you a CNN article published about that debate.

A Okay.

Q It's entitled, "Republican Debate Turns Early." It was published the very next day, on March 4th, 2016. And it reads: Donald Trump opened the GOP debate here by boasting about the size of his genitals. He responded to recent comments from Marco Rubio in which the Florida Senator joked about the size of Trump's hands and said, you know what they say about men with small hands.

On the debate stage, Trump stretched his hands out for the audience to see, then insisted that the suggestion that, quote, "something else must be small," unquote, was false. Quote, "I guarantee you there's no problem," unquote, Trump said to howls from the audience at the FOX debate.

Do you remember this moment from the debate?

A I do.

Q And do you remember what your reaction was to this subject being discussed at a Presidential primary debate?

A I mean, it's just not the dignity befitting a candidate running for President. And to be clear, I am not a particularly prudish obviously, I use plenty of harsh language, but it's just beneath the dignity of the office.

Q So four texts down on the exhibit I gave to you as exhibit 2, you said, "God, Trump is a loathsome human."

Do you think this comment from Mr. Trump might have been part of

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what you're responding to in saying he was loathsome?

A It certainly may have been. I don't know. I mean, we are essentially like live texting, for lack of a better description, and so I don't know whether it was that reference or some other thing that I found offensive. But it's entirely possible that it's that.

I think this might have also been the one where he like engaged in like personal name calling, and I'm just not a I'm not a fan of bullying. I think it I and so the notion that you would also have somebody who essentially bullies opponents, you know, disagreement is one thing.

So it could have been that, too, but I'm just speculating at this point.

Q Thank you.

I think there's a quote that we can discuss, engage with more directly that seems to be more directly on this topic.

So four texts from the bottom of the page, you said: Also, did you hear him make a comment about the size of his I'm assuming that is dick earlier? This man cannot be President?

Were you stating that you personally intended to take official actions to stop Donald Trump from becoming President?

A No.

Q Were you stating that the FBI should take official actions to sabotage Donald Trump's Presidential campaign?

A No.

Q What did you mean?



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A Well, and also to be clear, there is no investigation at this point.

Q That's correct.

A This is so there's there is nothing. Nothing exists. This is just a reflection of my personal, private opinion that this person does not have the fitness to hold this office.

Q And in clarification, you did not mean at this at this point, the Hillary Clinton investigation was open. Is that correct?

A That's correct, yes.

Q But you were not evincing any kind of determination to help Hillary Clinton at the cost of Donald Trump, were you?

A No. And at this point, Donald Trump is also not the candidate. And as I sort of stated earlier no. I'll just leave it there. No.

Q Thank you.

There has been much made of a comment from Mr. Strzok, I think four texts above that one. It's the one where Mr. Strzok wrote: God, Hillary should win 100 million to zero.

A Right. So that has to actually be taken in context of the prior text.

Q Yes.

A And so, I mean, this is not particularly kind, but we're just making fun of him, right, because he's calling the EPA, the Environmental Protection Agency, the Department of Environmental Protection.

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And so, yes, this is probably snobby and snarky of us, but it's simply like, great, the dude's running for President and he doesn't know what the name of one of his Cabinet agencies is.

And so the "she should win 100 million to one" is not like his personal view. It's just this guy doesn't know government. He doesn't know the name of an organization that he's going to be in charge of. This should be an easy defeat.

So it's not necessarily about like him personally. It's just I mean, I guess it is but it's a reflection of him not knowing the name of the EPA.

Q Got it. Thank you.

[Page Exhibit No. 3

Was marked for identification.]

BY MS. KIM:

Q I'd like to turn to a February 13th, 2016, text exchange. We'll introduce it as exhibit 3.

So the third text on this page is where you wrote Mr. Strzok, quote: "I'm no prude, but I'm really appalled by this. So you don't have to go looking, in case you hadn't heard, Trump called him the P word." I believe by "him" you're referring to Senator Cruz. "The man has no dignity or class. He simply cannot be President."

And in that text you said Mr. Strzok will link to a New York Times article from February 16th, 2016, entitled, "With a Slur for Ted Cruz, Donald Trump Further Alienates Voters."

Do you remember this text?

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A I do.

Q Were you or are you a personal political supporter of Ted Cruz?

A No.

Q So when you wrote that you were appalled by Donald Trump calling Ted Cruz a vulgar name, were you expressing a personal political view or were you just expressing your anger at a Presidential candidate using a slur at a public rally?

A I mean, it's both a slur and it's a again, a slur sort of that's beneath the dignity of the office. I mean, my hope for all Presidential candidates, irrespective of party, is that it is somebody who you can have your children look up to and for whom you can simply say, even where you disagree, that this is a person who's doing their best and trying their best and is a good person. And I think that there is no place for slurs and just bullying, which is what this reflects.

Q Republicans have taken the quote "he simply cannot be President" out of context and use it to suggest that you intended to stop Mr. Trump from becoming President. Can you explain what you meant by "he simply cannot be President"?

A It's just my view that like how could we possibly again, we, as a country, not we, the FBI, that I would have had I wanted somebody whose demeanor and decorum I could be proud of.

Q And you were expressing that view that someone using polarizing and demeaning rhetoric against his opponents shouldn't

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assume our Nation's highest office?

A That's correct.

Q And you were not expressing the desire or intent to take official action against Donald Trump?

A Well, there's not even yes, that's correct in all cases. But for what it's worth, there's not even an investigation open with respect to collusion in his campaign at this point.

Q Thank you.

I'll turn now to an August 6th, 2016, text message. This is the text message where you talk about "that menace."

So I think you mention this in passing, but I just want to explore a little bit more. In this exchange, front to back, you are discussing whether Mr. Strzok will be getting a promotion. Is that correct?

A Not getting a promotion, but sort of staying in place long enough in order to be eligible for a promotion.

Q Got it.

And if you look on the second page, I believe, the top message says: And maybe you're meant to stay where you are because you're meant to protect the country from that menace.

You were

A Do you have that article that follows? I didn't actually notice ever that I'm referring to something.

Q Yes. The article is about it's an op ed about how Trump's enablers will finally have to take a stand.

A No, I see that from the title. But do you have any idea what

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the content is?

Q I believe it is talking about the fecklessness of the Republican Party in standing up to the candidate.

A Okay.

Q Would it be helpful to see that article to discuss this?

A No, it's okay. I just wasn't sure if it would sort of trigger any further memories about what I was really thinking. But it's not a big deal.

Q Okay. Well, if it helps, on Monday we can show you the article.

A Okay.

Q I think that's fine.

But, you know, I think you were coming on multiple interpretations of the word "menace," and I just wanted to give you an opportunity to state conclusively for us, did you mean the menace was Donald Trump? Was the menace the fact that Russian attempts at collusion could then result in access to the Oval Office? Can you explain to us a little bit what you mean?

A I really can't do a better job than I tried earlier, honestly. I don't I'll look at the article, maybe it will remind me of something, over the weekend.

But it's look, it's clear I was not particularly fond of him for all the reasons that I've already described.

But there is no question in my mind that the risk and the possibility that somebody like, look, in the not the very worst

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case scenario, but in the middle worst case scenario you have someone affiliated with his campaign let's assume that the candidate himself is unaware, which is a perfectly reasonable assumption but you have somebody affiliated with his campaign who is working perhaps purposely with the Russian Government.

And that is an incredibly terrifying prospect, particularly if it was somebody close, particularly if it was somebody who might be who might take official position, you know.

So I don't I don't really have a better a better explanation at this point. I'm sorry.

Q No. That's very clarifying. Thank you.

The text two texts below that one says it's from Mr. Strzok it says: Thanks. It's absolutely true that we're both very fortunate. And, of course, I'll try to approach it that way. I just know it will be tough at times. I can protect our country at many levels.

I think this is still in the context of Mr. Strzok discussing whether he will pursue promotion or not. Can you explain what you meant Mr. Strzok to mean by protecting our country at many levels?

A So I'm not I mean, I'm not totally sure. I just I think that we are both kind of reflecting in general on how fortunate we are. We both have jobs that we absolutely loved with our whole heart, that literally both of us were the kind of people who never you know, occasionally have a bad day but like I have never not liked going to work. Like the FBI is an awesome place, and he feels the same way.

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And so I think that this is just a reflection of like, there are no bad choices here. You know, there is no wrong move. You are good at what you do. You will do well wherever you are.

I don't I don't know that I see it as particularly tied to the Russia investigation. I just think it's like: You're going to do good. You're good at what you do. Like, he worries. He overthinks. And so I think that this is just a like, you know, an attempt to sort of there are no wrong choices here.

Q Yes. So that's whether he remains in his current position or he does something else to try to get a promotion?

A Correct.

Q At either level he would be doing something he loves?

A The country is winning because he is protecting it from foreign threats.

Q And in the next text you say: I know it will too, but it's just a job, it's not a reflection of your worth or quality or smarts.

Does that add any context to what you were talking about?

A Yes. So, right, we're both smart, hardworking people, but we both have a lot of self doubt. And so this is a reflection of and not to intrude too much in his own personal business but this is a reflection of like: Do I put in for it? What if I don't get it? And like, you know, just like sort of the insecurity that comes, I think, with taking a chance at something that maybe is a little bit of a reach.

And so this is me just trying to sort of remind him that like a job is a job, you are good at what you do, it doesn't matter whether

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you get this or not. You are still you know, it's not a reflection of your worth or your quality or your smarts.

Q That makes sense. Thank you.

[Page Exhibit No. 5

Was marked for identification.]

BY MS. KIM:

Q I'd like to introduce a text message that I will label as exhibit 5. It is from May 3rd, 2016 May 4th, excuse me.

So on the evening of May 3rd, 2016, you and Mr. Strzok apparently texted about the events of the day, which was that Ted Cruz had dropped out of the Republican primary, which made Donald Trump the presumptive Republican candidate.

Sixth text from the bottom you wrote, quote, "And holy shit. Cruz just dropped out of the race. It's going to be a Clinton Trump race. Unbelievable."

About a minute later Mr. Strzok responded, in the text second from last, "Now the pressure really starts to finish MYE."

Can you tell us what you understand this statement to mean?

A Yes. So the Director was you know, certainly by May, the Director was very clear that like he wanted this case finished as far out as possible from the sort of political process as possible. And so we knew equivocally, you know, he wanted it done before the conventions, you know, to the greatest extent possible. If it wasn't possible, it wasn't possible.

But he wanted us out of the political process. He wanted it done.

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He wanted it resolved so that people could make their decision knowing what we had found with respect to her. Of course, we never in a million, zillion, jillion years could have anticipated that you know, what would come. But we he wanted us out of the sort of active political process that was happening.

And so now it's a two party race, right? Before while there's still candidates and there's still primaries that are sort of going on, you know, it's obviously still the political process, but like now we have a contest.

And so it very much for the whole team kind of upped the pressure to like, we've got to get this like now we have a two party race now. Like the pressure really increases to finish this investigation.

Q So the pressure comes from the fact that the general election campaign essentially started

A Correct.

Q when Ted Cruz dropped out.

A Correct.

Q And can you also remind me of where the investigation was at this stage in May 2016? You stated earlier that in this timeframe

A I mean, we had not seen sufficient evidence to be able to charge Secretary Clinton with anything at this point, and so the challenge was we still had investigative work to do. The work that was left was not necessarily of a kind that we thought was going to change the determination.

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But like nobody just to be clear, like nobody had a closed mind. This is not like the Pete and Lisa show about Hillary Clinton. This is every single there are four case agents, there are a slew of analysts, there are five prosecutors. I mean, so this is not this is the collective assessment of every person on the team.

And so we just were again, it was just a reflection that like we want out of this. So far there's not anything that's going to suggest that we are going to be able to charge her with anything, and so we've got to do this right but we've got to do this fast. So now like we need to close all the loose ends that are sort of hanging.

Q So you're not talking about pressure to stop taking valid investigative steps or pressure to come to a certain conclusion. Is that correct?

A No.

Q And you're not talking about pressure to curtail the investigation in any substantive way?

A No.

Q Did you ever feel that the FBI had to compromise on its investigative strategy because of the timing?

A No.

Q And in your view, did the FBI take all necessary and prudent steps it needed to in this investigation?

A Yes, definitely.

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[Page Exhibit No. 6

Was marked for identification.]

BY MS. KIM:

Q I'd like to direct you to the next text message, from July 1st, 2016. I'll mark it as exhibit 6.

So I believe you discussed this with the majority earlier. I'll direct you to the seventh text on the page, where Mr. Strzok wrote to you: "Holy cow, NYT breaking Apuzzo" I assume by "Lync" he means "Lynch" "will accept whatever rec D and career prosecutors make. No political appointee input."

Now, this text was several days after the June 27th meeting between Attorney General Loretta Lynch and former President Bill Clinton on the tarmac of the Phoenix Airport. To the best of your understanding, was this text about Loretta Lynch's announcement on July 1st that she would accept the recommendation of the FBI and the career prosecutors in this case?

A Definitely, yeah. Our phones are terrible, and they auto correct constantly, usually with fake words. So "Lync" is pretty good.

Q Mr. Strzok and you in this exchange both expressed displeasure about the timing of this announcement. So he wrote, two texts down from the one that I just referred to, he said: "Timing looks like hell. Will appear choreographed."

Can you explain what that concern was?

A Yeah. So we, the FBI, know that the Director is making a statement in 4 days. Obviously, the Justice Department doesn't know

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this. And so this is a reflection of us like, ugh, her number one, her saying this makes it look like you know, the whole purpose of us doing this on our own was to be independent and to show like we're not you know, we know the Justice Department agrees with us because we are lockstep every step of the way.

So it's not as though I guess that is a point I didn't really clarify earlier it's not as though we are usurping the role of the Justice Department in making a prosecutorial decision, because we know the Justice Department is going to agree not to prosecute, because we have worked in tandem with the Justice Department at every single step at every part of the investigation.

So it's not really fair yes, it's obviously atypical for him to have made the statement on his own, but I really disagree, especially at the time the sort of commentary that it was like a usurpation of a prosecutorial function, because he wasn't usurping anything.

Number one, he was saying, we you know, it's our recommendation that there's no prosecution. And, in fact, he was giving the Justice Department cover by saying no reasonable prosecutor would bring this case.

He is literally saying they're not being sleazy, political scumbags by not bringing this, me, Jim Comey, with all my, you know, in all my glory, I'm telling you no reasonable prosecutor would bring this case. I mean, it was really designed to insulate the Justice Department, not sort of usurp some righteous authority.

So back to your question, what he's saying is like, ugh, this makes

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it sound like we are in some way working with or working in tandem with respect to the July 5th statement, because, again, we know the statement's coming, the Justice Department doesn't. And so that's what that's a reflection of.

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BY MS. KIM:

Q Earlier you were discussing with the majority the back and forth between DOJ and FBI about what statute to charge under. You just told me that no reasonable as Jim Comey said, no reasonable prosecutor would charge under this case. Do you remember if the Justice Department explicitly ordered or directed the FBI not to charge under the gross negligence statute?

A It doesn't really work that way. You're sort of framing it in too formal a way. We had multiple conversations about whether the facts and the evidence gathered to date was sufficient to make out a charge of gross negligence and, more importantly, to prove beyond a reasonable doubt that she was grossly negligent in her handling of classified material.

And the Justice Department's explanation was that both, A and, again, there might be more depth to this, but this is just all I know, but that it was that the statute was constitutionally vague and had only been charged once, either not at all or once in like 100 years. And I had a B, and I don't remember what it is now. But, more importantly, I think, you also have to be sort of reasonable and thoughtful about what we're talking about here.

You better have a super airtight case if you are about to charge a presidential candidate with anything, you know. It doesn't really matter what we're talking about. And so the prospect of bringing a charge even if potentially you had the elements, which I'm not certain that we did, but even if you had the elements on a statute that has

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either never been tested or is the assessment of the Justice Department is that it is potentially an unconstitutional statute, which is why it hasn't been charged, that's just I mean, nobody would do that.

Q So I think that's helpful. I just want to understand then, so it wasn't the Justice Department giving any kind of formal or informal order to the FBI not to charge under gross negligence?

A But you're misunderstanding. We don't charge anything. The FBI does not bring charges.

Q Understood.

A So the FBI investigates a case and then refers it to the Justice Department for charges. So if something was going to be charged, it is the Justice Department who decides to charge that.

During the course of an investigation, the Justice Department might be advising the FBI that I think that we'll be able to make out a, you know, wire fraud case, so these are the types of evidence to look for. Or we might be able to make out a terrorism case and so we need to have the person say this or whatever.

But so, you know, that sort of back and forth consultation happens, but the FBI does not bring charges. The Justice Department brings charges, and it was the Justice Department's assessment that they did not have whether they had I don't know whether they had evidence or not of gross negligence but that gross negligence was not available as a statute to bring because it's of its constitutional vagueness and its untestedness in court.

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Q I understand that. Let me try this another way maybe.

A Okay. Sorry.

Q So let's say it had been a 50/50 shot whether the gross negligence statute should or should not be applied. Let's say it was a closer question than the one that was at hand here.

A Okay. Based on the evidence?

Q Based maybe we're talking about a different statute that sometimes it's brought and sometimes it's not. In Jim Comey's opinion, in the opinion of Jim Baker, in your opinion, in the Office of OGC's opinion, it had been a sound statute to bring the case under.

A Okay.

Q But the Department of Justice had simply disagreed with the FBI. Does the FBI have the ability to recommend charges?

A The FBI has the ability to recommend charges.

Q Yes.

A The FBI has no ability to bring charges or to require or force charges to be brought, right. So just to like use a hypothetical so we're not talking about something confusing. We are investigating a wire fraud case wire fraud is not a good example. We're investigating a bank robbery. The FBI thinks that Susie is the bank robber. We're not great. It's the evidence is kind of close because Mary was there too, and they look pretty similar and whatever. There's other evidence that suggest it's Mary or Susie. We feel like it's Susie, we want Susie charged, we go to the Department, we lay out all the evidence. If the Department doesn't think they can prove that

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Susie committed the bank robbery beyond a reasonable doubt, that case ain't getting brought, doesn't matter what the FBI does.

Q That makes sense. And I apologize for sending us into the fantasy land of hypotheticals.

A No. No. That's okay.

Q But let me just bring it back here. I think the allegation at hand is that the Department of Justice may have instructed the FBI that it had no intention of charging under a valid statute. Was that the case

A Oh.

Q in the case of the gross negligence statute?

A No.

Q No.

A No. Sorry.

Q In fact, it was an antiquated statute not in use that the Department of Justice believed was constitutionally vague unconstitutionally vague. Is that correct?

A That's correct. Sorry.

Q Okay. No. No. That's all I wanted to say. I feel like earlier there was a colloquy where maybe questioners were left with the impression that the Justice Department had abandoned a valid bridge.

A Oh, no, no. I don't it is my view and, again, I'm speaking for the Justice Department, which is a dangerous thing to be doing. It is my belief that the Justice Department did not believe

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that gross negligence was an available statute because they regarded it as unconstitutionally vague.

Q Understood. Thank you.

So returning then to this text message, when Mr. Strzok wrote to you that timing looks like hell, did he mean that the Department of Justice and the FBI were precoordinating about Director Comey's statement?

A They were not.

Q And you wrote about seven messages from the bottom of the page: Yeah, it's a real profile in courage since she knows no charges will be brought. Were you expressing the fact that Loretta Lynch had some kind of knowledge of the draft that Jim Comey was coming up with?

A No. No. No. This is not a reflection of the draft at all. This is, as I described, I think, with the majority earlier, this is a reflection of my presumption that at this late stage of the investigation where everybody on both sides knows that there are few, if any, investigative steps to take that surely the attorney general knows that there is going to be a recommendation for no prosecution in this matter.

And so I don't again, I don't have actual knowledge of that. It is a text message. It's not designed to be a full colloquy of my entirety of my knowledge. But it is just a reflection of that fact that we're at the end of the investigation. She knows nobody is going to be charged. So instead of just sort of well. I don't know that's enough, I think.

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Q Sure. So did you mean to be totally clear, did you mean that AG Lynch had directed, ordered, or otherwise interfered with the FBI to order that no charges be brought against Hillary Clinton?

A No.

Q I'll introduce the next text.

[Page Exhibit No. 7

Was marked for identification.]

BY MS. KIM:

Q It's Exhibit 7. August 5, 2016, text about a meeting. Let me direct you to about halfway down the page, a little below halfway down the page. Mr. Strzok wrote to you, quote: And hi. Went well. Best we could have expected other than, redacted, comma, quote, the White House is running this.

Next text you stated

A Yep.

Q or, sorry, next text he stated, my answer, well maybe for you they are. And in response to these texts you wrote, yeah, whatever, re the White House comment. We've got emails that say otherwise. Do you remember what this meeting was about?

A I do. But a further explanation will call for classified information, so we should table that, please.

Q So any further discussion of this text will call for classified information?

A It is about again, like the last time, it is about the broader intelligence community's investigation of Russian active

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measures.

Q And not about the specific Russian collusion investigation?

A Definitely not. I mean, that's a reflection of like the White House is running this. My answer, well, maybe for you they are, right. We are thinking about our counterintelligence investigation

Q I see.

A which the White House isn't touching, right. I'm not sure the White House knows about it because that's not how the FBI works. They are talking about the broader Russian active measures sort of intelligence assessment and sort of work that was going on among the sort of large intelligence agencies, and so that's the sort of difference there.

Q Thank you. I think that's the level of detail we needed.

A Okay. Okay. Great.

Q And just to clarify, so then also the September 2, 2016, text I won't introduce this, but it's the one where I think Mr. Strzok was helping prepare Director Comey for his meeting with POTUS where POTUS wants to know everything we are doing. Again, that was about the broader IC effort

A Yes.

Q not about the specific Russia collusion investigation?

A That's correct. Although I think it's me who said that, but, yes.

Q Thank you.

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A And the "we" is like a collective we. Like, we FBI, other agencies, et cetera. I'm not sure it's it's the entire intelligence community, right.

Q Yes.

A The President wants to know what's up from all of us, not like what the FBI is doing.

Q Yeah. Got it. Thank you.

Let's return or let me introduce a text you've already seen before. I'll mark that one as Exhibit 8.

[Page Exhibit No. 8

Was marked for identification.]

BY MS. KIM:

Q It's the one about I unleashed it with MYE. Now I need to fix it and finish it.

If you could turn to the third page actually. So it's double sided, so if you yes. On the third page, four texts down, Mr. Strzok wrote: Who gives an F? One more AD like, redacted, or whoever. An investigation leading to impeachment, question mark?

A Right.

Q Can you explain how you understood that text?

A Yeah. So this is all I mean, I hope that you have read the whole rest of the excruciating detail, only because you can see both of us are going back and forth about whether or not to join the Mueller team, which, as an aside, I will simply say, if we were desperate to take down Donald Trump, we would both be there and active and wouldn't

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have hesitated at all.

And yet, all of these texts reflect a genuine sort of indecision about what was best for us individually, what was best for us in the context of our respective families, what was best for us professionally. I mean, like that is what these pages of texts all reflect for each of us and for different reasons, ultimately.

But, again, this is the sort of same thing. This is in the context of like again, and above you'll see if you don't mind, I would like to sort of go back a little bit

Q Certainly.

A to the top of the page. This is me to him: You shouldn't take this on. I'm referring to joining the special counsel team, right. You shouldn't take this on. I promise you, I would tell you if you should. And then he's trying to convince me about why I should stay. And then he says: Why not, re me? He says the quote the text you just read. And I say, let's just talk about it later, but that doesn't work obviously.

But the point is, again, he's trying to sort of now give the counter point again, which is okay, so I become another you know, I stay in place to get my next promotion. And so now I become another AD, you know, the sort of assistant director, the head of a division, you know. Okay. That's fine. But as I described earlier, an investigation it doesn't say which may lead to impeachment. Obviously, we had no idea. There's no preconceived notion here. There's no determination because we've talked ad nauseam about the fact

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that we still don't know what's going on at this point.

So, yes, it's a shorthand. The words which may or could or possibly should be there, but it's just a stupid text. And so an investigation leading to impeachment is simply saying like, that's a momentous thing. That doesn't happen a lot in American history. We're both nerds. We're both, you know, patriots. Being a part of something like that is cool. And in the same way that I said people who are on Watergate are still known as Watergate prosecutors whether they were, you know, the clerk who made the copies, like you're on Watergate. And so that is all that that is a reflection of.

Q Understood.

And then it's, in fact, shortly after that text that and I'm sorry to give you these like odd numbers. But six texts from the bottom, Mr. Strzok again is taking the other side now. So he's like: The odds could be nothing the odds are nothing. If I thought it was likely, there would be no I would be there no question. I hesitate in part because of my sense and concern there's no big "there" there.

I guess, taking those two together, do you take them to mean that he is inspecting the entire spectrum of different outcomes the case could have?

A Yes. This is this whole series of texts represents ambivalence for both of us, for a variety of reasons, including personal ones, which are obviously evident in here and so there's no reason to hide it. But, right, like we can't work closely on another case again.

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I obviously want you I've already joined the team, but I obviously want you to do what's right for you.

I don't necessarily intend to stay, but, of course, I'm also torn, as I've already sort of described, because it is, you know, an enormous honor to be asked and to be a part of something sort of that's quite historic. On the other hand, I really want to go home and be a mom and sort of not be gone all the darn time.

And so the whole you have to keep it in the context of the entire series, which you actually have before you, which is like, yeah, I suppose that's right, but, God, we're a good team. Is that playing into your decision to your advice to me? And I'm saying, no, not at all. I just think we're both ready for a change truly.

You know, and then he goes to, well, then it's about the different realistic you know, this is just reflex ambivalence. This is not about wanting to get Donald Trump or I mean, it is purely our own sort of personal choices and what is best for us, and as friends, trying to support each other in weighing what is what would be best for each of us, both personally, professionally, and all the other things I already said.

Q Thank you for going through the text messages with me. I know that must not have been very pleasant.

A This is nothing.

Q No. You know, many of these texts have been used as political fodder or evidence accusing the FBI of being biased and corrupt, accusing you and Mr. Strzok personally of being bias and

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corrupt. Can you just I'd like to give you the opportunity to directly respond to anything you think is missing for the record.

A Excuse me.

Q Let's go off the record.

[Recess.]

BY MS. KIM:

Q And, again, let me just explain myself. I understand this is very emotional. I understand this has been an extraordinarily public trial before the IG report even came out, and I am so sorry for everything you've gone through.

I would just like to give you the opportunity to put on the record anything that you would like to put on the record because I don't think you've been given that chance. I don't think that's an opportunity that people in your position get.

A No, it's not. This has been obviously the worst year of my life. I have unquestionably made mistakes, but those mistakes reflect my personal life and having bad judgment. But we have both been committed to the defense of this country for our entire careers, both of us.

So we have been caught up in politics, and I understand that that happens, and certainly, if I had this to do over again, I wouldn't write this shit down in my personal in a work related text message. But we have not been treated fairly.

What matters is our actions. Our personal views, regardless of what they are, are irrelevant. What matters is what we do. And over

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and over and over and over again, there is absolutely nothing that anyone can point to to suggest that we ever took any step that was inappropriate. And, in fact, with all fairness, you all have my every sentiment before you. It's not like we held back in here.

So if there was something to find, you have every single email we have ever exchanged. You have all of these text messages. There is nothing to find here. We did a good job on both cases, and we did it the way the American people would expect us to do it.

If you have more questions, you can go. It's fine. It's fine. Don't worry about the time let's just do it.

Q Off the record.

[Recess.]

BY MS. KIM:

Q I also want to give you a chance to respond to another allegation that was made extremely publicly yesterday. Republicans have been making the general point that an affair can be a blackmail risk, a national security risk, and have speculated about whether you and Mr. Strzok posed a national security risk because of the fact of your relationship could be used to coerce or blackmail you. Would you like to respond to that allegation?

A I mean, it is untrue because we have always put our country first. And so we are well trained. We can recognize an approach. Any attempt at compromise would not have been successful.

Q And, in fact, there was no such attempt at compromise?

A No.

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Q Thank you.

BY MS. HARIHARAN:

Q Okay. So let's just go back a little bit to your time with the special counsel's investigation just, again, to clarify for the record. You had mentioned you were there for about roughly 45 days. As much as you can in this context, you know, generally describe your responsibilities on the team would be helpful.

A Yeah. So they were super fluid because the team didn't really exist. It was quite limited at that time. And so my I think I can't say that I had a formal role that was being discussed at length sort of if I was going to stay. I was having a number of conversations about what role I would take because I didn't necessarily want to be a prosecutor again, although that was available to me if I wanted to. And I went back and forth on that too, frankly.

But so largely, you know, I brought institutional knowledge with me, and I brought who and how the FBI works with me. Obviously, both Bob Mueller and Aaron Zubly also had sort of extensive FBI experience, but things change and people change, and sort of the getting things done at the Bureau piece of things, having worked for the Deputy Director and that's, you know, sort of what I helped him do as well.

I sort of largely played that facilitative role and, again, kind of helped bridge the excuse me, bridge the gap and transition between what we as a team knew and the evidence that we had gathered to date on the collusion investigation and sort of imparting that knowledge to the new special counsel team.

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Q And in part, is it fair to say that, you know, since it had just started, no one really knows what they had, so what they needed in terms of personnel was still up for grabs?

A No. I wouldn't say it had just started, right, because it had been ongoing at this point for 8 or so months. But, yes, it was being consolidated in a way that was actually going to make it more efficient in some ways. And at this point, from the beginning of the year through the appointment of special counsel, the case had been somewhat bifurcated in an attempt to sort of relieve so much responsibility, in part, on Pete, because he was a DAD running these massive other national security programs and sort of, you know, responsible for this investigation, although not so much responsible for the day to day.

And so there was an effort to sort of split up the responsibility of the Russia collusion investigation from January until the appointment of Bob Mueller. And so while that might have lessened the workload, it also made for greater inefficiencies because now you have two people kind of working different targets but needing to sort of coordinate.

And so the point being is I'm not sure I helped necessarily with personnel so much as sort of these are the buckets as we see them. These are the sort of these are the subjects. These are the types of crimes. These are the sort of things that we're looking at and sort of help them stand that up.

Q So, I mean, so it's fair to say though that you

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weren't didn't have like decisionmaking authority

A No. No.

Q because it was still very even though it was still very fluid?

A I didn't have decisionmaking authority full stop.

Q Okay. So part of the reason for asking that is, you know, there have been accusations levied against both you and Mr. Strzok that your the perception of bias in your text messages has affected the outcome or and infected the Mueller investigation, and we just want to give you an opportunity to respond to that.

A Well, so it didn't. But I think it actually an important thing to note is that and I think it came up yesterday. Although, I don't really remember now initially Pete was not brought over as the senior executive to run the investigation. Another individual was, and that was not successful. It was not a good match with Mr. Mueller. He did not really have the sufficient counterintelligence background to be effective.

And so in part because I think Pete's superiors wanted him to stay in place, wanted him to sort of do his time in that so that he would be eligible for the next job and he could sort of move up the career ladder, and in part reflecting Pete's own desire, as I sort of talked about the ambivalence back and forth, he stayed at the FBI for, I don't know, about maybe the first month of the special counsel actually. And when the person that they brought over was just determined to not be the right fit, everybody resorted back to the logical conclusion, which

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was to bring Pete back over to the special counsel.

BY MS. KIM:

Q Do you know the dates or the approximate dates when you joined and left the special counsel's investigation?

A So, yeah. He Mr. Mueller asked me to join on the 18th, so 18th or 19th ish. And it was 45 I mean, maybe not to the day, but to the Friday or the Monday ish, 45 days from there were my dates, so end of June or something like that.

Q And this may sound like an elementary point, but to your knowledge, has the special counsel's investigation had an outcome? Has it come to its conclusion?

A Well, they've had a lot of indictments, but I don't know what the outcome is. I don't know what a conclusion looks like, so I'm not really I can't really speculate as to that answer.

Q So what would you say to allegations that you or Mr. Strzok tainted the outcome of the special counsel's investigation?

A It hasn't happened yet.

Q I think that concludes our round of questioning for today. Thank you so much.

A You're welcome.

Mr. Somers. I think I just want to thank the witness for her appearance today. And I also want to we're going to hold this open and resume this transcribed interview on Monday. We believe that the start time will be 2:00, I think. But we want to keep the transcript open and just resume so I don't have to read the preamble all over again.

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Mr. Jeffress. Can it be understood she has she must stop at 6:00 p.m., so could we start earlier given that or

Mr. Somers. Let me take that back and see if we can start earlier.

Ms. Page. Maybe a little bit later, but not 11:00. I can't go until 10:00, and I can't go until like 8:00. I'll go but I just if we can start earlier, that would be better, if possible.

Mr. Somers. I'll take that back and see what we can do. Do you have a restriction on how early we can start?

Ms. Page. No.

Mr. Somers. I know we can't get the transcript of this until

Mr. Jeffress. We just want it to exist. We don't need to review it. We can start whenever you all want to start.

Mr. Somers. I'll take that back and see what we can do.

And I'll just note to the Department, just because the chairman asked me to, that he continues to be frustrated by the assertion of the or not allowing the witness to answer questions about the beginnings of the Trump Russia investigation, that he believes it goes against the long established position of the House of Representatives that in congressional proceedings committees are not required to recognize unconstitutional privileges. I just want to note that for the record. I'm sure there will be continuing discussions between the chairman and the Department about these objections.

And with that, we'll stand in recess until Monday at a to be determined time.

[Whereupon, at 6:19 p.m., the interview was concluded to be

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reconvened on Monday July 16, 2018.]



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