

\*\*\*\*\* C O N F I D E N T I A L \*\*\*\*\*

SENATE JUDICIARY COMMITTEE  
UNITED STATES SENATE  
WASHINGTON, D.C.

INTERVIEW OF:

CASE AGENT 1

FRIDAY, SEPTEMBER 25, 2020

The interview in this matter was held at the Senate Dirksen Building, Hearing Room 226, commencing at 10:06 a.m.

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I N D E X

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EXAMINATION BY:

COUNSEL FOR THE MAJORITY:

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By Mr. Somers: 10, 74, 147, 214

COUNSEL FOR THE MINORITY:

By Mr. Haskell: 62, 123, 199

By Ms. Zdeb: 62

## P R O C E E D I N G S

1  
2 MR. SOMERS: This is a transcribed interview of  
3 [REDACTED]. Chairman Graham requested this interview  
4 as part of an investigation by the Senate Judiciary  
5 Committee in matters related to the Justice Department's  
6 and the Federal Bureau of Investigation's handling of  
7 the Crossfire Hurricane Investigation, including the  
8 applications for or renewal of Foreign Intelligence  
9 Surveillance Act warrants on Carter Page.

10 Will the witness please state his name and his  
11 current position with FBI for the record.

12 THE WITNESS: [REDACTED], supervisory  
13 special agent.

14 MR. SOMERS: On behalf of Chairman Graham, I  
15 want to thank you for appearing today and we appreciate  
16 your willingness to appear voluntarily.

17 My name is Zachary Somers. I'm the chief  
18 investigative counsel for the Majority on the Senate  
19 Judiciary Committee. I'd now like to ask everyone else  
20 who is here in the room other than your personal counsel  
21 to put their name on the record.

22 MR. BAKER: Arthur Baker, senior investigative  
23 counsel for the Majority staff, Senate Lindsey Graham,  
24 Chairman.

25 MR. HASKELL: Alex Haskell, Ranking Member

1 Feinstein, Minority staff of the Judiciary Committee.

2 MS. ZDEB: Sarah Zdeb, senior counsel for the  
3 Minority Ranking Member Feinstein.

4 MR. FAUSETT: Good morning. I'm Andrew Fausett,  
5 senior counsel for Ranking Member Feinstein for National  
6 Security.

7 [REDACTED] [REDACTED], FBI OGC.

8 [REDACTED] [REDACTED], FBI OGC.

9 [REDACTED] [REDACTED], FBI Office of General  
10 Counsel,

11 [REDACTED] [REDACTED], FBI OGC.

12 [REDACTED] [REDACTED], FBI OCA.

13 [REDACTED] [REDACTED], DOJ OLA.

14 [REDACTED] [REDACTED], DOJ OLA.

15 MR. SOMERS: Thank you.

16 The Federal Rules of Civil Procedure do not  
17 apply in this setting, but there are some guidelines  
18 that we follow that I'd like to go over.

19 Our questioning will proceed in rounds. The  
20 Majority will ask questions for an hour and then the  
21 Minority will have an opportunity to ask questions for  
22 an equal period of time. We will go back and forth in  
23 this manner until there are no more questions and the  
24 interview is over.

25 Typically, we take a short break at each hour of

1 questioning. If you want to take a break apart from  
2 that, please let us know.

3 As I noted earlier, you're appearing today  
4 voluntarily and, accordingly, we anticipate that our  
5 questions will receive complete responses. To the  
6 extent that you decline to answer our questions or if  
7 counsel instructs you not to answer, we will consider  
8 whether a subpoena is necessary.

9 As you can see, there's an official reporter  
10 taking down everything that is said to make a written  
11 record. So we ask that you give verbal responses to all  
12 our questions.

13 Do you understand that?

14 THE WITNESS: I do.

15 MR. SOMERS: So that the reporter can take down  
16 a clear record, it is important that we don't talk over  
17 one another or interrupt each other if we can help it.

18 The Committee encourages witnesses who appear  
19 for transcribed interviews to freely consult with  
20 counsel if they so choose, and you are appearing today  
21 with counsel.

22 Could your counsel please state their names for  
23 the record.

24 MS. ARGENTIERI: Nicole Argentieri, O'Melveny &  
25 Myers.



1 MR. HEISS: Howard Heiss, O'Melveny & Myers.

2 MR. SWICK: Richard Swick, Swick & Shapiro.

3 MR. SOMERS: We want you to answer our questions  
4 in the most complete and truthful manner possible. So  
5 we will take our time. If you have any questions or if  
6 you do not understand one of our questions, please let  
7 us know.

8 If you honestly don't know the answer to a  
9 question or do not remember it, it is best not to guess.  
10 Please give us your best recollection and it is okay to  
11 tell us if you learned the information from someone  
12 else. If there are things you don't know or can't  
13 remember, just say so and please inform us who, to the  
14 best of your knowledge, might be able to provide a more  
15 complete response to the question.

16 You should also understand that although this  
17 interview is not under oath, you are required to  
18 answer -- you're required by law to answer questions  
19 from Congress truthfully. Do you understand that?

20 THE WITNESS: I do.

21 MR. SOMERS: This also applies to questions  
22 posed by Congressional staff in interviews. Do you  
23 understand this?

24 THE WITNESS: I do.

25 MR. SOMERS: Witnesses who knowingly provide

1 false testimony can be subject to criminal prosecution  
2 for perjury or for making false statements. Do you  
3 understand this?

4 THE WITNESS: I do.

5 MR. SOMERS: Is there any reason you are unable  
6 to provide truthful answers to today's questions?

7 THE WITNESS: No.

8 MR. SOMERS: Finally, we ask that you not speak  
9 about what we discuss in this interview with anyone else  
10 who is outside of the room -- who is not here in the  
11 room today in order to preserve the integrity of the  
12 investigation.

13 That's the end of my preamble. Do you have any  
14 questions before we begin?

15 THE WITNESS: Not at this moment.

16 [REDACTED]: Mr. Somers, I just want to clarify  
17 or verify for the record, we're in an unclassified  
18 setting today?

19 MR. SOMERS: That is correct.

20 [REDACTED]: [REDACTED], you understand that.  
21 Correct?

22 THE WITNESS: I do, yes.

23 MR. SOMERS: It is now 11 after 10. We will  
24 begin our first round of questioning.

25

## EXAMINATION BY THE MAJORITY

BY MR. SOMERS:

Q. [REDACTED], have you read or reviewed the IG's December 2019 report on the Carter Page FISA application?

A. I have, yes.

Q. And for the record, are you the person identified as Case Agent 1 in that report?

A. I am.

Q. Other than your personal counsel and attorneys here from the FBI and DOJ, did you consult with anyone in preparation for today's interview?

A. I did not.

Q. From the IG report and the electronic communication that opened the Crossfire Hurricane, it appears the investigation was opened on July 31, 2016. What was your position at the FBI on July 31, 2016?

A. On July 31, 2016, I was a special agent assigned to the New York Office.

Q. And when were you assigned to the Crossfire investigation?

A. I received a call that Friday, I think the 30th of July, if I recall correctly. I returned a message from SSA 1 asking -- left a message for me to call him back. I called him back the following day and

1 I appeared down in Washington, D.C. FBI Headquarters on  
2 August 3, 2016.

3 Q. August 3rd, and that was a temporary duty  
4 assignment?

5 A. That was, yes.

6 BY MR. BAKER:

7 Q. And you said you were assigned where?

8 A. New York Office, New York Field Office.

9 Q. So did you know SSA 1 prior to you being  
10 called and told to report?

11 A. I did, yes.

12 Q. What was the nature of that relationship?

13 A. I had finished up an 18-month TDY that  
14 turned out to be a 20-month TDY at FBI Headquarters in  
15 the [REDACTED] unit, one of the units.  
16 I knew SSA 1 from my time at FBI Headquarters.

17 Q. Did you have a supervisory relationship  
18 with him? Did he supervise you?

19 A. No. I was a program manager in  
20 Headquarters. So he was a GS-14. I was a GS-14 at  
21 Headquarters. We interacted on day-to-day activities of  
22 the squad. I oversaw a portion and he oversaw a  
23 portion.

24 Q. When you say a program manager, what is  
25 that?

1           A.       A program manager is GS-14 that comes to  
2           Headquarters typically on a 18-month TDY to work in a  
3           specific unit. That unit has an SSA. The program  
4           manager is a supervisory special agent that reports to a  
5           unit chief at Headquarters. You oversee a specific  
6           program at FBI Headquarters.

7           Q.       What type of squad were you on?

8           A.       At FBI Headquarters?

9           Q.       Yes.

10          A.       It was a [REDACTED]

11          Unit.

12          Q.       And this was your first tour?

13          A.       This was my first tour, yes.

14          MR. BAKER: Thank you.

15          BY MR. SOMERS:

16          Q.       I'm sorry if I missed it. When was that  
17          Headquarters program manager assignment?

18          A.       I came down to FBI Headquarters in  
19          November 2014, finished up my assignment at the end of  
20          June 2016.

21          Q.       So you weren't gone for long then?

22          A.       I was gone for a month.

23          BY MR. BAKER:

24          Q.       But that is -- your first tour is where  
25          you met SSA 1?

1           A.       I knew of him. I was in the Russian  
2 Counterintelligence Program for about 10 years prior to  
3 the Headquarters tour. I knew SSA 1 just through  
4 rotation.

5           Q.       So how long have you been in the Bureau  
6 total?

7           A.       It will be 16 years on October 31st.

8           Q.       So is Russian counterintelligence, for  
9 lack of a better term, your area of expertise?

10          A.       It was up until, roughly, 2017 when I  
11 switched over to Chinese counterintelligence.

12          Q.       But the CI world is what you're versed in  
13 in the Bureau?

14          A.       That's correct.

15          Q.       You switched the country?

16          A.       Correct.

17          MR. BAKER: Okay. Thank you.

18          BY MR. SOMERS:

19          Q.       Just to wrap up some of our dates here,  
20 when did you rotate off? When did you stop your  
21 involvement with Crossfire Hurricane?

22          A.       Roughly, February 2017. I competed for  
23 and received a supervisory special agent job in the New  
24 York Office in Chinese counterintelligence. I was named  
25 to that position in February of 2017. At that point, I

1 started to unwind my work to get up to speed in my new  
2 squad.

3 Q. Did you have a -- that's when you  
4 formally broke with Crossfire Hurricane? Did you have  
5 any involvement after February of 2017?

6 A. I did to a limited degree. I  
7 participated in the interviews of Carter Page when they  
8 occurred. I believe the first was one was in March  
9 2017.

10 BY MR. BAKER:

11 Q. So did you finish your complete TDY  
12 before you reported to your new assignment or you left  
13 earlier?

14 A. Yeah. I did. To clarify, I went to FBI  
15 Headquarters to work Crossfire Hurricane in August 2016.  
16 I got back to New York in November. I think it was the  
17 3rd of November of 2016. I continued to work --

18 BY MR. SOMERS:

19 Q. So you were only in -- you were at  
20 Headquarters -- I just want to make sure I'm following  
21 this correctly.

22 A. Sure.

23 Q. You were at Headquarters from August 3rd  
24 to November of 2016?

25 A. That's correct.

1 Q. You remained on the case, investigation,  
2 from November to February 2017 like a formal -- that was  
3 an assignment role?

4 A. Amongst others, yes. I was still running  
5 other cases.

6 Q. Then you had some involvement after  
7 February?

8 A. Not as a case agent, but because I knew  
9 of the investigation in Carter Page, I participated in  
10 the interviews.

11 Q. Any other involvement than those Carter  
12 Page interviews?

13 A. I did the -- I looked at the Woods for  
14 the second renewal which was done in April 2017.

15 Q. Did you sign the Woods form on that?

16 A. Yes.

17 Q. Did you do any -- did you help out at all  
18 with the Woods process on the final?

19 A. I did not. The Woods process, just to be  
20 clear, there are several steps in the Woods process. So  
21 what do you mean by the --

22 Q. I mean did you -- so as I understand the  
23 Woods process, shortly before a -- and it's, obviously,  
24 a long Woods process that goes on, but what I was  
25 referring to, and I should have been more specific, was



1 my understanding is shortly before a FISA is submitted  
2 for final reads by everybody, the case agents and a  
3 supervisor go over the file, whether it's physical or on  
4 a computer, and make sure that the allegations in the  
5 FISA line up with the allegations in the Woods file.

6 So what I was asking you is did you take part in  
7 the sort of final records check on the third renewal?

8 A. The third renewal, no.

9 Q. But you did for the --

10 A. The initiation, the first renewal, and  
11 the second, I played the role of supervisor through the  
12 Woods process.

13 Q. You signed the Woods form for the second  
14 renewal as a supervisor?

15 A. Correct.

16 BY MR. BAKER:

17 Q. While we're on Woods, I would just be  
18 curious. From your perspective, what is the -- how is  
19 the responsibility on the Woods requirements divided  
20 between, say, a case agent and the supervisor? It's my  
21 understanding that there's a little bit of role from  
22 both.

23 A. Correct.

24 Q. How exactly is that?

25 A. As a case agent, you're responsible for

1 taking what we call a cert copy of the FISA application  
2 going to the court, going through that FISA essentially  
3 line by line absent some of the rote language [REDACTED]  
4 [REDACTED] and whatnot, but marking down each  
5 factual assertion and then the case agent provides  
6 documentation to back up the factual assertion and the  
7 assessment or each statement and to mark those off so  
8 each factual assertion has the backup documentation.

9 The case agent then usually hands it over to the  
10 supervisor. How the supervisor does it depends on the  
11 supervisor. The supervisor will then go either alone or  
12 with the case agent in the room with him or her,  
13 ensuring that there is proper documentation for each  
14 factual assertion in the document, and then once  
15 that's -- sometimes there's some questions as far as  
16 where a document is. There is -- the Woods file itself  
17 can be quite lengthy at times, and he just ensures that  
18 there is proper documentation and then also to ensure  
19 there are no transposing of phone numbers, email  
20 address, things along those lines; and they sign the  
21 Woods document and it get passed over to -- up to  
22 Headquarters.

23 BY MR. SOMERS:

24 Q. In this process, does it ever  
25 occur -- I'm just asking a general question, not a

1 specific. In that process, does it ever occur that a  
2 supervisor comes back to the case agent and says this  
3 allegation is not supported by the Woods file? Have you  
4 ever experienced that?

5 A. Not necessarily, not in my experience.

6 Q. So more minor errors might occur?

7 A. Correct.

8 Q. And then, as I understand it, the four  
9 Carter Page FISA applications, the actual FBI agent or  
10 supervisory special agent that signed those FISAs was  
11 not either the case agent assigned or the supervisory  
12 special agent assigned. Who signed the Woods form was  
13 actually the Headquarters program manager; is that  
14 correct?

15 A. Yes.

16 Q. Is that --

17 A. Yes.

18 Q. What I was really going to ask you is  
19 have you ever played that role?

20 A. As the affiant on a FISA? Yes. Your  
21 question is have I been an affiant on a FISA?

22 Q. Well, you said earlier, I think you said,  
23 you were a program manager.

24 A. Right. Right.

25 Q. So I'm asking while you were a program

1 manager, had you ever served a similar role?

2 A. As an affiant of a FISA, yes, I have.

3 BY MR. BAKER:

4 Q. Before, you said, when you were  
5 explaining a second ago about Woods, that there was some  
6 language. I think you said rote language.

7 A. Yes, sir.

8 Q. Would that mean the same thing like  
9 boilerplate or something that goes in all --

10 A. Yeah. That goes in all, [REDACTED]  
11 [REDACTED]  
12 [REDACTED]. That's the language  
13 that's typically kept at Headquarters. That's something  
14 that the field is not expected to provide Woods  
15 documentation for.

16 Q. So that would be something that somebody  
17 at Headquarters has and puts it in --

18 A. Should.

19 Q. -- the appropriate place?

20 A. Yes. Does it exist, yes. [REDACTED]

21 [REDACTED]  
22 [REDACTED] Yes.

23 BY MR. SOMERS:

24 Q. So in terms of the Woods process, what  
25 role does the Headquarters program manager play?

1 A. The program manager --

2 Q. Let's ask specifically. I'm asking  
3 specifically for the Carter Page FISA applications.  
4 What role did the Headquarters program manager on the  
5 three that you worked on, what role did they play?

6 A. They played the role of the affiant.

7 Q. And what was their role in the Woods  
8 process?

9 A. The program manager receives the Woods  
10 documentation from the field and the affiant reads  
11 through the FISA, ensures as the program manager to the  
12 best of their knowledge that the facts line up with what  
13 they are aware of and signs the Woods application that  
14 says that it's accurate and true to what you believe at  
15 the time.

16 The program managers are not case agents.  
17 They're not involved in all the details of case. They  
18 do receive the Woods from the field, ensuring that the  
19 Woods procedure is followed, and you run checks on the  
20 names or checks that are done on the Headquarters level,  
21 and then you sign the form. I think there's another  
22 Woods form, if I recall correctly.

23 MS. ARGENTIERI: Just to clarify, you weren't  
24 the program manager for the Carter Page?

25 THE WITNESS: Correct. I was not the program

1 manager. This is just what an affiant does. That is  
2 the program manager portion.

3 BY MR. BAKER:

4 Q. And CI is most of your world, but --

5 MS. ARGENTIERI: Just for the record, he wasn't  
6 the affiant. So [REDACTED] was just testifying about the  
7 process and what he was familiar with.

8 BY MR. BAKER:

9 Q. So this program manager, his role or her  
10 role seems different to me than in a regular criminal  
11 case; whereas, there's kind of a case agent that's  
12 taking this thing all the way through and they're  
13 ultimately the ones that present it to the court and  
14 swear under oath. This program manager, you said is not  
15 really part of the investigation per se?

16 A. Correct. It's not part of the  
17 investigation. They sometimes, depending on the  
18 investigation, play a role helping with drafting, but  
19 typically not.

20 Q. Helping with what?

21 A. The drafting of the application, but  
22 typically not. You're aware of investigation in the  
23 field.

24 Q. Would they, this program manager, would  
25 they go to meetings about the case or, I mean, do they

1 do anything other than just receive this package at some  
2 point?

3 MS. ARGENTIERI: I just want to clarify the  
4 question is generally speaking and not as to --

5 MR. BAKER: Yes, generally speaking.

6 THE WITNESS: From a general perspective, I  
7 would say it depends. It depends on the FISA being  
8 sought. If it's a FISA on an intelligence officer who's  
9 bread and butter for the field, the department manager  
10 may not be as involved. If it's a new technique that we  
11 want to utilize or we're asking for, the best -- I'm  
12 sorry. If it's a new technique, you would have to speak  
13 with OI or advisors. I've done that once or twice, and  
14 I think part of it, honestly, was because I worked with  
15 WFO. With the proximity to WFO to FBI Headquarters, we  
16 were able to have one specific FISA. That's one time.

17 BY MR. BAKER:

18 Q. You worked at WFO or with WFO?

19 A. When I was at FBI Headquarters -- that's  
20 how I knew SSA 1 -- part of that portfolio consisted of  
21 working with WFO.

22 MR. BAKER: Okay.

23 BY MR. SOMERS:

24 Q. In this case, as I understand it from the  
25 IG report, the Headquarters program managers, I don't

1 know who it was for the three FISAs you were involved in  
2 because it's not broken down that specifically, but SSA  
3 2 and SSA 3 were with the Headquarters program managers  
4 or the affiants on the four FISA applications.

5 So I just want to further understand. They were  
6 otherwise working on aspects of the investigation?

7 MS. ARGENTIERI: If you know.

8 THE WITNESS: Yeah. SSA 2, if we're going to  
9 refer to SSA 2 as the affiant of the first FISA, I  
10 recall him sitting in on a few meetings with the team.  
11 SSA 3 -- it's hard to assign any titles to  
12 individuals -- he was aware of day-to-day activities of  
13 the investigation.

14 BY MR. SOMERS:

15 Q. I guess I should have said that -- I was  
16 looking at the wrong chart here. They eventually became  
17 involved in the investigation. It looks like they were  
18 not originally involved.

19 It looks like SSA 3 worked on the Carter Page  
20 investigation starting in around January of 2017 and it  
21 looks like SSA 2 worked on the George Papadopolous and  
22 Michael Flynn investigations beginning in January 2017  
23 through May. So this would have been the time you were  
24 rotating.

25 A. I don't want to confuse the matter,



1 but -- are you referring to that?

2 MS. RIDI: Can we know where you are?

3 MR. SOMERS: I'm sorry. I'm looking at the  
4 chart on page 82 and 83 of the IG report. I apologize.

5 MS. ARGENTIERI: Can we just stop for a second  
6 to make sure he notes -- so we're all on the same page?

7 MR. SOMERS: Absolutely.

8 [REDACTED]: What's your question?

9 BY MR. SOMERS:

10 Q. Ultimately what I'm just trying to get at  
11 is how SSA 2 and SSA 3, especially for the first FISA  
12 application, how did they gain their knowledge of what  
13 they were swearing to by signing the applications?

14 MR. HEISS: If you know.

15 [Counsel confer with the witness.]

16 MS. ARGENTIERI: I'm sorry. Can you just repeat  
17 the question one more time?

18 BY MR. SOMERS:

19 Q. Yeah. Sorry. I'm just trying to  
20 understand how -- so SSA 2 and SSA 3, I'm just trying to  
21 understand how they swore to -- they verified the FISA  
22 application. I want to understand how they gained their  
23 knowledge of the facts that they were signing off on.

24 If it's easier just to keep the first FISA  
25 application, I don't need to know specifically how each

1 of them --

2 A. Yeah. I do know that if we're keeping  
3 with the initiation application, SSA 2 did take part in  
4 one meeting when I was there, and that's all I can speak  
5 to.

6 Q. So you say you never spoke to him  
7 directly about the application?

8 A. I think I may have as he was the program  
9 manager. So there may have been questions, but I can't  
10 recall specifics.

11 Q. You don't recall whether there was any  
12 pushback on any facts on the back and forth?

13 A. No. I don't recall.

14 BY MR. BAKER:

15 Q. In general and outside of this case,  
16 would the person that swears to a FISA, would they go  
17 back to case agents or back to OGC to ask clarifying  
18 questions about what's in the package, or when they get  
19 it, it's sort of wrapped and ready to go?

20 [REDACTED]: That's to your knowledge.

21 BY MR. BAKER:

22 Q. Yeah, as far as you know.

23 A. To my knowledge, it's usually wrapped and  
24 ready to go.

25 MR. BAKER: Thank you.

1 BY MR. SOMERS:

2 Q. Earlier, you spoke about the Woods  
3 procedure in some detail. How did you gain that  
4 familiarity with the Woods procedures?

5 A. As a case agent or as a supervisor?

6 Q. As a case agent.

7 A. It was essentially on-the-job training.

8 Q. So there was no specific training for it?

9 A. No, there was not.

10 Q. What's the purpose of the Woods  
11 procedure, as you understand it?

12 A. It is to ensure that the facts are  
13 accurate and correct in the FISA application.

14 Q. Approximately how many FISAs have you  
15 worked on in your career, ballpark?

16 A. Can you clarify? What do you mean by --

17 Q. As a case agent.

18 A. As a case agent including initiations or  
19 renewals?

20 Q. Renewals and initiation.

21 A. Approximately, 10.

22 Q. How many of those were prior to Carter

23 Page?

24 A. Most of them, almost all of them.

25 Q. Did you receive training on the FISA

1 process?

2 A. Again, no. It was mostly on-the-job  
3 training.

4 Q. Did you work on investigations that  
5 involve FISA coverage prior to -- you described 10  
6 circumstances where you were the case agent on a FISA  
7 application. Had you worked on other investigations  
8 where there was FISA coverage prior to that?

9 A. Could you clarify?

10 Q. I'm trying to understand. You said you  
11 received no training, correct, on the FISA process?

12 A. Nothing formalized. There's some, you  
13 know, minor training, but nothing formal.

14 Q. So prior to the first time you were case  
15 agent on a FISA application, had you worked on other  
16 investigations that involved FISA coverage?

17 A. Yes.

18 BY MR. BAKER:

19 Q. When you came out of Quantico, did you  
20 have a training agent that you shadowed for a certain  
21 period of time?

22 A. I did, yes.

23 Q. My understanding of that process would be  
24 to sort of put some real life practical training to what  
25 you just got at the FBI academy.

1 A. That's correct.

2 Q. During that training time, do you recall  
3 if you got -- it seems like CI was what you were  
4 destined to do. Did you get training? Did you sit in?  
5 Did you monitor any ongoing FISAs? Was that part of  
6 your developing expertise?

7 A. That was, yes.

8 Q. Do you remember how extensive that was?  
9 Again, my understanding is a lot of times, new agents,  
10 they get put on a Title III. They get put on a FISA,  
11 and you spend a lot of time in your very early infancy  
12 covering a shift or whatever. Was that your experience?

13 A. It was, yes.

14 Q. Do you recall ever going to any formal  
15 training, maybe at Quantico or some other place, where  
16 CI was the topic and maybe at some unit, it might have  
17 been FISAs, maybe an overview of problems with them or  
18 best practices, or anything that you remember that would  
19 supplement your training?

20 A. I believe when CI agents do additional  
21 training down at Quantico at the Counterintelligence  
22 Training Center, or I forget the whole term for it.  
23 When I went, it was roughly month down at Quantico. If  
24 I recall correctly, there was probably some discussion  
25 of FISA, probably national security related.

1 Q. Any -- my understanding is the FBI has  
2 something called Virtual Academy or some online  
3 training, for whatever name it might be. Did you ever  
4 do any online trainings that went towards best practices  
5 for FISA or anything like that?

6 A. I can't recall right now.

7 MR. BAKER: Okay. Thank you.

8 BY MR. SOMERS:

9 Q. So in terms of your on-the-job training  
10 or what you picked up about the FISA process from  
11 working on them, what did you understand the duties that  
12 were owed to court in a FISA application to be?

13 A. As a case agent?

14 Q. Yes. Well, one, as a case agent, but,  
15 two, from the FBI?

16 A. To --

17 Q. Let's start as a case agent.

18 A. To rephrase that, for an ongoing FISA or  
19 a FISA application?

20 Q. For an application, what duties are owed  
21 to the court in terms of what goes in the application?

22 A. To provide facts of the case. When -- to  
23 provide facts of case as the case -- when you are  
24 working on the FISA itself. So the question, if I  
25 understand the question, the duties of a case agent for

1 a FISA request form is to lay out the facts of the case  
2 as they are OI, but it goes to several chains within FBI  
3 Headquarters and then it's passed over to OI, DOJ OI,  
4 and OI makes a determination if there's probable cause  
5 for that FISA on the individual or on the entity.

6 Q. So have you ever heard the phrase "duty  
7 of candor" in relation to a FISA?

8 A. After the fact, but I think that's  
9 implied by the work we do on FISAs.

10 Q. I don't understand.

11 A. I think the -- okay.

12 [Ms. Argentieri confers with the witness.]

13 THE WITNESS: The obligation is to provide  
14 truthful information to the court.

15 BY MR. SOMERS:

16 Q. What about fulsome information to the  
17 court; is that something that --

18 A. Yes.

19 Q. What about exculpatory information?

20 A. Yes.

21 Q. What about information that contradicts  
22 if you have -- if you make an allegation in a FISA  
23 application -- I'm just asking generally -- but you also  
24 have information that contradicts that allegation; is  
25 there a duty to provide that contradictory information

1 at least in some cases to the court?

2 A. Yes, but to clarify, we don't report  
3 directly to the court. We report to OI.

4 Q. I'm just asking about your knowledge. So  
5 I understand there to be a duty of candor and duty to  
6 provide exculpatory information. The OGC attorneys  
7 would be like more involved in the process.

8 I'm just trying to understand the trickle down.  
9 So there seemed to from -- I've been doing this  
10 investigation for a long time. People in the General  
11 Counsel's Office understand the duty of candor to the  
12 FISA Court.

13 A. Yes.

14 Q. What I'm trying to understand is you, as  
15 a case agent working on FISAs, did you have that  
16 knowledge that you've been told by the attorneys at FBI  
17 that you have a duty to candor to provide exculpatory  
18 information and provide things that may undercut in some  
19 circumstances the FISA? I'm trying to understand what  
20 the case agent knows about that.

21 So as a case agent, were you familiar with the  
22 due of candor?

23 A. Is to provide all the proper information.

24 BY MR. BAKER:

25 Q. It's your understanding that duty is



1 continuing; it doesn't just apply when something is  
2 being asserted or a fact being passed up; if there's  
3 information contrary or maybe supplementary, there's a  
4 duty to report the circumstances and facts as they might  
5 change; is that your understanding?

6 A. It is, yes.

7 BY MR. SOMERS:

8 Q. Were there any discussions of these types  
9 of duties for the Carter Page FISA application, a duty  
10 of candor, starting with the first application?

11 A. Could you repeat the question? I'm  
12 sorry.

13 Q. For the Carter Page FISA application, did  
14 you have any discussions on the Crossfire Hurricane team  
15 about the duty of candor?

16 [REDACTED]: Specifically the first application.

17 THE WITNESS: Specifically as to that case,  
18 specifically as to the duty of candor?

19 BY MR. SOMERS:

20 Q. Yes.

21 A. Not that I recall.

22 Q. Do you recall any conversations with  
23 either OI -- let's start with OI -- about, Hey, we have  
24 all the facts in here in the first Carter Page FISA  
25 application?

1           A.       I'm sorry. Are you asking me if OI asked  
2 me for all the facts in the Carter Page FISA  
3 application?

4           Q.       If they asked about -- whether they the  
5 team and you became aware or they asked you directly do  
6 we have all the facts in this application?

7           ██████████: Hold on one second.

8           [Counsel confer with the witness.]

9           THE WITNESS: I had an ongoing discussion with  
10 the OI attorney as we were drafting the FISA as to the  
11 facts of the investigation.

12 BY MR. SOMERS:

13          Q.       Okay. What was that ongoing discussion?

14          A.       It was continuous updates, questions,  
15 updates for myself, questions from the OI attorney.

16          Q.       Did he ask you about specific  
17 allegations? I assume "he". I won't ask his name.

18          A.       I'm sorry. Yeah. It was a "he".

19                 Did he ask about specific allegations?

20          Q.       In the Carter Page, in the initial Carter  
21 Page FISA application.

22          A.       I can't remember only because there were  
23 numerous discussions throughout the drafting process.

24          Q.       What about the Office of General Counsel;  
25 did they have questions about any of the facts?

1           A.       The Office of General Counsel  
2 participated in discussions with the team and with OI  
3 throughout the course of the investigation.

4           Q.       Did you have a direct -- not direct  
5 conversations. Did you have any conversations with OI  
6 where FBI OGC was not involved?

7           A.       Yes.

8 BY MR. BAKER:

9           Q.       For the record, what does OI stand for?

10          A.       Office of Intelligence.

11          Q.       And those individuals that work in the  
12 Office of Intelligence, they sit where, generally?

13          A.       They're at Main DOJ.

14          Q.       Main DOJ, that's the Department of  
15 Justice building across the FBI Headquarters?

16          A.       Right.

17          Q.       So they're a DOJ entity, not an FBI  
18 entity?

19          A.       They're a DOJ entity who's responsible  
20 for drafting FISAs.

21               MR. BAKER: Thank you.

22 BY MR. SOMERS:

23          Q.       We'll get into a lot more specifics, but  
24 in general, were there discussions -- did you have a  
25 discussion on the Crossfire Hurricane team about whether

1 certain information needed or didn't need to be  
2 included -- and give me a second to finish the  
3 question -- either needed or didn't need to be included  
4 in a FISA application, but I'm asking specifically with  
5 regard to like a duty of candor or some duty owed to the  
6 court?

7 [Witness confers with counsel.]

8 THE WITNESS: So to better answer the questions,  
9 I think a better understanding of the process is  
10 probably required.

11 BY MR. SOMERS:

12 Q. Okay.

13 A. Of how FISA are drafted and the  
14 interactions that occur between the team or the case  
15 agent and OI.

16 Q. What I'm trying to understand is whether  
17 you recall any conversations in the team of, Hey, we  
18 need to provide this to the court or we don't need to  
19 provide this to the court.

20 A. It's always in the front of our mind to  
21 provide to the court. When we draft the request form,  
22 it goes to OI, which is approved up the chain through  
23 FBI Headquarters. OI receives that request form, makes  
24 the determination if they want to move forward with the  
25 FISA.

1           Once OI makes that determination, OI assigns an  
2 attorney to that. I'm just talking specifics. You can  
3 get into the detail.

4           The OI attorney contacts the case agent and has  
5 ongoing dialogue between the case agent and the OI  
6 attorney; whereby, as the application is drafted, there  
7 are numerous questions asked by the OI attorney.  
8 Information is provided to the OI attorney from the case  
9 agent.

10           So it's always on the front of our mind to  
11 provide everything to have total candor to the court,  
12 which the FISA will ultimately end up to with all the  
13 information and facts of the case.

14           Q.       But the OI attorneys don't have access to  
15 the Woods file, for instance?

16           A.       They do not. Now, as the OI attorney  
17 drafts the FISA, the OI attorney, in my experience and  
18 this as well, this specific FISA as well, the OI  
19 attorney can incorporate other documents or language  
20 that they see fit into that FISA and provide that  
21 documentation to the case agent for the Woods file, but  
22 they do not -- to answer your specific question, they do  
23 not see the Woods file.

24           Q.       Did the OI attorneys have access to the  
25 confidential human source transcripts Source 2 and

1 George Papadopolous, for instance?

2 A. I don't recall if they had that specific  
3 transcript.

4 BY MR. BAKER:

5 Q. If they were to ask you for that, would  
6 that be something that you --

7 A. I absolutely would have provided it.

8 BY MR. SOMERS:

9 Q. But in general, is it likely that the OI  
10 attorneys had access to the confidential human source  
11 transcript between George Papadopolous and confidential  
12 human sources?

13 [REDACTED]: He said in general.

14 BY MR. SOMERS:

15 Q. I'm talking in general, is that -- what  
16 I'm getting at is --

17 A. I think you're asking a general question,  
18 but you're asking a specific question.

19 [REDACTED]: Can we go off for a second?

20 MR. SOMERS: Yes.

21 [Counsel confer with the witness.]

22 [REDACTED]: Thank you.

23 THE WITNESS: Could you repeat the question,  
24 please?

25 BY MR. SOMERS:

1 Q. I want to know whether it was likely that  
2 the OI attorneys had access to the confidential human  
3 source transcripts in the Carter Page FISA or in the  
4 Crossfire Hurricane investigation.

5 A. If the OI asked for information, as we  
6 provide the facts to them, we would provide the  
7 documentation to them.

8 Q. If they ask for it?

9 A. Yes.

10 Q. But would you agree with the general  
11 statement that the agents working the Crossfire  
12 Hurricane investigation had better access to  
13 confidential human source transcripts than the OI  
14 attorneys?

15 A. Yes. We have access to them, but if they  
16 asked, they are provided.

17 Q. So what I'm asking is since the agents,  
18 presumably, had better access to the evidence, did you  
19 all have discussions about whether this piece from, for  
20 instance, a confidential human source transcript should  
21 go in the FISA or not?

22 A. We had ongoing discussions with OI about  
23 the facts of the investigation.

24 Q. No. I'm not asking about with OI. I'm  
25 asking about internally on the Crossfire Hurricane team

1 at the agent level, did you have discussions about  
2 whether this fact should or should not go into the FISA  
3 application?

4 A. Which fact in particular? Are you  
5 referring to a specific fact?

6 Q. For instance, an exculpatory -- I won't  
7 characterize the statement -- a statement made by George  
8 Papadopolous that to cooperate with the Russians would  
9 be a crime, let's say a fact like that. Were there  
10 discussions about whether facts like that did or did not  
11 need to be provided to the court at the agent level or  
12 the supervisory special agent level on the Crossfire  
13 Hurricane team?

14 A. I don't recall any specific conversation  
15 like that about that fact or about that -- about not  
16 providing facts to the court.

17 Q. Or not providing or providing?

18 A. Not providing or providing facts to the  
19 court?

20 Q. Yes.

21 A. We provided facts as we saw fit. Excuse  
22 me. We provided facts to the court, to the OI -- I  
23 don't want to say to the court. I think to OI is  
24 better.

25 Q. Okay.



1           A.       I don't recall any specific discussions  
2 about what facts should or shouldn't be sent to OI.

3 BY MR. BAKER:

4           Q.       It sounds like you, as the case agent,  
5 and somebody in OI is the conduit that is set up with  
6 this FISA and the back and forth exchanges as it's being  
7 built; is that correct?

8           A.       That's correct, yes.

9           Q.       And if this OI attorney needs additional  
10 information or just needs information, they reach out to  
11 you?

12          A.       They do. In this specific case, the OI  
13 attorney had contact with others as well on the team, as  
14 it was. So he received information from myself and  
15 possibly from others. I believe there are a few  
16 instances where other information was provided to the OI  
17 attorney.

18          Q.       So would you know that these others on  
19 the Crossfire Hurricane are providing or having some  
20 kind of conversation or communication with the OI  
21 attorney? Was the OI attorney's request sent out in a  
22 email where certain people always got or did you get a  
23 call and, if you weren't there, they'd call somewhere  
24 else?

25                   I'm trying to figure out the continuity on the

1 Bureau side.

2 A. Yes. To the best of my recollection, I  
3 was copied on any portion if there were emails sent.  
4 Now, a lot of the discussions sometimes occur  
5 telephonically or over our Voyage system. So in those  
6 instances, there may not be specific documentation to  
7 it, and there was some continuity in case I was out of  
8 the office or somewhere else.

9 Q. That was my next question. If you were  
10 out for a day and the OI attorney needed something,  
11 would they automatically communicate with others in  
12 trying to get you or would they learn you weren't there  
13 and call around until somebody answered the phones to  
14 answers the phone?

15 A. No. To answer that specific question, I  
16 know there were several instances where I was on other  
17 operations during the investigation. To the best I  
18 could, I would notify the OI attorney that I was going  
19 to be out and if the OI had any questions, to reach to  
20 other individuals on the team.

21 Q. Okay. So it was not a -- was there ever  
22 a possibility that somebody on your team, on Crossfire,  
23 is providing something or entertaining a request from OI  
24 that you wouldn't learn about?

25 A. Yes.

1 Q. There is a possibility?

2 A. There is a possibility they could have  
3 sent something, had a conversation with the OI attorney  
4 and just not relay that conversation to me only because  
5 of the tempo of the investigation. If somebody was out,  
6 there is possibility that may have occurred.

7 Q. Do you know that it ever did occur  
8 factually?

9 A. I can't recall a specific incident.

10 Q. You indicated you were deployed on  
11 another matter while --

12 A. The same -- I'm sorry. I don't want to  
13 talk over you.

14 No. I was deployed for other operations during  
15 the course of the investigation. So I may have been  
16 overseas or I may have been up in New York for other  
17 matters.

18 Q. Unrelated to --

19 A. Related to Crossfire Hurricane.

20 MR. BAKER: Related to Crossfire, okay.

21 MR. SOMERS: I think I know the answer to this  
22 from your previous --

23 [REDACTED]: Hold on one seconds.

24 [REDACTED] confers with the witness.]

25 [REDACTED]: Okay. I'm sorry.

1 BY MR. SOMERS:

2 Q. I think I know the answer to this from  
3 your answer to my previous question, but do you recall  
4 an instance where someone raised a we need to tell OI  
5 this fact and they were overruled?

6 A. I don't recall.

7 Q. Backing up for a moment to kind where we  
8 started, do you know why you were assigned to Crossfire  
9 Hurricane?

10 A. I do not.

11 Q. Do you know if SSA 1 specifically  
12 requested you to be a part of the team?

13 A. I do not.

14 Q. Do you know if another individual was  
15 originally assigned in your place and SSA 1 overruled  
16 that assignment?

17 A. No.

18 BY MR. BAKER:

19 Q. But it was SSA 1 that called you and  
20 notified you you're coming down to work on the case?

21 A. Yes. He asked if I would be willing to  
22 come down. It wasn't a mandatory assignment. It was  
23 a -- he asked me to participate in the investigation.

24 Q. And he didn't give any reason why your  
25 skill set or your profile was desired?

1           A.       Given the conversations we had, it was  
2 over an open line. So there was no discussion. There  
3 was no further discussion as to why I was -- after I  
4 arrived.

5           Q.       When you were -- there was no further  
6 discussion when you arrived?

7           A.       No.

8           Q.       You were just called out of the clear, We  
9 need you down here; you went down and did what you were  
10 told to do, but nobody ever told you why you were the  
11 guy?

12          A.       That's correct.

13 BY MR. SOMERS:

14          Q.       You were Headquarters program manager  
15 until June of 2016. You went back to the New York Field  
16 Office for June and July of 2016. Correct?

17          A.       For -- essentially, it was just July.

18          Q.       Prior to that Headquarters program  
19 manager assignment, you were in the New York Field  
20 Office?

21          A.       I was, yes.

22          Q.       Were you aware of the previous  
23 investigation of Carter Page conducted by the New York  
24 Field Office?

25          A.       I was not.

1 Q. So you didn't work on it?

2 A. I did not.

3 MR. SOMERS: Let me see where I want to go with  
4 my time left here.

5 [Mr. Somers peruses notes.]

6 BY MR. SOMERS:

7 Q. You indicated earlier that you took part  
8 in the March 2016 -- I'm sorry -- March 2017 interview  
9 of Carter Page?

10 A. I did, yes.

11 Q. Did you write the 302s of those  
12 interviews?

13 A. No. I believe they were written by Case  
14 Agent 6.

15 Q. Did you do the questioning during those  
16 interviews?

17 Let me back up. How many agents were in that  
18 interview with Carter Page that occurred in March of  
19 2017?

20 A. The initial interview?

21 Q. Yeah. How many interviews of Carter Page  
22 in March of 2017 did you take part in?

23 A. If I recall, there were three.

24 Q. Okay. And how many agents were in those  
25 interviews?

1           A.       The initial interview, there  
2 were -- agents, there were two, myself and Case Agent 6.

3           Q.       Was an analyst there?

4           A.       An analyst was present for one or two. I  
5 would have to check the records to see how many  
6 interviews I conducted, but this is just to the best of  
7 my recollection. I know the SOS did take part in one of  
8 the interviews.

9           Q.       So Case Agent 6 wrote up the 302 in all  
10 of those interviews?

11          A.       I believe so, yes.

12          Q.       As I understand it, in general, when ab  
13 FBI agent asks questions, another agent takes note, in  
14 general. Is that a fair characterization?

15          A.       Typically, yes.

16          Q.       So would you have been the agent who  
17 asked the questions then?

18          A.       It's a give and take. I think I led the  
19 interview.

20          Q.       Okay. That's fine.

21          A.       That's an accurate assessment.

22 BY MR. BAKER:

23          Q.       Was Case Agent 6 more of a junior agent  
24 to you?

25          A.       He was time-wise, yes. Yes.

1 Q. Time-wise indicates something else. Was  
2 he not junior to you?

3 A. Time-wise, he was, but he was somebody  
4 who had -- who was good in interviews. He didn't take a  
5 backseat to a senior agent during the course of an  
6 interview. It was something I recognized in him. He  
7 was a good agent.

8 BY MR. SOMERS:

9 Q. Had you worked with him before?

10 A. I was assigned to his squad for a month  
11 when I was in New York. I knew him and I got to know  
12 him a little bit and he helped me out during the course  
13 of the investigation when I was assigned to  
14 Headquarters. If we needed help up in New York, he was  
15 the individual I spoke to at times.

16 Q. So was he in the New York Field Office?

17 A. He was in the New York Field Office.

18 Q. He was not assigned to Headquarters?

19 A. He was not.

20 BY MR. BAKER:

21 Q. Do you know how he got selected for a  
22 Crossfire assignment?

23 A. So I needed a connect in New York,  
24 because we were running this Headquarters out  
25 of -- excuse me -- running this investigation out of



1       Headquarters.  So I needed a contact out of New York.  
2       He was somebody I view as mature enough to handle some  
3       minor tasks.  I mean, he didn't do a ton when I was down  
4       at Headquarters, but if we needed some assistance, he  
5       helped out.

6                He was mature enough to handle the information  
7       we were providing, which was fairly sensitive,  
8       obviously.

9                Q.       So did you ask him to come down to join  
10       the team?

11              A.       No.  No.  He wound up actually joining  
12       the Special Counsel's Office or, actually, I think the  
13       first or second iteration.  I was not -- I did not ask  
14       him to do that.  I had already rotated off.

15       BY MR. SOMERS:

16              Q.       Would it be fair to say he didn't take  
17       over for you as the case agent on Carter Page?

18              A.       That would be a fair assessment.

19              Q.       So the first you hear of Crossfire  
20       Hurricane is when you get the call from SSA 1?

21              A.       The first I heard of Crossfire Hurricane  
22       is when I arrived in Washington, D.C. and was briefed  
23       into the case and I signed an NDA about the case.

24              Q.       What did they tell you would be working  
25       on?  Why did you take the assignment?

1 A. Why did I take the assignment?

2 Q. Well, you said the first time you learned  
3 about it is when you got read in on the 3rd, but,  
4 obviously, you had already agreed to come down. What  
5 were you told?

6 A. I was told it was a sensitive  
7 investigation and it was related to -- I think the  
8 conversations we had on open lines were fairly opaque,  
9 but my understanding was it was a potentially sensitive  
10 investigation and it is -- if I wanted to participate, I  
11 was being asked to take part in it.

12 Q. You said you signed a -- did I hear you  
13 correctly that you signed an NDA when you came down --

14 A. Correct.

15 Q. -- on August 3rd?

16 A. Yes.

17 Q. Saying you wouldn't disclose what?

18 A. Information regarding the case to others.

19 Q. Even in the Bureau?

20 A. I don't know.

21 Q. Have you ever signed any of those before  
22 working on a case?

23 A. I believe I have.

24 Q. I guess what I'm asking is is that  
25 standard?

1           A.       It depends on the investigation. It  
2 depends on the sensitivity of the investigation.

3           Q.       But it's not unheard of?

4           A.       It's not unheard of.

5 BY MR. BAKER:

6           Q.       Did you get any kind of orientation when  
7 you reported or were you aware of others who came onto  
8 the case, Case Agent 6 or whatever; did you get any kind  
9 of welcome to Crossfire Hurricane, this is where we're  
10 at, this is where we're going, anything like that?

11          A.       When I arrived, the case was still in  
12 more or less in its infancy. I sat down with Case Agent  
13 2, I believe, and the SOS who I had known previously and  
14 who I had worked closely with on other investigations.

15                I believe SSA 1 was on travel when I arrived.  
16 So he was one who read me into the investigation. He  
17 was somebody I had known of, didn't work with, but he  
18 was very senior and he read me into the investigation.

19          Q.       And when you were you replaced by, I  
20 think you said, Case Agent 6, what kind of handoff do  
21 you do to the case agent coming in?

22          A.       So handoffs are not clean. He knew  
23 of -- when I came back to New York, he was -- in  
24 November, he was essentially kind of my second if I  
25 needed assistance in things. I believe he helped out a

1 little bit.

2 When I received my promotion, he had access to  
3 the case file. He was one of the few individual in the  
4 FBI who had access to case file. So he could read  
5 anything that was put into the case file, and there were  
6 sometimes some verbal discussions with him, but that's  
7 about it.

8 My new assignment took time away from me being  
9 able to beef him up as I was taking over a new squad.  
10 So it depends on how much time you have. He was aware  
11 of the investigation and where we were at at that time.

12 Q. So am I correct in understanding that  
13 time few individuals had access to the case file?

14 A. That's correct.

15 Q. Is that intentionally restricted?

16 A. Yes.

17 Q. And that's done why?

18 A. If I recall --

19 [Witness confers with ██████████.]

20 THE WITNESS: Sorry. So there are levels of  
21 access to cases. This was a prohibited case, whereby --

22 BY MR. BAKER:

23 Q. I'm sorry. Prohibited?

24 A. Prohibited. Regular cases -- there are  
25 several levels. There's an open investigation,

1 restricted case, and prohibited. So it's hidden even  
2 further from others in the FBI for the sake of various  
3 reasons, given political sensitivity to an  
4 investigation. That's why it was a prohibited case by  
5 levels above me. I think there's a rule required for  
6 that.

7 So if somebody ran the names of the individuals  
8 that we were looking at, it would not pop up. They  
9 would not see that an open investigation on those  
10 individuals. This occurs in highly sensitive  
11 investigations and other investigations as well.

12 Q. So I'm not asking for names, but maybe  
13 rank. Who would other people be that could access this?  
14 Certainly the case agent; is that correct?

15 A. Case agents, analysts assigned to the  
16 investigation, chain of command, SSA, if it was at the  
17 field level, SAC and ASAC, special agent in charge and  
18 assistant agent in charge, usually the assistant  
19 director of whatever division is overseeing that  
20 investigation or maybe deputy assistant director, and  
21 depending on the investigation, it could go up to the  
22 deputy director.

23 You know, it's assigned in the roles or if you  
24 want to keep it even further restricted, you either  
25 assign by roles or by specific names so that SSA [REDACTED]

1       ██████ would only have access to the case as opposed to  
2       up in some field offices or branch. You could say all  
3       branch SSAs would see it, but it could be further  
4       restricted by name. I believe in this case, everything  
5       was restricted by name.

6               Q.       So as far as you know, in this case, it  
7       would have gone up or did it go up to the A.D. level?

8               A.       Yes.

9               Q.       And that would be -- who would be the  
10       assistant director during this time?

11              A.       At the time, it was Bill Priestap.

12              Q.       And do you know if it would have gone  
13       above the A.D.? Would an EAD have had access to it?

14              A.       I don't recall if the EAD or anybody  
15       above the A.D. specifically? I don't know how it works  
16       above the A.D. level. It may have been, but I can't  
17       answer that question.

18              Q.       Do you as the case agent, can you see who  
19       has queried that case from the authorized list of people  
20       or the access list, whatever it's called, when you log  
21       on?

22              A.       No. You can't see it. If I recall, I  
23       think you can request an audit trail, but you wouldn't  
24       normally sign in every day and see who had accessed the  
25       case.

1           Q.       But if you requested a audit, you could  
2 see who and when from the authorized list? And I'm  
3 guessing, but correct me if I'm wrong, if some  
4 authorized person tried to get in, you'd you get some  
5 notification of that. Right?

6           A.       Not notification. I don't recall if you  
7 got a specific notification, but if you do a audit log,  
8 which you'd request through FBI Headquarters -- I  
9 haven't done it, but I know you could get a -- see who  
10 tried to access the file.

11           MR. BAKER: All right. Thank you.

12 BY MR. SOMERS:

13           Q.       So once you signed this NDA formally  
14 prior to Crossfire Hurricane, what were you told you  
15 would looking at or what were you investigating?

16           A.       I recall at the time we had four  
17 individuals. I don't know the specifics of when they  
18 were opened up.

19           Q.       I thought the IG report indicated that  
20 you may have drafted some of the opening EC. Did you  
21 draft any of the --

22           A.       What page?

23           Q.       I think 59. I can just ask the question.  
24 Did you draft any of the opening ECs?

25           A.       I don't recall specifically.

1 Q. I'm just reading the IG report. The  
2 opening ECs for all four investigations were drafted by  
3 either of the two special agents assigned to serve as  
4 the case agents for the investigation, Case Agent 1 and  
5 2, and were approved by Strzok as required.

6 A. Okay.

7 Q. I don't know if that refreshes you.

8 A. Yes.

9 Q. Do you recall drafting any of the ECs?

10 A. Yeah. I mean, I was refreshed. Reading  
11 it now, yes, but I don't recall specifically drafting  
12 the actual ECs.

13 Q. How would you characterize your role in  
14 Crossfire Hurricane?

15 A. As the case agent for the Carter Page  
16 investigation.

17 Q. Did you work at all on the Papadopolous  
18 investigation?

19 A. Not really, no.

20 Q. Same question for Manafort?

21 A. Not really, no.

22 Q. General Flynn?

23 A. Not really.

24 Q. But were you aware that those other three  
25 individuals other than Carter Page were being



1 investigated?

2 A. I was aware, yes.

3 BY MR. BAKER:

4 Q. Are you familiar from your field  
5 experience something called a file review?

6 A. I am.

7 Q. My understanding is that's something that  
8 the supervisor does periodically to just generally see  
9 where you're on a case and maybe discuss techniques he  
10 or she wants to see done. Did you get file reviews from  
11 Headquarters on Crossfire Hurricane?

12 A. No. If I recall correctly, file reviews  
13 are done every 90 days. Obviously, I was only there for  
14 roughly 90 days. So I don't recall any file reviews,  
15 no.

16 Q. Were there meetings to just check and see  
17 where -- my understanding is that team, the case agent,  
18 the SSAs, had a lot of autonomy with developing  
19 techniques and evaluating sources and whatnot. Was  
20 there any kind of meeting to see where everybody was and  
21 how the case was moving forward?

22 A. We had several meetings per week whereby  
23 the investigative team, amongst others, discussed their  
24 investigations around the table to be generally aware of  
25 everything that was going on with most of the

1 investigations.

2 Q. When you say "investigations", these are  
3 Crossfire investigations?

4 A. These are the Crossfire, yes.

5 Q. And who would normally attend these?

6 A. Myself, Case Agent 2, SIA, the SOS. At  
7 times, Pete Strzok would be there, OGC unit chief, OCG  
8 Attorney 1.

9 I just want to --

10 [The witness confers with ██████████.]

11 THE WITNESS: A senior analytical individual was  
12 there as well. We were analyst heavy. There were a few  
13 agents. There were numerous analysts as well.

14 BY MR. BAKER:

15 Q. I thought you indicated Mr. Strzok was  
16 there maybe sometimes. Was he there all the time?

17 A. Not all the time. Depending on his  
18 schedule, he attended several meetings, but there were  
19 times he was pulled away for other things.

20 Q. Would Mr. Priestap ever come to any of  
21 them?

22 A. I attended one meeting -- two meetings  
23 where it was a general meeting with Mr. Priestap, but he  
24 wouldn't come into our squad room, so to speak, or  
25 investigative team room for any discussion that I

1 recall.

2 Q. Did anybody higher than Mr. Priestap ever  
3 stop by?

4 A. The other I recall is Deputy McCabe  
5 stopping in November 5th, I think, the day after the  
6 Russian -- to just say hello, but aside from that, there  
7 was no other high-ups in the room for our general  
8 discussions.

9 BY MR. SOMERS:

10 Q. What about Lisa Page?

11 A. I don't recall Lisa Page being in any  
12 meetings?

13 Q. You said Case Agent 2 attended the  
14 meetings. What about Case Agent 3 and 4?

15 A. The titles -- yes. Case Agents 3 and 4  
16 were there, yes.

17 Q. I know there's four investigations. I  
18 wasn't sure if it was four case agents. Does it line up  
19 that way? You were the case agent for Carter Page.

20 A. Yeah. So I think Case Agent 4 might have  
21 came a little bit after we, essentially, started, but he  
22 did attend meetings. Case Agent 3 was, essentially,  
23 assigned when I got down there as well. He participated  
24 in numerous meetings as well.

25 Q. Was it broken down that way? Was there a

1 case agent assigned to each of the four investigations?

2 A. Generally, yes.

3 [REDACTED]: A quick clarifying question: As  
4 you sit here today, are you certain of the identities?  
5 I mean, you're being asked these questions.

6 THE WITNESS: Yeah. I'm certain. Now seeing  
7 this, I'm certain.

8 BY MR. SOMERS:

9 Q. So you're responsible for Carter Page,  
10 but these would be meetings where all four  
11 investigations would be discussed?

12 A. That's correct.

13 Q. And you said they were how frequent?

14 A. Several times a week.

15 Q. Several times?

16 A. Depending on the tempo of the  
17 investigation and if everybody was around.

18 BY MR. BAKER:

19 Q. Did anybody kind of coordinate or lead  
20 these meetings or discussions?

21 A. I think SSA 1 would call them as needed,  
22 but we had a standing meeting, if I recall correctly,  
23 two or three days a week. That's the time when we just  
24 all sat around. It made it easier for individuals not  
25 in the room, i.e., Pete Strzok and the senior

1 intelligence analyst, not the SIA, but I don't know at  
2 the time the individual. They would be aware of the  
3 meetings and they could attend the meetings. We would  
4 have ad hoc meetings.

5 BY MR. SOMERS:

6 Q. So the analysts and they agents would be  
7 together?

8 A. That's correct.

9 BY MR. BAKER:

10 Q. Did you say SSA 1 coordinated these  
11 meetings?

12 A. He set the scheduled meetings as SSAs  
13 typically do.

14 Q. Was he viewed as higher than any of the  
15 other SSAs in rank or responsibility or --

16 A. He's an SSA, but I don't think anybody  
17 was -- I mean, everyone respected his experience, but we  
18 didn't defer to him. I think everybody, when we sat  
19 around the table, had equal say and equal weight.

20 BY MR. SOMERS:

21 Q. We're almost out of time. Indulge me  
22 with one last set of questions here.

23 Did you ever talk to Director Comey about  
24 Crossfire Hurricane?

25 A. No.

1 Q. Andrew McCabe?

2 A. Just when he came in that one room, but  
3 there were no specific conversations.

4 Q. Jim Baker?

5 A. I interviewed Jim Baker in, I think,  
6 November 2016 or December 2016 regarding the "Mother  
7 Jones" article. That was my only interaction.

8 Q. That was a specific interview with him,  
9 no case-related interaction?

10 A. No case related.

11 Q. Patricia Anderson?

12 A. No.

13 Q. Bill Priestap?

14 A. Again, I attended a few meeting where I  
15 represented the team if the SSA wasn't around, but it  
16 didn't come to the room specifically, not that I recall.

17 Q. And what were you interactions with Lisa  
18 Page in Crossfire Hurricane?

19 A. I had zero interactions with Lisa Page.

20 Q. And just OI staff and DOJ. Anyone  
21 outside the Office of Intelligence that you interacted  
22 with?

23 A. No.

24 MR. SOMERS: Our time is slightly past expired.

25 So I'll turn it over.

1           ██████████: I would like to ask one clarifying  
2 question, actually.

3           You were asked do you ever recall an instance of  
4 feeling like a fact needed to be provided to OI and you  
5 were overruled or told not to, and you indicated I don't  
6 recall. You don't recall what? Ever being told that?

7           Were you ever directed to not convey a fact to  
8 OI that you thought you should?

9           THE WITNESS: No.

10          MR. SOMERS: Okay. We can take a short break.

11          [Whereupon, at 11:16 a.m., a recess was taken,  
12 resuming at 11:27 a.m.]

13          MS. ZDEB: It is 11:27. We can go back on the  
14 record.

15                               EXAMINATION BY THE MINORITY

16          BY MS. ZDEB:

17               Q.     ██████████, thank you for being here.

18               We're going to tag team a bit on our side. Before Mr.  
19 Haskell jumps in, I'm going to follow up on a couple of  
20 questions that our colleagues on the Majority side were  
21 asking you during the last round.

22               In particular, you were asked a number of  
23 questions about whether you recall having specific  
24 conversations within the Crossfire Hurricane team about  
25 the duty of candor to the FISA Court, and the

1       implication of those questions seemed to be that  
2       conversations along those lines were necessary in order  
3       for you, specifically, and the Crossfire Hurricane team,  
4       generally, to be sure that it was compliant with the  
5       FBI's duty of candor. I also heard you to say that it  
6       was always on the front of our minds to provide  
7       everything to the court.

8               So is it fair to say that, because it was always  
9       on the front of the team's mind to provide everything to  
10      the court, it wasn't necessary to have the sort of  
11      ongoing discussions about the duty of candor that Mr.  
12      Somers was asking you about?

13             A.       That's correct, yes.

14             Q.       I believe you said you worked on about 10  
15      FISA applications, most of them before Carter Page. Do  
16      you recall in any of those other cases before the Carter  
17      Page case having those sorts of ongoing discussions  
18      about the FBI's duty of candor that Mr. Somers asked you  
19      about, specifically with respect to Crossfire Hurricane?

20             A.       There's always an implied duty of candor  
21      to court to share everything with OI regarding the  
22      investigation.

23             Q.       So, in other words, the fact that it was  
24      always implied and that you didn't have specific  
25      conversations about that duty on an ongoing basis, it



1       wasn't unique to the Crossfire Hurricane investigation  
2       in any way?

3               A.       That's correct.

4       BY MR. HASKELL:

5               Q.       As you know, the IG issued a 400-page  
6       report in December of last year entitled "Review of Four  
7       FISA Applications and Other Aspects of the FBI's  
8       Crossfire Hurricane Investigation." The report detailed  
9       the results of the IG's two-year investigation into the  
10      same topics that we're talking about here today, and  
11      according to the report, the IG examined a million  
12      documents and interviewed more than a hundred witnesses,  
13      including numerous current and former government  
14      employees as part of that two-year investigation.

15              Did you cooperate with that investigation?

16              A.       I did, yes.

17              Q.       Were you interviewed as part of that  
18      investigation?

19              A.       I was.

20              Q.       How many times, if you recall?

21              A.       I believe it was four times.

22              Q.       Four times, and during those four  
23      interviews, did you provide complete and truthful  
24      answers to the questions that the IG asked you?

25              A.       I did.

1 Q. Did you or the Justice Department provide  
2 the IG with documents related to your involvement in  
3 Crossfire Hurricane, to your knowledge?

4 A. I believe they asked the Inspection  
5 Division, which made available my notes to the IG  
6 through our Inspection Division and some other documents  
7 I can't recall off the top of my head.

8 Q. I take it you likely were asked about  
9 some of those documents during the course of your four  
10 interviews.

11 A. I was, yes.

12 Q. Did the IG ever complain that it needed  
13 more information from you?

14 A. No.

15 Q. Did the IG ever complain that it needed  
16 documents from you that it was unable to get?

17 A. No.

18 Q. Once the IG report had been drafted, did  
19 you have the opportunity to review it before it was  
20 finalized and published, at least the portions of the  
21 report relevant to you?

22 A. I was given one day to review it. I was  
23 asked to come down a second day where I was given  
24 another roughly four hours to review and another four  
25 hours to rebut, and I was offered an opportunity to meet

1 with Inspector General Horowitz for about an hour after  
2 that.

3 Q. Now, in that meeting with Inspector  
4 General Horowitz or otherwise, did you have the  
5 opportunity to provide comments on the draft that you  
6 had reviewed?

7 A. I did, yes.

8 Q. And recognizing that different witnesses  
9 may have different recollections or interpretations of  
10 certain events, does the IG report accurately reflect  
11 the testimony that you provided to the IG?

12 A. It does.

13 Q. And --

14 A. It was -- I was interviewed. They're my  
15 statements.

16 Q. So it accurately reflects the statements  
17 that you had made during the course of IG's  
18 investigation?

19 A. That's correct.

20 Q. And am I correct that those statements  
21 related to your work on the Crossfire Hurricane  
22 investigation?

23 A. That's correct.

24 Q. And the decisions and the actions that  
25 you were involved in during the course of that

1 investigation?

2 A. Yes.

3 Q. One of which or a series of which relate  
4 to the Carter Page FISA application; is that correct?

5 A. Yes.

6 Q. Okay. Have you been interviewed by any  
7 other congressional committees?

8 A. I have not.

9 Q. You have not?

10 So, in total, you had said you testified for or  
11 you were interviewed for four days by the IG. How many  
12 hours would you say that you've spent to this point  
13 testifying in this -- you know, related to Crossfire  
14 Hurricane?

15 A. I would say -- it's not testifying.

16 Q. I apologize. Being interviewed?

17 A. Yeah. I would estimate probably about 30  
18 hours total, give or take.

19 Q. Thank you.

20 The OIG's 400-page report details the errors  
21 that IG identified in the Carter Page FISA applications.  
22 The report comprehensively lays out the circumstances  
23 surrounding every one of those errors and includes -- or  
24 at least what the IG has characterized as errors and  
25 includes the testimony of numerous individuals,

1 including yourself, about them. Horowitz came before  
2 the Judiciary Committee and testified about those errors  
3 during a six-hour public hearing last December.

4 We've heard a lot questions get asked during  
5 this investigation that were investigated and  
6 conclusively answered in that 400-plus-page report and  
7 we suspect that is part of an effort to generate support  
8 for the allegation that continues to be repeated at  
9 hearings and meetings of this committee that the errors  
10 were intentional acts motivated by a desire to harm  
11 President Trump, something that the IG report  
12 conclusively answered as no; but because we continue to  
13 hear that allegation, we'll ask a few questions about it  
14 today.

15 So as I said, the IG concluded that there was no  
16 documentary or testimonial evidence of bias impacting  
17 the FBI's work on Crossfire Hurricane. Did political  
18 bias impact of your actions in connection with Crossfire  
19 Hurricane?

20 A. Absolutely not.

21 Q. Do you have any evidence of political  
22 bias otherwise impacting Crossfire Hurricane?

23 A. None whatsoever.

24 Q. It's been alleged that the FBI engaged in  
25 a, quote, massive criminal conspiracy over time to

1 defraud the FISA Court. Do you have any evidence that  
2 the FBI engaged in, quote, a massive criminal conspiracy  
3 over time to defraud the FISA Court?

4 A. None whatsoever.

5 Q. It's also been alleged that the FBI,  
6 quote, purposely used the power of the Federal  
7 Government to wage a political court war against a  
8 presidential candidate they despised. Do you have any  
9 evidence of that allegation?

10 A. None whatsoever.

11 Q. Do you have any evidence that the  
12 Crossfire Hurricane investigation was a, quote, hoax or  
13 witch hunt intended to hurt President Trump, then  
14 Candidate Trump, politically?

15 A. Not at all.

16 Q. Was your personal goal to hurt Trump  
17 politically?

18 A. Not at all.

19 Q. Do you have any evidence that Crossfire  
20 Hurricane was part of a, quote, deep state effort to  
21 take down Trump?

22 A. None whatsoever.

23 Q. Finally, there have been allegations that  
24 the true intention of Crossfire Hurricane was to, quote,  
25 change or nullify the results of the 2016 election. Was

1 that your goal personally?

2 A. It was not.

3 Q. And do you have any evidence that that  
4 was anybody else's goal?

5 A. No.

6 Q. Thank you.

7 Contrary to all of these allegations of bias  
8 that we just went through, the IG report documents  
9 several steps that the FBI took during Crossfire  
10 Hurricane to determine that the investigation did not  
11 impact the 2016 election. I'll read one quote from the  
12 IG report on page 308:

13 "Multiple witnesses told the IG that they were  
14 very concerned about preventing leaks regarding the  
15 nature and existence of Crossfire Hurricane."

16 Why was it so important to ensure that the  
17 nature and the existence of the investigation remained  
18 private?

19 A. To protect the integrity of the electoral  
20 process. It was an ongoing investigation and we wanted  
21 to protect all of those involved in the investigation.

22 Q. And that's because if even the fact of  
23 the investigation was known, setting aside sort of  
24 particular allegations, if the fact of this  
25 investigation was known, it could have potentially

1 affected the election in some way?

2 A. Absolutely, yes.

3 Q. And the existence of Crossfire Hurricane  
4 did remain private until after the election. It wasn't  
5 until March of 2017, months after the election, where  
6 its existence became known when FBI Director Comey  
7 revealed it during a congressional hearing.

8 So the steps that you and the other members of  
9 the Crossfire Hurricane team and others within the FBI  
10 who had knowledge of the existence of the investigation  
11 took to conceal were successful, were they not?

12 A. It was, yes.

13 Q. And the harm that could have been caused  
14 to the Trump Campaign if -- I'm not saying I guarantee  
15 that it could have been caused, but that could have been  
16 cause if the existence was public never happened, none  
17 of that harm happened?

18 A. I'm sorry. Could you just repeat that?

19 Q. So the harm that could have been caused  
20 had you not been successful in keeping the existence of  
21 the investigation quiet never came to pass?

22 A. Right. Yes.

23 Q. And would you agree that if a member of  
24 the Crossfire Hurricane team was conspiring to prevent  
25 Trump from being elected or wanted to change the



1 results, was out to get him as this many of these  
2 allegations have argued, they could have publicized the  
3 existence of the investigation?

4 A. Correct. Yes.

5 Q. But, again, that did not happen?

6 A. It did not happen.

7 Q. That wasn't the only step that members of  
8 the Crossfire Hurricane team took to ensure that the  
9 election and the Trump Campaign wasn't harmed or  
10 affected in any way. You and other Crossfire Hurricane  
11 members told the IG that Source 2, who is the CHS that  
12 you -- the confidential human source you handled had the  
13 opportunity to join the Trump Campaign. You told the IG  
14 that, quote, if Source 2 had joined the campaign, the  
15 Crossfire Hurricane team would not have used Source 2  
16 because that's not what we were after.

17 Can you elaborate on that? Why would you not  
18 have used Source 2?

19 A. Our investigation, mandated  
20 investigation, was very narrowly focused on  
21 foreign -- our investigation was not on the campaign at  
22 all. If Source 2 joined the campaign, he was then  
23 inside of a political campaign which we were not  
24 investigating. He would have to access to others and he  
25 would have the ability to meet with others, but that's

1 not what we wanted, and we wouldn't have used  
2 whatsoever.

3 He was told that he was free to do what he  
4 wanted, but if he would have joined the campaign, we  
5 would not have used him.

6 Q. I believe others told the IG that among  
7 the reasons why they did not want Source 2 to be a  
8 member of the Trump Campaign was because of a perception  
9 that could develop after the fact that there was  
10 something political going on here; is that correct?

11 A. That's correct.

12 Q. And is it correct to say that you and  
13 your colleagues on the Crossfire Hurricane team were not  
14 just concerned about affecting the election in real  
15 time, but concerned with an allegation at any point that  
16 you were doing something political?

17 A. Correct.

18 Q. Even if there might have been an  
19 investigative step that you could have taken that might  
20 have benefitted, theoretically benefitted, the  
21 investigation in some way, if there was that political  
22 risk that we just discussed, that's not something that  
23 you would taken?

24 A. No.

25 MR. HASKELL: I think that's all we have for

1 this round.

2

THE WITNESS: Okay.

3 MR. HASKELL: Do you want to take a short break?

4 MR. SOMERS: Do you need a break?

5 THE WITNESS: Sure.

6 MR. SOMERS: Let's take a short break.

7 [Whereupon, at 11:42 a, m., a recess was taken,  
8 resuming at 11:48 a.m.]

9 MR. SOMERS: It's now 11:48. We are back on the  
10 record.

11 FURTHER EXAMINATION BY THE MAJORITY

12 BY MR. SOMERS:

13 Q. How would you characterize the atmosphere  
14 of the Crossfire Hurricane investigation? Was there a  
15 lot of pressure? Was there -- on the teams, what was  
16 the general atmosphere of the investigative team?

17 A. I think everybody in the room was  
18 professional. It was one of the most professional  
19 environments I've worked in.

20 We all had probably internal pressures on  
21 ourselves to prove or disprove what we were  
22 investigating.

23 Q. If you had concerns, could you raise  
24 them? Did you feel you comfortable -- not only that you  
25 could raise it, did you feel comfortable raising any

1 concern?

2 A. In that room, everybody had an equal  
3 voice. So I don't think there was concern about raising  
4 anything.

5 Q. And SSA 1 was your direct supervisor?

6 A. He was, yes.

7 Q. How did you interact with the supervisory  
8 intel analyst?

9 A. I have known him for almost my entire  
10 career. He's professional. He was one of the foremost  
11 experts in what he does.

12 Q. Russia?

13 A. Yes.

14 I wasn't sure -- we're in an unclassified  
15 setting.

16 He was professional.

17 Q. So you reported to -- I'm just trying to  
18 understand the sort of ranking structure there. You  
19 reported to SSA 1 and the SIA sort of not directly, but  
20 he was a superior to you?

21 A. No. There are two lines in the FBI.  
22 There's special agents and there's the intelligence  
23 cadre. The SSAs have -- they oversee special agents.  
24 Agents for the most don't report to intel analysts.  
25 They have their reporting structure.

1           Below SIA, there would be intelligence analysts  
2           and SOSes. He wouldn't be superior to me.

3           Q.       Not on this investigation?

4           A.       Not on this investigation.

5           BY MR. BAKER:

6           Q.       Would the SIA, would he kind of be  
7           equivalent to the SSA on the agent structure?

8           A.       Essentially, yes, sir.

9           BY MR. SOMERS:

10          Q.       Page 78 of the IG report says:  
11          "Additionally, almost immediately after opening the  
12          Page, Papadopolous, and Manafort investigations on  
13          August 10th, the case agent assigned to the Carter Page  
14          investigation, Case Agent 1, contacted OGC about the  
15          possibility of seeking FISA authority for Carter Page."

16          Why did you -- the IG -- I'll let the IG's  
17          characterization stand, "almost immediately". Why did  
18          you act almost immediately to seek FISA authority for  
19          Carter Page?

20          A.       Well, we had -- Carter Page had a history  
21          with the FBI. I learned of the open investigation they  
22          had on him in New York in April. I believe they opened  
23          it up in April 2016, but given his interaction with us  
24          in the past, that's a normal investigative step in a  
25          counterintelligence investigation. We had history with

1 him with various issues with a very involved case.

2 So it was just a natural thing to ask for what I  
3 would say is a normal investigative step in  
4 counterintelligence.

5 Q. How did you learn about the New York  
6 investigation?

7 A. When I was read into the Crossfire  
8 Hurricane investigation.

9 Q. I'm sorry?

10 A. When I was read into the Crossfire  
11 Hurricane investigation.

12 Q. You were briefed orally or you were given  
13 case files or both?

14 A. I don't recall, but the way  
15 counterintelligence works things are compartmentalized.  
16 So I was read into it. I can't recall specifically if I  
17 had access to the file, but I was verbally told about  
18 it.

19 Q. Was that investigation subsumed by your  
20 investigation of Carter Page?

21 A. I believe so, yes.

22 Q. Were they already looking to seek FISA  
23 coverage on Carter Page?

24 A. I don't recall.

25 Q. Do you recall if there were

1 discussions -- you indicated these weren't your  
2 investigations, but do you recall whether there was  
3 discussion seeking FISA coverage on George Papadopolous?

4 A. I think there was some discussion about  
5 it. I can't recall specific events around it, but in  
6 the meetings that we had, I think there was discussion.

7 Q. But just in the meetings you had, nothing  
8 involving you?

9 A. No.

10 Q. Paul Manafort?

11 A. I was the case agent on the Carter Page  
12 investigation. I just participated in discussions  
13 around the table.

14 Q. In the discussions, do you recall any  
15 discussion about FISA coverage on Paul Manafort?

16 A. I don't recall. I don't recall.

17 Q. Same question for Michael Flynn?

18 A. I don't recall.

19 BY MR. BAKER:

20 Q. As a basic proposition, you decide or  
21 it's decided that you're going to open an investigation  
22 and it could be generically anyone, but in this  
23 instance, we'll say Carter Page. At a very basic level,  
24 what do you do as a case agent?

25 You identify a subject that you believe is

1       worthy of investigating. Let's assume you've done the  
2       administrative steps that you have to do. What are the  
3       very first investigative steps?

4               I'm assuming, I believe and you've alluded to it  
5       a little bit that there was already some information  
6       about him known to the FBI, but what would you do as a  
7       case agent with what's immediately around you in your  
8       domain in field office or at Headquarters? What are  
9       things you might do to find out more about this  
10      potential target?

11             A.       In a counterintelligence setting?

12             Q.       Yes.

13             A.       We would check holdings amongst -- within  
14      the FBI and with other agencies including USITC.  
15      Depending on the individual, we may reach out to  
16      friendly intelligences services as well to see if they  
17      have any holdings overseas in specific countries.

18             We would then take normal investigative steps in  
19      issuing NSLs, as that's the world we live in for the  
20      most part. We would -- depending on the investigation,  
21      for the most part, we would seek FISA coverage related  
22      to the individual. That is a tool whereby it helps us  
23      understand the individual we're investigating to either  
24      prove or disprove either the allegations or the  
25      information we have about that individual.



1           The FISA would also help us if it's an  
2 intelligence officer to identify the abilities or ways  
3 we can recruit that intelligence officer to work for the  
4 United States Government or possibly identify others  
5 that that intelligence officer is in contact with. It  
6 may show the FISA -- if that intelligence officer is  
7 trying to evade our surveillance, either electronic or  
8 physical. We also assign physical surveillance on the  
9 individual, as needed, to see who that individual is in  
10 contact with, again, all to either prove or disprove  
11 what we have for the investigation.

12 BY MR. SOMERS:

13           Q.       You said you were already kind of given  
14 the information about the previous Carter Page or the  
15 ongoing Carter Page FISA investigation -- not FISA, but  
16 the counterintelligence investigation.

17           A.       Yes.

18           Q.       If you weren't, would there have been a  
19 way to discover that information if you were there on  
20 Day 1?

21           A.       I mean, you're asking me to speculate if  
22 I could figure out information.

23           Q.       I'm not asking you to speculate. I'm  
24 asking like if the New York Field has an ongoing  
25 investigation of Carter Page and you want to open one up

1 with Headquarters, it makes sense to me that you would  
2 somehow be able to tell that New York Field had an open  
3 investigation of the same person you want to  
4 investigate.

5 BY MR. BAKER:

6 Q. I think to that point, you said something  
7 about when you walked us through the continuum --

8 A. Sure.

9 Q. -- from infancy to sophisticated  
10 investigative techniques, I though you said something at  
11 the beginning as a preliminary step -- and I'm  
12 paraphrasing -- you would check holdings.

13 A. Right. We would run checks in our  
14 databases. Now, I'll caveat that to your question.

15 There are code name investigations on  
16 individuals as well. So that's to protect the  
17 individual under investigation or protect the individual  
18 who we may be looking to recruit.

19 So that's where our Headquarters component comes  
20 in. The Headquarters component is aware of almost full  
21 field investigations that going on in a given  
22 discipline, in this case Russian counterintelligence.  
23 So because counterintelligence investigations are  
24 compartmentalized, I don't have a need to know about  
25 that investigation on a regular basis, but if I had

1 started the investigation, we would have reached out to  
2 our Headquarters component and they would have said,  
3 Hey, Steve needs to know this investigation, about it,  
4 and they would have reached to the supervisor in New  
5 York who then would give me access to that file.

6 Q. So there's a process where you would  
7 learn that the subject you're looking at was the subject  
8 in another case?

9 A. That's correct.

10 Q. Okay. Then you also said something when  
11 you were walking us through the continuum that one of  
12 the other steps, if I understood this correctly, would  
13 be to maybe check with other people in USITC?

14 A. That's right.

15 Q. What does that involve? This is outside  
16 your field office, Headquarters, FBI domain. Right?

17 [REDACTED]: And you're talking generically.  
18 Correct?

19 BY MR. BAKER:

20 Q. Generically. Right now, we're talking  
21 generically.

22 A. We would ask for what's referred to as a  
23 name trace with other government agencies.

24 Q. And these would be other intelligence  
25 agencies?

1 A. Correct.

2 Q. And what --

3 A. In my experience.

4 Q. Would could be some of the outcomes of  
5 that name trace request? What are some of the  
6 possibilities of getting a hit, for lack of a better  
7 word?

8 A. You could have nothing. You could find  
9 that the agency had, you know, a prior relationship with  
10 or a current relationship with that individual or they  
11 may have allegations about that individual that, say,  
12 one of their -- just a second.

13 [The witness confers with ██████████.]

14 THE WITNESS: Sorry. I just wanted to make  
15 sure.

16 BY MR. BAKER:

17 Q. Sure.

18 A. They would just provide a summary of  
19 whatever they had on that individual.

20 Q. Then would you be able to follow up? If  
21 you get a summary that's interesting to you on the  
22 subject you're looking at investigating, would you have  
23 a means to contact the agency that's reporting back  
24 information in the initial name trace to get more  
25 detail?

1 A. I believe so, yes.

2 Q. Do you know, now specifically moving into  
3 the Carter Page investigation, was a name trace done?

4 A. A name trace was done.

5 Q. And did you get information back?

6 A. We did.

7 Q. And was there followup to the  
8 information?

9 A. For me, personally, no. I don't believe  
10 so.

11 Q. Did anybody follow up with information  
12 received back?

13 A. We -- that's leading me to almost -- I  
14 wasn't privy to any discussions that took place between  
15 my agency and other agencies. I personally did not  
16 follow up.

17 Q. But would it be fair to say that you  
18 either were made aware then or at some point in the  
19 investigation made aware that Mr. Page as the subject  
20 you're potentially looking at was known to another  
21 agency?

22 A. Yes.

23 Q. And it would be another intelligence  
24 agency?

25 A. Yes.

1 Q. Okay. And to the best of your knowledge,  
2 there was not additional followup or you didn't have  
3 additional followup with the other agencies?

4 A. To the best my -- I can't answer that  
5 question. I don't recall given the time that's elapsed.  
6 I don't know that answer.

7 Q. Do you recall if at the time you knew  
8 what the relationship was with Mr. Page and the other  
9 agency?

10 A. Because of the classification of it, I  
11 haven't seen that document probably since 2016. So I  
12 can't specifically answer questions as it relates. I  
13 can only refer to what's in the Inspector General's  
14 report, but that's about it.

15 Q. Could you say if he was, Mr. Page  
16 were -- was your impression based on this result of the  
17 name trace, was it your impression that Mr. Page was the  
18 subject of an investigation by another agency or was he  
19 an asset of another agency?

20 A. I can't answer that question given the  
21 timeframe and not having the document in front of me.

22 BY MR. SOMERS:

23 Q. Did you request the name trace?

24 A. I don't know how that name trace went.  
25 It could have been requested through the SIA, because we

1 had contacts at the OGA who was -- I knew the name at  
2 the time who was, I believe, our liaison at the other  
3 agency.

4 Q. Page 79 of the IG report says: "On or  
5 about August 17, 2016, the Crossfire Hurricane team  
6 received information from another U.S. Government agency  
7 advising the team that Carter Page had been approved as  
8 an operational contact for the other agency from 2008 to  
9 2013 and detailing the information that Page had  
10 provided to the other agency regarding Page's past  
11 contacts with certain Russian intelligence officers."

12 Do you recall receiving that memo? Did you  
13 receive that memo?

14 A. I believe I did, yes.

15 BY MR. BAKER:

16 Q. Who else on the team would have gotten  
17 that memo or any information from this name trace?

18 A. It would have been -- the way it's  
19 transmitted, we get a hard copy transmitted to us. I  
20 don't believe that at that level, it could be emailed  
21 due to classification issues, if I recall correctly.

22 The SA, the SSA, a number of people would have  
23 had access to that document. It wasn't something that  
24 was sent specifically to me and locked in a drawer  
25 somewhere. It was available to the entire team.

1 Q. So the team would have been aware of  
2 whatever --

3 A. That's correct.

4 Q. Would Mr. Strzok have been aware?

5 A. I wasn't in any meetings that I recall  
6 where he was briefed, but that's -- I don't want to  
7 speculate.

8 BY MR. SOMERS:

9 Q. Well, at some point, Carter Page went  
10 public and said he had contact with the CIA and other  
11 intelligence -- members of the intelligence community,  
12 including the FBI. Do you recall any discussions after  
13 Carter Page went public about whether he, in fact, was  
14 just making stuff up or whether this, in fact, was a  
15 truthful statement about Carter Page?

16 A. I don't recall the timing when he went  
17 public on that. So I can't specifically answer that  
18 question.

19 Q. Do you recall ever discussing in group  
20 meetings whether -- in the meetings you described in our  
21 first round of questioning, do you recall any discussion  
22 in those meetings as to whether Carter Page was  
23 associated in any way with members of the U.S.  
24 intelligence community, member agencies of the U.S.  
25 intelligence community?



1 A. Can you repeat that? Sorry.

2 Q. Do you recall in the first round, we are  
3 discussed meetings that took place --

4 A. Yeah.

5 Q. -- on Crossfire Hurricane. Do you recall  
6 in those meeting whether it ever came up, especially  
7 given that Carter Page came out and said publicly,  
8 whether Carter Page had an association of some type with  
9 a U.S. Government intelligence agency?

10 A. I don't recall specifically, but it could  
11 have.

12 Q. You said "but it could have"?

13 A. Yes.

14 BY MR. BAKER:

15 Q. How quick or how slow do these name trace  
16 requests come back?

17 A. My only answer is it depends. I have  
18 waited for some time on some of them, and others, I get  
19 back fairly quickly.

20 Q. In this instance, was there an  
21 investigation up and running when the name trace came  
22 back or where on the continuum of the investigation was  
23 it?

24 A. I don't recall when the actual name trace  
25 was sent. So I can't answer that question. I'm sorry.

1 MR. BAKER: Okay.

2 BY MR. SOMERS:

3 Q. The Carter Page FISA application,  
4 obviously, contains some information about his contacts  
5 with Russia and Russian intelligence officers prior to,  
6 unrelated to, presumably unrelated to the Trump  
7 Campaign. Do you recall generally that information?

8 A. I do.

9 Q. Do you recall where you got that  
10 information from?

11 A. I received it from reading the ECs,  
12 electronic communications, of his meetings with the FBI  
13 and I believe I spoke with individuals up in New York  
14 who met with him.

15 Q. Do you recall if any of the information,  
16 that information, overlapped with any of the information  
17 in this August 17, 2016 memo from the other government  
18 agencies?

19 A. There were several ECs. I think one  
20 overlapped. I think the other subsequent one did not  
21 overlap.

22 Q. Did you inform anyone of the overlap?

23 A. I think everyone on the -- if I recall  
24 correctly, everyone on the team was aware of his  
25 contacts. Everyone had access to the ECs or the

1 analytical cadre of his interactions with the FBI in the  
2 past.

3 Q. Do you recall what the overlap was  
4 between the August 17 --

5 A. I don't recall specifically.

6 Q. The IG report on page 366 says: "We  
7 concluded that Case Agent 1 failed to provide accurate  
8 and complete information to the OI attorney concerning  
9 Page's relationship and cooperation with the other  
10 agency."

11 MS. ARGENTIERI: I'm sorry. Where are you  
12 reading from?

13 MR. SOMERS: I'm sorry. Page 366 of the IG  
14 report.

15 BY MR. SOMERS:

16 Q. It says: "We concluded that Case Agent 1  
17 failed to provide accurate and complete information to  
18 the OI attorney concerning Page's relationship and  
19 cooperation with the other agency."

20 THE WITNESS: It's page 366?

21 BY MR. SOMERS:

22 Q. Page 366.

23 A. Yeah. And your question?

24 Q. I believe the information you provided  
25 the OI attorney would have been the information

1 regarding Carter Page was out of scope of the FISA. Do  
2 you recall when you drew that conclusion?

3 A. I recall the entire dialogue I had with  
4 the OI attorney whereby several people were copied on  
5 the email. Yes.

6 Q. Do you recall determining that the  
7 information in the August 17th memo -- I assume that's  
8 the information you got from the other agency. Do you  
9 recall why you determined it was out of scope for the  
10 Carter Page FISA application?

11 A. I do.

12 Q. Why did you determine it was out of  
13 scope?

14 A. When we initially asked for the FISA on  
15 Carter Page, I believe it's documented here that I felt  
16 we needed more information because of the lapse of time  
17 he had with Russia intelligence officers. Based on  
18 that, based on, I believe, the memo, his last detailed  
19 contact was in 2011 with the OGA. Five years would be  
20 outside of the scope we were looking. At we were  
21 looking at a specific timeframe.

22 I think what was not accurately reflected in the  
23 OIG report was that I offered the OI attorney to see  
24 that memo. That was offered for him to see and review  
25 himself.

1           There was a FISC ruling on March 5, 2020 whereby  
2           the FISC Court said that the OI attorney should have  
3           come and reviewed that documentation.

4           BY MR. BAKER:

5           Q.       What was the OI attorney's response when  
6           you offered?

7           A.       There was no response from the OI  
8           attorney that I recall.

9           Q.       What was your mode of communicating the  
10          offer?

11          A.       This was an email where several people on  
12          the investigative team was copied on that email,  
13          including the OGC, including the SSA.

14          Q.       Was there any subsequent attempt to  
15          contact the OI by either you or anybody on the team  
16          about this offer?

17          MS. ARGENTIERI:   Sorry.

18          MR. BAKER:    Sure.

19          [Ms. Argentieri confers with the witness.]

20          THE WITNESS:   So the actual quote, if I recall  
21          correctly, was I said I would argue it's outside the  
22          scope, but you can keep it in if you'd like and I have a  
23          document for you to review, something along those lines.

24          I never denied his involvement with the OGA.  I  
25          made a good faith effort to share that document with the

1 OI attorney, and I made a call based on my experience,  
2 my discussions with OGC and others that it was outside  
3 the scope, but others sought out communication. It  
4 wasn't a communication just between myself and the OI  
5 attorney.

6 The way it works is that we give the information  
7 to OI, and if they ask for more, we always will provide  
8 it. It was not followed up on. So, therefore, I  
9 thought I did my due diligence and notified OI that he  
10 did have contact with OGA.

11 BY MR. BAKER:

12 Q. You say in this response to OI or the  
13 communication with OI, you said you have another  
14 document and this is what he did not respond to. Was  
15 there a hint as to what the substance of the other  
16 document was that you had?

17 A. No. The document was a draft copy of the  
18 FISA application where we put electronic comments into  
19 questions. It was an electronic markup of that document  
20 where I answered any questions the OI attorney had, and  
21 that was one of a few answers I had for the OI attorney.

22 Q. Okay.

23 A. And I did also offer for him to review  
24 it.

25 Q. Separate from that, was there any

1 communication to OI or making them aware of this other  
2 government agency information separate and apart from  
3 anything else you're doing with the affidavit, they,  
4 Hey, we got this back; we got this information in; this  
5 is pretty important? Was there anything to highlight it  
6 to OI?

7 [REDACTED]: You're talking at the time he was  
8 involved in the case?

9 MR. BAKER: Correct.

10 THE WITNESS: I thought my answer to that  
11 question in the draft was sufficient to say, yes, he did  
12 have a relationship with the OGA. I felt it was outside  
13 the scope, but if you want to keep that relationship in  
14 with the OGA, yes.

15 So, clearly, there was some question about  
16 whether or not he had an affiliation, but I offered for  
17 that memo to be viewed by OI. As I had mentioned  
18 earlier, given the sensitivity of the document and the  
19 classification level of it, we can't email that in our  
20 systems to OI. OI would have to physically come into  
21 our space and review that document, and it was not  
22 followed up on.

23 BY MR. BAKER:

24 Q. In any way, shape, or form?

25 A. As far as I know --

1 Q. It was not?

2 A. -- it was not followed up on?

3 BY MR. SOMERS:

4 Q. Do you still, sitting here today, believe  
5 it was outside the scope?

6 [Witness confers with counsel.]

7 THE WITNESS: Can you repeat the question?

8 BY MR. SOMERS:

9 Q. Do you still believe the information is  
10 outside the scope?

11 A. I believe I accurately flagged it for OI  
12 for their review and they didn't follow up on it.

13 MR. SOMERS: Okay.

14 BY MR. BAKER:

15 Q. Would there have been any harm or  
16 violation of protocol, in addition to just flagging it,  
17 to really marquee that this might contradict what is  
18 going into the FISA, look at this, please?

19 A. OI is the ultimate arbiter of what goes  
20 to the court. By notifying OI that he did speak with  
21 the OGA and by making that available, that was their  
22 decision to make. It was not mine.

23 Q. Do you think that the way this what  
24 ultimately becomes a very significant issue, do you  
25 think it's adequately communicated to OI by putting it



1 where you put it with no priority assigned to it?

2 A. Just one second.

3 [Witness confers with counsel.]

4 THE WITNESS: At the time I read the October  
5 memo -- the August memo, I think it was five years prior  
6 to investigative activity. We flag it for OI for them  
7 to follow up on.

8 As a case agent, I expect OI to read everything  
9 I provide to them and to follow up with any questions  
10 that they have.

11 BY MR. SOMERS:

12 Q. Just to be clear, you provided them with  
13 the memo or you provided them a summary?

14 A. I provided them with the fact. I  
15 couldn't provide the memo. I offered for the memo to be  
16 made available.

17 I offered a judgment call that it was outside  
18 the scope because it was five years prior to what we  
19 were looking at. We were looking at Carter Page's  
20 activity circa 2016.

21 Q. But you told them about the contacts  
22 between the other agency and Carter Page?

23 A. I provided information that he did have  
24 contact with OGA. I made the argument, as a case agent,  
25 it was outside the scope. It was offered -- I also

1 offered for him to keep that language in the FISA and I  
2 offered for them to come see the memo.

3 Q. My question is what you told about the  
4 contacts. Did you tell them that -- did you only tell  
5 them about older contacts or did you tell them about all  
6 the contacts that were in the August 17th memo?

7 A. I couldn't convey that over a meeting. I  
8 communicated that they had to come over and review the  
9 document.

10 Q. So I'm just trying to understand what  
11 exactly you -- you orally communicated with the OI  
12 attorney; is that correct?

13 A. No. There was an email communication.  
14 There was an electronic draft where comments were being  
15 asked and answered between ourselves and OI whereby  
16 numerous people were on that chain. I answered  
17 questions where I believe it was anything about DOJ  
18 involvement.

19 So there was no -- to those who were on the  
20 investigative team and OI, I said it was outside the  
21 scope given what I had read in the memo, but I offered  
22 for them to keep it in. I believe I said I don't have a  
23 problem with you keeping it in, and if you want to see  
24 the memo, you come and take a look at it.

25 I expect -- my expectation for OI is that they'd

1 follow up if they had any additional questions.

2 Q. So you didn't describe the contacts; you  
3 just said there were contacts, but you thought they were  
4 outside the scope. Correct?

5 A. Yeah, given the context of the  
6 classification of the document that we had.

7 Q. You communicated over a classified  
8 system, but it didn't have a high enough --

9 A. Correct.

10 Q. -- classification?

11 A. Correct.

12 BY MR. BAKER:

13 Q. You mentioned just a second ago it was a  
14 judgment call. Was it solely your judgment or did you  
15 have a discussion with SSA 1 or anyone on the team and  
16 it was a collective judgment?

17 A. I can't answer that specifically. I  
18 think others were copied on that comment, and if anybody  
19 had any -- took any umbrage, they would have probably  
20 let me know.

21 Q. But you don't recall a discussion before  
22 sending it initially?

23 A. I don't recall.

24 BY MR. SOMERS:

25 Q. Do you recall if anyone else read the

1 August 17 memo?

2 [Witness confers with counsel.]

3 THE WITNESS: My impression is that they did  
4 read that memo, but I can't specifically remember who.

5 BY MR. SOMERS:

6 Q. When you say "they", you mean people on  
7 Crossfire Hurricane?

8 A. Yes, the people on the investigative  
9 team, and as was mentioned in the email, if they had any  
10 question about it, they had access to it because it was  
11 kept in our space.

12 Q. When did you first see the report that's  
13 now become known as the Steele Dossier?

14 A. If I recall correctly, it was sometime in  
15 mid-September 2016.

16 Q. The team received the report, according  
17 to page 100 of the IG report, on September 19, 2016. Do  
18 you think you immediately had access to it?

19 A. No. At the time, I was up in New York  
20 working another active investigation. I was informed  
21 about the documents, but I believe the SOS saw it  
22 through our instant messaging system, but I recall him  
23 asking if I had seen it, but when I came back to  
24 Headquarters, that's when I first saw it.

25 Q. I think I picked up in reading the IG

1 report that you believed that you had probable cause for  
2 FISA coverage on Carter Page without or prior to  
3 receiving the Steele reporting; is that correct?

4 A. If that's what it says in the report,  
5 then, yes. I believe I did.

6 Q. So you what happened? You get the Steele  
7 reports in and, obviously, it's pretty clear on the IG  
8 report that you then start trying to corroborate the  
9 Steele reports?

10 How did that process go? Did you start first  
11 with Steele or did you start first with the reports or  
12 was that all mixed together?

13 A. I believe it was mixed together. I think  
14 the way the work was bifurcated was the intelligence  
15 cadre were trying to verify known facts, if you will, in  
16 that report that could be verified, travel, just who and  
17 I don't recall the original tranche of information, but  
18 if they could identify somebody worked at the embassy or  
19 along those lines.

20 Q. That's the analyst, you mean?

21 A. That's the analyst.

22 The agent cadre then reached to the Handling  
23 Agent 1 to speak to that agent about and his source, who  
24 he was, how long has he been working with us, if we had  
25 contact with him, things along those lines. The agent

1 cadre of an investigation like this is operationally  
2 focused.

3 Q. And what did the handling agent tell you  
4 about Steele, generally?

5 A. I don't recall the specifics. We had a  
6 secure videoconference call with him in the city he was  
7 posted. It was myself, SSA 1, and Case Agent 2, and  
8 there was, I believe, an offer to meet with Steele.  
9 Then we started to put that trip together.

10 Q. What was your knowledge of, say prior to  
11 the October 21 when the first FISA application was  
12 submitted, what was your knowledge of who Christopher  
13 Steele was at the time?

14 A. He was a former member of a friendly  
15 foreign intelligence service. He had been a source f  
16 for Handling Agent 1 for a period of time. He provided  
17 information to Handling Agent 1 for a certain period of  
18 time. I don't recall specifically how long.

19 He had a tranche of reporting through meetings  
20 with agents and the SIA in a foreign country. He went  
21 on to describe his source network. That's about it.

22 Q. Do you recall why you didn't attend that  
23 October meeting in another country?

24 A. I think I was focused on the FISA. I  
25 think there was a couple of other things going on at the

1 same time. We had a small team doing this  
2 investigation. So we were always stretched a little bit  
3 as far as who could do what.

4 Q. Your information about Steele came from  
5 Handling Agent 1 or this handling agent?

6 A. The initial first blush of information  
7 came from Handling Agent 1 and then we sent the team out  
8 to interview him subsequent to that.

9 Q. Did you run a file search on Steele, like  
10 a delta file or anything else?

11 A. I don't have access to that. That's  
12 all -- I believe our intel cadre would have done that.

13 Q. Do you believe that they -- do you know  
14 whether they did?

15 A. I don't recall that, no.

16 Q. So what was your understanding prior to  
17 the first FISA warrant, October 21, 2016 -- you get the  
18 reports in. What is your understanding as to why Steele  
19 was collecting this information?

20 A. He was hired by a firm in the United  
21 States to do opposition research as evidenced by the  
22 footnote we had in the FISA.

23 Q. What was your understanding of how he was  
24 going about collecting this information?

25 A. As far as his source network?

1 Q. Yeah. I mean what was your understanding  
2 of how it was that he'd get these reports? What was  
3 your understanding of how he collected the information  
4 that was in these reports?

5 A. It was all from the October meeting that  
6 occurred in a foreign city where he was met by case  
7 agents and the SSA.

8 Q. I'm not asking how you -- I'm asking what  
9 was your understanding of where the information in the  
10 report came from?

11 A. There was an email since from the team  
12 who interviewed him and he described his source network.

13 Q. So you understood that he was collecting  
14 all the information from sources?

15 A. Correct.

16 Q. Did you further understand that he had a  
17 primary subsorce?

18 A. I don't know if I knew that at the time.

19 Q. When did you learn that he had a primary  
20 subsorce?

21 A. I can't recall when I knew he had a  
22 primary subsorce.

23 Q. Do you recall if you learned  
24 before -- you eventually interviewed the primary  
25 subsorce. You took part in an interview in January of



1 2017 with the primary subsource; is that correct?

2 A. That's correct.

3 Q. So you learned before that interview that  
4 there was a primary subsource. Correct?

5 A. That's correct, yes.

6 Q. Do you recall how long before that  
7 interview? Did you learn on the eve of the interview or  
8 had you known for a couple of months?

9 A. No. I can't recall specifically.

10 BY MR. BAKER:

11 Q. Apart from Crossfire Hurricane, you  
12 handled sources in your career. Correct?

13 A. I have.

14 Q. How many would you guess you've handled?

15 A. I guess it depends on how you define a  
16 source. You know, true sources with intelligence  
17 officers, numerous.

18 Q. How common is the subsource network in  
19 your experience in dealing with sources?

20 A. It depends on the target. It depends on  
21 where they're getting their information from, target  
22 meaning either information from a country that they're  
23 friendly with that, say, intelligence officer. So it  
24 depends.

25 Q. Had any of the cases you worked where you

1 utilized confidential human sources, did you encounter a  
2 subsource network like Christopher Steele had?

3 A. Not like this.

4 Q. If you know, what problems, what unique  
5 problems would present themselves with a subsource  
6 network as opposed to just a source that is reporting  
7 information to you?

8 A. That would force me to kind of speculate  
9 or guess. Our goal is if we find, in practice -- hold  
10 on.

11 [Witness confers with Ms. Argentieri.]

12 THE WITNESS: In my experience, it's you don't  
13 know how the subsource is being tasked, what they're  
14 going to do, but in my experience, my goal as the case  
15 agent would be to drill down further into who those  
16 sources are and then to see if the FBI would be able to  
17 gain access to the main sources of information,  
18 thereby -- we use the phrase "peeling layers of the  
19 onion to get to the heart of the matter. If you find  
20 out through the course of working with somebody who has  
21 a primary subsource that there main source is providing  
22 the bulk of the information or just part of the  
23 information is available to approach by the FBI, by all  
24 means, we will do everything we can to get in front of  
25 that individual and start to peel back the layers of the

1 onion.

2 BY MR. BAKER:

3 Q. And the purpose of getting in front of  
4 that individual is for what?

5 A. Because they are the original source of  
6 the information that allows us to, "A", ensure the  
7 information is true and correct, obviously, and to then  
8 honestly establish a relationship with that individual,  
9 deal with that individual as the source.

10 Q. So it sounds like what you're saying and  
11 correct me if I'm wrong is that one of the big important  
12 reasons for needing to get in front of a subsource is  
13 credibility?

14 A. That's right.

15 MR. BAKER: Thank you.

16 BY MR. SOMERS:

17 Q. So I don't think this question was  
18 answered as it relates to on page 133. The OI attorney  
19 asked the FBI questions about subsources, including in a  
20 September 30, 2016 email which he asked Case Agent 1 and  
21 the Crossfire Hurricane team, he asks this question:  
22 "If the reporting is being made by a primary source, but  
23 based on subsources, why is it reliable even though it's  
24 second- and third-hand?"

25 Do you have an answer to that question?

1           A.       Are you asking the question that was  
2 raised by the OI attorney?

3           Q.       That's what I'm asking, yeah. I don't  
4 think there was answer in the IG report.

5                   [Witness confers with counsel.]

6           THE WITNESS: So that question was asked on  
7 September 30, 2016, only a few days after we had the  
8 reporting. At the time that question was asked of me by  
9 the OI attorney, I couldn't provide an answer, but we  
10 subsequently provided that information to OI attorney  
11 after the October meeting that the SSA wrote up of a  
12 meeting they had with Steele.

13 BY MR. SOMERS;

14           Q.       So why was the information reliable?

15           A.       Sorry?

16           Q.       Why was the second- and third-hand  
17 information reliable?

18           A.       Well, I think --

19           Q.       Well, paraphrasing, it seems like the OI  
20 attorney was satisfied with your response, but the IG  
21 report does not indicate what the response was.

22           A.       I think if you read further on, the team  
23 eventually briefed them on the subsource information  
24 they learned from Steele in early October. He also  
25 received the written summary of this information that

1 the SIA prepared shortly after the October meeting.

2 So I think that satisfied his question, because  
3 it goes on to say that based on the information that the  
4 FBI, the investigative team, provided, he thought the  
5 sources were definitely in a position to have asked for  
6 the information.

7 Q. So because the sources were in a position  
8 to receive the information, you found it reliable?

9 A. We provided OI the same write-up of that  
10 meeting that all the FBI had.

11 Q. So at that point, though, where did you  
12 learn about the subsources? From Steele or somewhere  
13 else?

14 A. Subsources, the network he had?

15 Q. Yes.

16 A. That came from the meeting in October. I  
17 know that, initially, he was reluctant to share it with  
18 the handling agent, but I know that he was reluctant to  
19 even share it the team, but in October, he eventually  
20 gave us some of the information that the subsource  
21 network was.

22 Q. So it says on page 133 also, it says  
23 that: "The supervisory intel analyst sits as a case  
24 agent and providing information on the subsources and  
25 reviewed the footnotes for accuracy."

1 I assume that means the footnotes in the FISA.

2 A. That's right.

3 Q. So this FISA application had a  
4 separate -- the version that we have are heavily  
5 redacted. I'm not going to ask you what's behind the  
6 redactions, but just generally, I think my understanding  
7 is there's a separate footnote for each of the  
8 subsources; is that correct, or most of the subsources?

9 [REDACTED]: If you recall.

10 THE WITNESS: I can't recall without seeing a  
11 document.

12 BY MR. BAKER:

13 Q. Of course, I don't have the document to  
14 be able to provide you. I've never even seen that part  
15 of the document, but in general, it seems like there  
16 were at least some footnotes.

17 A. I can tell you there were lengthy  
18 footnotes, because it was -- there were various sources  
19 of information. I can't tell the specifics, but I do  
20 recall it being lengthy footnotes.

21 Q. Describing the subsources?

22 A. Describing the subsource network. That  
23 was my understanding of the how Steele was receiving the  
24 information, through the subsource's network.

25 Q. Did he provide you enough information to

1 identify the subsources?

2 A. I believe we identified two of the  
3 subsources.

4 Q. From the information Steele provided?

5 A. Yes. I'm sorry. I can't recall if he  
6 gave us the names of the subsources or we were able to  
7 discern who subsources were given the context of  
8 information that Steele provided. I wasn't at that  
9 meeting. So I can't answer.

10 Q. Do you recall if he provided you the name  
11 of the primary subsource?

12 A. I don't recall.

13 Q. So do you know whether you discerned or  
14 it or he provided it?

15 A. I don't recall when I learned of the  
16 primary subsource.

17 Q. You don't recall when you learned the  
18 name of the primary subsource?

19 A. I don't.

20 Q. You don't recall whether it was from FBI,  
21 any investigation, or Steele just gave you the name?

22 A. I'm sorry. Can you repeat that?

23 Q. You don't -- eventually, you learned the  
24 name of the primary subsource. Correct?

25 A. Correct.

1 Q. But what you don't recall is whether you  
2 learned the name of the primary subsource because the  
3 FBI, through clues it had, investigated and discovered  
4 the name or whether Steele said this is the guy's name?

5 [Witness confers with counsel.]  
6

7 THE WITNESS: If I recall correctly, the primary  
8 subsource was identified by the intel analyst on the  
9 investigative team.

10 BY MR. SOMERS:

11 Q. And you recall -- do you recall roughly  
12 when that was?

13 A. I can't tell you that, no.

14 Q. So you discover who the primary subsource  
15 is at some point. What do you then do with that  
16 information?

17 A. I think I learned who the -- probably  
18 just before the interview, if I recall at the time, we  
19 went out to -- we found where the primary subsource  
20 lives.

21 [Witness confers with counsel.]

22 BY MR. SOMERS:

23 Q. We can keep it to the country.

24 A. Could you just repeat that question,  
25 please? I'm sorry.

26 Q. What did you learn after you learned the



1 identify of the primary subsorce? What did you and/or  
2 the team do once you learned the identity of the primary  
3 subsorce?

4 A. We tried to identify where that  
5 individual lived and go out and interview that  
6 interview.

7 BY MR. BAKER:

8 Q. Did you do name checks on that person  
9 too, name searches, background checks?

10 A. I don't remember on the primary  
11 subsorce. I can't recall.

12 Q. Would you do that when you're considering  
13 opening any source?

14 A. It depends, but generally, prior to us  
15 going out to the interview anybody, we'd check to see  
16 the --

17 Q. When you're considering opening an  
18 individual as a source, you would do, I imagine, some  
19 sort of check on them, who they are, are they really in  
20 a position to provide that information?

21 A. Is your question to open them as a  
22 source?

23 Q. Yes.

24 A. Yes. We would do checks.

25 Q. So if you do identify subsources of a

1 source, would you do something similar to establish the  
2 credibility of who they are, what they know, why they  
3 would know it?

4 A. If I understand the question, if through  
5 a subsource, we identified another source --

6 Q. No. If you -- you would do these checks  
7 in opening a source. As you continue to work that  
8 source, you learn that that source has a network of  
9 sources. You eventually identify some of the people  
10 that consist of or comprise that network of sources.  
11 Would you also do some check on those people to see,  
12 basically, the same thing you would do for the main  
13 source?

14 A. Yes. Well, if we wanted to open those  
15 individuals as sources, I think the answer is, honestly,  
16 it depends where that individual lives. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. But if you're taking information from the  
20 source that is opened or whatever you call it, but you  
21 subsequently learn that that source is really not the  
22 collector of the information that they are providing  
23 you, that they're getting it from this network of  
24 sources and then you also identify some or all of this  
25 network of sources, wouldn't you also check whatever you

1 could to see their credibility since they're really the  
2 ones providing the information you're ultimately using?

3 A. You might, but specifically in regard to  
4 this, I don't think we could. I don't remember. I'm  
5 sorry.

6 BY MR. SOMERS:

7 Q. You don't remember if you ran a name  
8 check on the primary subsource?

9 A. I don't.

10 Q. Do you recall how the team learned that  
11 the FBI had a counterintelligence investigation open on  
12 the primary subsource in 2009?

13 MR. HEISS: This is an area that has just  
14 emerged, I guess, overnight.

15

16 MR. SOMERS: Yeah. I just learned about  
17 yesterday.

18

19 MR. HEISS: I'm not faulting you as a result,  
20 but it is not one of the topics that we discussed on the  
21 call that you were going to cover. We just learned  
22 about it.

23

24 Again, I'm not faulting you for that, but we  
25 just learned about it. We have not a sufficient  
26 opportunity to meet with our client on what led to that  
27 allegation. We have seen no documents related to it.

28

1 that topic today.

2 MR. SOMERS: So he can't even answer whether he  
3 was -- if I don't go any further and I just ask whether  
4 he was aware of the May -- the counterintelligence  
5 investigation that was open in May 2009 on the primary  
6 subsource, can he answer that question?

7 MR. HEISS: No.

8 BY MR. BAKER:

9 Q. Hypothetically, if a name check would  
10 have done on a subsource that had been the subject of a  
11 counterintelligence investigation, would that  
12 information have been hit on during this name search or  
13 record check, whatever you want to call it?

14 [Witness confers with counsel.]

15 THE WITNESS: I think I can't give you an honest  
16 answer.

17 BY MR. BAKER:

18 Q. Generally speaking, if a field office has  
19 a case on Subject A, they close that case for whatever  
20 reason. The case is adjudicated, and then somewhere  
21 down the road, Subject A comes into another case, either  
22 as the subject or an individual that just comes into the  
23 case. Does the FBI have an infrastructure of checks and  
24 computers and indices that would reference this person  
25 coming up in the prior case?

1 [Witness confers with counsel.]

2 THE WITNESS: There are variables, including if  
3 it's a sensitive case and other prohibited cases, like I  
4 mentioned.

5 BY MR. BAKER:

6 Q. I understand the idea of variable, I  
7 think, but if this individual in this later case is  
8 providing information that is significantly steering or  
9 directing the investigative strategies and momentum of a  
10 case, wouldn't some check of credibility be done, even  
11 just a simple indices search to see if we at the FBI  
12 have ever come across this person before?

13 MS. ARGENTIERI: I just think that the issue is  
14 that it's such a hypothetical question that it's part  
15 hard for him to answer.

16 MR. BAKER: Okay.

17 MS. ARGENTIERI: I think --

18 MR. BAKER: I understand it depends. There's  
19 variables and it's different every time.

20 MS. ARGENTIERI: Right.

21 BY MR. BAKER:

22 Q. I think it's a simple concept. If you  
23 have someone that you are going to do -- or you're going  
24 to use their information to facilitate the use of  
25 sophisticated investigative techniques, some of the most

1 intrusive there are, wouldn't there be at a basic level  
2 some sort of inquiry into who is this person?

3 It's being credited initially to a person. Then  
4 it is learned that that person is getting from a subset  
5 of people. Wouldn't there be some very basic curiosity  
6 of who is this person, have we ever come across this  
7 personal before, we're using their information for  
8 something pretty sophisticated?

9 [Witness confers with counsel.]

10 ██████████: Mr. Baker, to make sure we're on the  
11 same page and that we're being clear, are you asking ██████████  
12 ██████████ if we would, if the Bureau would, naturally seek  
13 to run a check, name check, or some other type of check  
14 on an identified individual or are you asking if they  
15 would naturally expect to get results back?

16 MR. BAKER: The prior, your first question.

17 ██████████: Whether or not if the Bureau  
18 identifies somebody, they would seek to run checks  
19 across whatever records the Bureau might have?

20 MR. BAKER: Correct.

21 ██████████: That's a question I think you can  
22 answer.

23 THE WITNESS: Yes.

24 ██████████: But to be clear, was the individual  
25 clearly identified at that point? Did you have a clear

1 identity on the subsource at that point?

2 THE WITNESS: At that point, I don't recall.

3 BY MR. BAKER:

4 Q. But at some point, you go to his house, I  
5 thought you said, and I thought you said the intel  
6 analyst identified him. I'm guessing -- correct me if  
7 I'm wrong -- that as time goes on, he becomes, the  
8 primary subsource becomes, more clear and focused that  
9 there would be enough information to run this guy  
10 through your internal databases and see if he's ever  
11 come on the Bureau radar before?

12 MS. ARGENTIERI: I believe he answered that he  
13 didn't recall that that had been done. I think the  
14 problem is that you're asking a hypothetical and drawing  
15 conclusions about what happened here.

16 MR. BAKER: Okay. I apologize for that, but in  
17 my belief and in my understanding, I think this is such  
18 a basic thing that I'm confused why it get blurred,  
19 whether it's hypothetical or in the instant case. It's  
20 just a basic thing to run an internal indices name  
21 check, as I understand it?

22 MR. SOMERS: Or is it not?

23 MR. BAKER: Yeah. Or is there something here  
24 that's complicating what seems to me to be a simple  
25 task.

1           ██████████: I think there is something here  
2 that's complicating it. Number one, the timeline of  
3 when they learned there was a subsource, when they  
4 started to develop information about who that subsource  
5 might be, when that information became confirmed to the  
6 extent that it did.

7           As you know and as he has testified to, there  
8 are different levels of restriction placed on cases and  
9 there could very well be a query, hypothetically, of an  
10 individual that would result in no hit, in the  
11 hypothetical question you've asked and in my response to  
12 that hypothetical. There is not an absolute return,  
13 either positive or negative, as a result of those  
14 different restrictions that could be placed.

15           MR. SOMERS: And that's a perfectly good answer  
16 to a question we asked the witness, in all due respect,  
17 and not you.

18           ██████████: I understand. The problem is, I  
19 believe that, quite frankly, that every single one of  
20 those elements was confused by the series of questions.

21           MR. SOMERS: We're trying to -- I'm trying to  
22 reduce some of the confusion and see if we can just get  
23 a more basic point.

24           MR. BAKER: I want to clarify something with ██████████  
25 ██████████. I think I understand something you're saying.



1           Is it possible, hypothetically, that an inquiry  
2           is made and no results or nothing comes back, but that  
3           might not be the real answer, that might not be the real  
4           result?

5           ██████████: For obvious reasons, number one, I  
6           would say I'm not testifying and, number two, that is my  
7           understanding of how that system works, that if a  
8           prohibited case is queried -- if ██████████ is a  
9           prohibited case and my name is queried, I don't believe  
10          you're going to get anything.

11         BY MR. BAKER:

12           Q.         Do you believe that was the case in this  
13           instance?

14           A.         I can't answer that.

15           MR. BAKER: Okay. Thank you.

16         BY MR. SOMERS:

17           Q.         Did you -- so on September 24th, when you  
18           walked in to -- on September 24th when you -- let me  
19           back up.

20                     On January 24, 2017, when you walked into the  
21           interview of the person who you believed was the primary  
22           subsource, did you know he was the primary subsource?

23           A.         Yes. Well, I'm sorry. We believed he  
24           was the primary subsource based on the information that  
25           the analytical cadre put together.

1 Q. And you had his name?

2 A. We did.

3 Q. Did you run a criminal background check?

4 A. I don't recall what I did at the time.

5 Now, just to point out where I was, I was up in  
6 New York. I came down for -- I don't know if it was  
7 specifically for this, but I was still back in New York.  
8 I was not involved in the day-to-day activities of the  
9 investigative team that were still happening at FBI  
10 Headquarters.

11 Q. I think the question we're ultimately  
12 trying to ask here is you identify the primary  
13 subsource. One of the step you could have taken --

14 A. We identified who we believed --

15 Q. Who you believed to be the primary  
16 subsource. You had a name. All we're really asking is  
17 once you had that name or the name of someone you care  
18 about in any investigation, is it possible for you to  
19 query FBI databases? I'm not asking whether you did or  
20 you didn't or whether you got any hits back or anything  
21 else. I'm asking whether it's possible to query FBI  
22 databases for that name to see if anything comes back.

23 A. It is, yes.

24 MR. SOMERS: I think that's the end of our hour.

25 [Whereupon, at 12:55 p.m., a lunch recess was

1           taken, to reconvene at 1:45 p.m. this same day.]  
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1                   A F T E R N O O N           S E S S I O N

2                   MR. HASKELL: It's 1:50 p.m. We are going back  
3 on the record.

4                   FURTHER EXAMINATION BY THE MINORITY  
5 BY MR. HASKELL:

6                   Q.        Since the Inspector General's report was  
7 released, we've heard argument that the FBI should never  
8 have been investigating Carter Page at all, that the  
9 FISA errors that the IG identified undermine the Page  
10 investigation and also somehow the entire Crossfire  
11 Hurricane and Mueller investigations. You ran the  
12 Carter Page investigation, as you know said earlier. I  
13 just have a few questions for you about the basis for  
14 that investigation.

15                   In early July 2016, while a member of the Trump  
16 Campaign, Page traveled to Moscow and gave speeches  
17 criticizing sanctions the Obama Administration had  
18 imposed on Russia. While he was in Moscow, Page  
19 informed Trump Campaign officials that he had met with  
20 or at least heard from, quote, sources close to Putin,  
21 including Russian Deputy Prime Minister Arkady  
22 Dvorkovich, who Page said, quote, expressed strong words  
23 for Mr. Trump during his private conversation.

24                   Why would that trip to Moscow and those comments  
25 by Page be concerning to a counterintelligence

1 investigation into ties between the Trump Campaign and  
2 Russia?

3 [Witness confers with counsel.]

4 THE WITNESS: Sorry. Based on information that  
5 may be classified, I had to double check.

6 Carter Page came to the FBI as part of a  
7 recruitment cycle and our concern from a  
8 counterintelligence standpoint -- this was before I  
9 worked the investigation -- an individual who was in the  
10 recruitment cycle in Moscow, as a counterintelligence  
11 professional, my mind was to -- let me take a step back.

12 If an individual was being groomed and/or  
13 attempted to be recruited by the FBI and that individual  
14 goes back, say, to the threat nation during this time  
15 and then he comes to the United States and that  
16 individual finds himself as an advisor to a candidate or  
17 prime minister or president or whoever and that person  
18 gives a speech in New York, it would be incumbent upon  
19 me as a counterintelligence professional to re-approach  
20 that individual, to re-engage and re-establish the  
21 connection, and it would be -- it wouldn't be under the  
22 eyes of wherever that individual is from. So it would  
23 be standard practice to do something along those lines.

24 So when I joined investigation, it kind of was  
25 in our calculus of possibilities of what would occur

1 when we went there. I know it's a hypothetical, but  
2 that's how counterintelligence professionals work and  
3 how we understood the cycle.

4 We did know he went to Moscow. We subsequently  
5 learned about that meeting through -- it's in here. So  
6 it's important that he is establishing the communication  
7 with the Russian Government.

8 BY MR. HASKELL:

9 Q. And when you said it doesn't matter where  
10 the individual is from, I take it that you were  
11 referring to a political campaign, a presidential  
12 campaign or a senator's office or wherever --

13 A. Right. Yeah. I'm using that in  
14 the -- [REDACTED]

15 [REDACTED]. The FBI would most  
16 likely approach that individual.

17 Q. Okay.

18 A. If we had an established relationships  
19 with them.

20 Q. And you told the OIG that in seeking the  
21 FISA warrant on Page, you, quote, had hoped that emails  
22 and other communications obtained through FISA  
23 electronic surveillance will help provide valuable  
24 information about what Page did in Moscow in July 2016  
25 and the Russian officials with whom he may have spoken.

1           Again, in the context of a counterintelligence  
2           investigation and specifically to the extent that you  
3           can talking about the counterintelligence investigation  
4           in Crossfire Hurricane, why would those types of  
5           communication be so valuable?

6           A.       It would be valuable to us as part of  
7           USITC to see if there is any comprised -- an individual  
8           who's associated with a campaign.

9           Q.       Right.

10          A.       Not a campaign, but with an individual  
11          who's running for office.

12          Q.       Understood. If emails, phone calls,  
13          records, the types of things that as a general matter,  
14          you can obtain through a FISA or obtain for an  
15          individual like that, you learn more about where they  
16          went, who they met with, what the topics of conversation  
17          may or may not have been, and the like?

18          A.       Ideally, yes.

19          Q.       Are you aware that Special Counsel  
20          Mueller was unable to determine -- this is a quote from  
21          the Mueller report on page 101 -- was unable to obtain  
22          additional evidence or testimony about who Page may have  
23          met or communicated with in Moscow on that trip in July  
24          of 2016, leaving, quote, Page's activities in Russian  
25          not fully explained?

1 A. I have read that.

2 Q. So even today, based on that finding in  
3 the Mueller report, that question, who he met with, what  
4 exactly his activities were in Russia, remains  
5 unanswered?

6 A. Yeah. I would assume so, yes.

7 Q. Based on the Mueller report?

8 A. Based on the Mueller report, yes.

9 Q. Are you aware that -- and this is a quote  
10 from another Russian investigation, the one conducted by  
11 the Senate Intelligence Committee, SICI, despite the  
12 meticulous records Page kept on his personal hard drive  
13 detailing his daily routine, when SICI asked him about  
14 that trip to Moscow, quote, he was unable to recall any  
15 details of his trip or the names of senior Russian  
16 officials with whom he met. Are you aware of that  
17 finding from them?

18 A. I am not aware of that finding.

19 Q. The recent report?

20 A. I haven't had a chance to read it.

21 Q. In addition in Page's July 2016 trip to  
22 Russia, which is the trip we've talking about, you told  
23 OIG that by October 2016, you, quote, had learned  
24 through travel records that Page was planning another  
25 trip to Russia and, quote, the Crossfire Hurricane team



1 wanted to find out what he was going to do, who he was  
2 going to be in contact with, and why he was going,  
3 because it just seemed very odd.

4 Now, without -- again, without revealing  
5 anything classified or getting anything that you can't  
6 get into -- so let's speak in general terms. If an  
7 individual of the kind that we were talking about  
8 before, you were looking into and looking into their  
9 ties and past travels to Russia, schedules another trip  
10 back to Russia, why would that be something that the FBI  
11 would have a desire to know about?

12 A. Because given what we knew at the time  
13 and him being asked, essentially, to separate from the  
14 campaign in September, why do you continue to travel  
15 back to Russia? If your concern is did he make contact  
16 when he was in Moscow in July, is he going back to  
17 continue that contact?

18 Now, a lot of this is supposition based on what  
19 we knew at the time, but it seemed unusual for us that  
20 he would go back soon thereafter and it was a concern  
21 for us as while he was separated from the campaign at  
22 the time, did he have access to -- in my personal  
23 opinion -- I can't speak for the team -- it would be is  
24 this a continuation of his recruitment cycle or is he  
25 reporting to that individual, so he can't report to the

1 United States?

2 And reporting meaning if he was -- now, again,  
3 as I said earlier, this is supposition, but it just  
4 doesn't -- it just seemed odd to us as a team.

5 Q. Right, and the fact that he had been  
6 formally separated from the campaign at that point did  
7 not mean that he could not have been continuing  
8 activities that he was doing when he was formally a  
9 member of the campaign?

10 A. That's correct. He still had contacts  
11 within the campaign that he might be able to report on.  
12 A lot of what we do in counterintelligence is to gather  
13 assessment information on others as well. So even if he  
14 was separated from the campaign, he may be able to  
15 provide information, assessment information on others to  
16 individual associates with the campaign, not campaign  
17 itself.

18 Q. Also related to Carter Page, you were  
19 asked a number of questions about the errors in the Page  
20 FISA application that the Inspector General identified.  
21 I had mentioned earlier that the allegation that has  
22 been disproven by the Inspector General that those  
23 errors were intentional errors to take down Trump  
24 because of some sort of bias, and we had talked about  
25 the bias part earlier, but to turn to the intention

1 part, the OIG in its report found no documentary or  
2 testimonial evidence of the pattern of errors that OIG  
3 you committed, quote, was intentional.

4 Did you commit any of the acts that the OIG  
5 identified as errors intentionally, meaning that you  
6 knew it was the wrong thing to do, but you did it anyway  
7 for some reason?

8 A. No. In fact, in some of those errors  
9 that the IG purportedly found, I made good faith efforts  
10 to share the information with OI, to include the  
11 information about the OGA, information -- to include  
12 information whereby a subsource of Steele was -- that  
13 information was provided to OI. OI claims it was too  
14 long. It was not. It was a paragraph.

15 I go back to my original point that everything I  
16 passed to OI, I expected them to read.

17 I additionally included a transcript between CHS  
18 2 and Carter Page where I think the report says he  
19 denied meeting with Sechin and Diveykin. I did -- we,  
20 I, or whoever provided that information to OI in  
21 transcripts and the IG reported that I didn't flag it  
22 specifically for OI to read. So I would take issue with  
23 some of the findings that found as errors; but to your  
24 point, there were no intentional omissions. I had full  
25 transparency. I acted in good faith for everything

1 throughout the entire process.

2 Q. Now, I heard you talk today a little bit  
3 about the tempo of the investigation, and one point, you  
4 said that, you know, the team was stretched. The IG  
5 noted that -- and this is page 378, Note 49 -- 499. I  
6 apologize.

7 "After reviewing the report, members of the  
8 Crossfire Hurricane team told us that their performance  
9 should be assessed in light of the full scope of  
10 responsibilities they had in 2016 in connection with the  
11 FBI's counterintelligence investigation and that the  
12 Carter Page FISA was a narrow aspect of their overall  
13 responsibilities."

14 Now, you've also talked about a handful of  
15 different operations that you were involved in,  
16 including, you know, some of which had travel associated  
17 with them over the course of the investigation.

18 Is there any additional context about your  
19 responsibilities during Crossfire Hurricane that you  
20 think would be important to a full understanding of what  
21 the Inspector General has identified as errors?

22 A. Yes. So, holistically, if I may, in  
23 retrospect, given the scope of investigation, we  
24 made -- there was a tradeoff made institutionally  
25 between keeping this investigation quiet so it doesn't

1 interrupt or interfere with the electoral process of the  
2 United States of America and protect those being  
3 investigated at the expense of staffing the  
4 investigation properly. We had multiple operations,  
5 counterintelligence operations, on top of working on  
6 FISA and other factors.

7 The scope and pace of that investigation, in my  
8 opinion, and I won't speak for others involved, but  
9 deemed a much larger investigative team, to include more  
10 special agents, to include more intelligence analysts  
11 and other support staff. Additionally, we were hampered  
12 by running this investigation out of Headquarters,  
13 because every operation we did, we had to rely on  
14 another field office to process information, either  
15 electronic or whatnot.

16 That, to me, in retrospect is a decision that's  
17 made way above my pay grade, but I believe given the  
18 pace, given the pressure I think we felt internally, we  
19 needed more help. If you're going to run a proper  
20 investigation and you're going to do your investigation  
21 well, to minimize errors and minimize overwork and  
22 minimize anything that may have found in this report, we  
23 would have been better served to have a larger  
24 investigative team.

25 Q. And, in your experience as an agent, do

1       you think in a different circumstance where you did not  
2       have the issue that you said is motivating keeping the  
3       team small, making sure the fact of the investigation  
4       was kept to as small a number of people as possible, if  
5       that didn't exist, would the team have been double the  
6       size or triple the size or a handful more agents? Can  
7       you give me a ballpark?

8               A.       The phrase I like and it was described by  
9       somebody else on the team when we were working the case  
10      is we were given a thousand-piece puzzle. We were  
11      slowing getting it together. In the midst of it, we're  
12      thrown another thousand pieces.

13              I think to answer your specific question, I  
14      don't know what the proper resources would have been. I  
15      don't know the number of agents that were assigned to  
16      the Special Counsel's Office, but I know it was far  
17      greater than what we had originally in the Crossfire  
18      Hurricane team and that as far as I know, their team was  
19      much larger and they had pretty much the same mandate  
20      that we had, and I think that it was not a failure, but  
21      it was something that I imagine it should have just  
22      upgraded the investigative staff as needed.

23              We sometimes have a problem of putting 100  
24      agents on a case that we only need four, but I think  
25      that as we garnered more information, garnered more

1 leads, garnered just more investigative activity, we  
2 should have slowly upped the staff so we had a proper  
3 staffing level.

4 Q. And you had said earlier when we were  
5 talking about the bias allegations that the Crossfire  
6 Hurricane team took steps to ensure that their work did  
7 not affect the election and also would not be perceived  
8 at some point down the line as being political. Just  
9 for clarity, this seems like one of the -- and I  
10 apologize.

11 You also said that you pursued those and even if  
12 it meant doing something that might be -- not doing  
13 something that could help the investigation or doing  
14 something that might be contrary to the success of the  
15 investigation.

16 To me, this seems like one of those decisions on  
17 a very high level to keep the team small that absolutely  
18 affected the investigation, in your words, adversely,  
19 but it was a decision made for the sake of ensuring that  
20 the investigation did not affect the election. Is that  
21 correct?

22 A. That's correct.

23 Q. Okay. And just to take one piece out of  
24 the answer you provided, you talked about the  
25 thousand-piece puzzle. The Mueller investigation,

1       which, you know, took two years, ultimately identified  
2       something in the range after 120 different contacts  
3       between the Trump Campaign and Russia. Some people have  
4       the count higher, but at least 120.

5               When you say different puzzles are being -- a  
6       thousand-piece puzzle and another thousand-piece puzzle,  
7       can you elaborate on that? Is that new contacts  
8       between -- or new potential contacts between members of  
9       the campaign and Russian? What do those puzzle pieces  
10      look like?

11             A.       I think it was a combination of  
12      information we had at the outset of the investigation.  
13      The Steele information was that other piece.

14             I think we started to get a firm footing on that  
15      first part of the investigation. I think the Steele  
16      reporting, that's where we needed more help to, "A",  
17      start really drilling into that, because at the same  
18      time, we were receiving that information, we were  
19      running operation overseas. We were trying to get in  
20      front of Carter Page specifically. We were handling  
21      sources. We were trying to make determinations if there  
22      were other sources that could help us with the  
23      investigation. There were some meetings partners.

24             So we were stretched thin. At one point, I know  
25      that I had to travel up to New York. I had mentioned



1 when I first heard of the Steele Dossier, I was up in  
2 New York because we were chasing another lead of an  
3 individual who was of interest of us in New York. So  
4 took me, basically, offline for roughly a week. Out of  
5 four -- an investigation where we only had four main  
6 case agents, that's a quarter of your staff gone.

7 That's just -- it was difficult to be away,  
8 because we had everything going on. That's where I go  
9 back to what's the proper staffing level. I guess the  
10 answer to that is it should have been more than we had.

11 Q. Thank you.

12 Stepping away from the greater context and to  
13 the FISA errors themselves and actually put them in  
14 context, only 14 pages of the 448-page Mueller report  
15 addressed Carter Page, and in December of last year when  
16 Inspector General Horowitz testified before the  
17 Judiciary Committee about the report, he stated that the  
18 errors do no call into question, quote, any part of the  
19 Special Counsel's report.

20 Do you have any evidence that the FISA errors  
21 call into question any part of the Mueller report?

22 A. I can't answer that specific -- I'm  
23 sorry. Can you rephrase that?

24 Q. Do you have any evidence that any of the  
25 individual errors identified by Inspector General

1 Horowitz call into question the ultimate findings of  
2 Special Counsel Mueller?

3 A. I don't think I can answer that. I'm  
4 sorry.

5 Q. I'll take just one more run at it. The  
6 question is do you any evidence that that is the case,  
7 any affirmative evidence that this errors means that  
8 this finding in the Mueller report is incorrect?

9 A. No.

10 Q. The Inspector General recommended a  
11 number of corrective actions, include changes to Woods  
12 forms and the FISA request form that are designed to  
13 ensure that OI receives all relevant information.  
14 Director Wray accepted and agreed to implement all of  
15 the IG's recommended corrective actions.

16 Do have any reason to believe that the FBI isn't  
17 taking appropriate steps in response to the IG report?

18 A. No. Having gone through the FISA  
19 training, I think what the OIG report did do is indicate  
20 there was an institutional issue with FISAs with the  
21 FBI. Having gone through the training, I feel that  
22 it's -- as of now, it's good sufficient training for  
23 everybody within the organization.

24 I'm sure it will be tweaked in the future and  
25 it's something I think the organization needed.

1 Q. And so you have -- it seems like you have  
2 confidence that the corrective actions taken and that  
3 will continue to be taken will adequately address some  
4 of the issues the IG report highlighted?

5 A. Within the FBI, yes. I think -- yeah. I  
6 think there could be changes more amongst not just the  
7 FBI, but from DOJ as well; but I think we'll get there,  
8 but I think that the initial changes that were made are  
9 sufficient enough at this point.

10 Q. Okay. Do you have additional  
11 recommendations, whether on the DOJ front or the FBI  
12 front, that you would like to share with us?

13 A. Not at this time.

14 Q. Okay. I'm also going to follow up on  
15 some questions you were asked about the Steele Dossier  
16 and the role that it played in the Page FISA  
17 applications. Crossfire Hurricane was open on July 31,  
18 2016. The IG determined that the Crossfire Hurricane  
19 team didn't even become aware of Steele's reporting  
20 until September 19th and that, quote, Steele Dossier  
21 played no role in the opening of Crossfire Hurricane.

22 Are you aware of evidence that disputes that  
23 finding?

24 A. No.

25 Q. Horowitz testified before our committee

1 that the Carter Page FISA errors related to Christopher  
2 Steele did not call into question, quote, any part of  
3 the Special Counsel's report. You answered this  
4 earlier. Now that I've laid out the testimony that  
5 Horowitz gave, do you have any reason to dispute the  
6 testimony that Horowitz gave?

7 A. I do not.

8 Q. Former Deputy Attorney General Rod  
9 Rosenstein, who supervised the Mueller investigation,  
10 also testified before the committee as part of its  
11 investigation, and my boss, Senator Feinstein, asked him  
12 to identify which finding in Mueller's report relied on  
13 information from the Steele Dossier. Ms. Rosenstein  
14 said, and I quote, I don't believe that there is any  
15 such information.

16 Do you have any evidence to dispute that  
17 statement by former Deputy Attorney General Rosenstein?

18 A. I do not.

19 Q. Rosenstein also testified that none of  
20 the 199 criminal counts that resulted from the Special  
21 Counsel investigation relied on information that was  
22 obtained from Steele. Do you have any basis to disagree  
23 with that statement by Mr. Rosenstein?

24 A. I do not, no.

25 Q. Now I'll turn to the questions you were

1 asked about the primary subsource. You participated in  
2 an interview of the primary subsource in January 2017  
3 and helped memorialize it in a memo that Chairman Graham  
4 recently released publicly. I would like to ask you a  
5 few questions based on both your attendance at that  
6 interview, but also, more broadly, your expertise as an  
7 FBI agent about some of the allegations that have been  
8 made about the CSS.

9 In your experience as an agent, can information  
10 a source obtains from someone else be reliable?

11 A. It can, yes.

12 Q. So, in other words, the fact that the  
13 source obtained information from someone else doesn't,  
14 standing alone, make the information unreliable?

15 A. No.

16 Q. And is it true that where a source has  
17 obtained information from other sources, it's important  
18 for the FBI to understand where the information came  
19 from or, in other words, that source's source network?

20 A. Absolutely.

21 Q. And I know you talked a little bit about  
22 this earlier, but if you wouldn't mind elaborating. Why  
23 is that an important step for the FBI to take?

24 A. It help us understand the placement and  
25 access that subsource would have or does have and it

1 helps determine where that information is coming from as  
2 opposed to it's something who hears something while  
3 they're walking down the street as opposed to somebody  
4 who is working in an office where they can observe a  
5 meeting occurring. That's of value to us. Right?  
6 We'll place more value on that over somebody overhearing  
7 something on the street.

8 It's all about placement and access, and to my  
9 point earlier, by identifying those individuals and then  
10 making a determination if we can then go back to those  
11 individuals as FBI agents to try and recruit that  
12 individual to work with us, thereby, you know,  
13 eliminating the middle man and getting the information  
14 from the source.

15 Q. And we've heard a handful of different  
16 allegations that are intended to discredit Steele's  
17 primary subsorce. The first is that because the  
18 primary subsorce was not a well-connected current or  
19 former Russian official and wasn't based in Russia, the  
20 information he provided to Steele was unreliable. Some  
21 members referred to it as, quote, second- and third-hand  
22 information and rumor at best; but, as you said, the  
23 fact that a source, like the primary subsorce, obtained  
24 information from others doesn't, standing alone, make  
25 the information that individual obtain unreliable.

1 Correct?

2 A. That's correct.

3 Q. It doesn't make it rumor at best?

4 A. That is correct since we had a fairly  
5 good understanding of who was in that source network.

6 Q. But in a more general sense, just because  
7 somebody obtained it from somebody else doesn't make it  
8 rumor at best?

9 A. Right.

10 Q. And the FBI, in your words earlier, just  
11 needed to, quote, drill down on the who the sources are;  
12 that's how you determine whether it's rumor or reliable  
13 information; is that right?

14 A. That's right.

15 Q. And is that among the reasons why, if not  
16 the principal reason why, you went and interviewed the  
17 primary subsource?

18 A. Who we believed was the primary subsource  
19 at the time.

20 Q. Who you believed was the primary  
21 subsource, and the main reason or one of the main  
22 reasons, I would imagine, why you asked the individual  
23 that you believed was the primary subsource about his or  
24 her source network?

25 A. That's correct, because at the meeting

1 with Steele, he was reluctant to give us specific names.  
2 So if we got to that primary subsource, we would be able  
3 to determine where precisely all the information was  
4 coming from.

5 Q. And if you read the memo that you worked  
6 on after that meeting, you see that there is information  
7 about one of the things you said was very important,  
8 which is access of the primary subsource's sources. For  
9 example, Source 5 is said to, quote, have ties to the  
10 Russian Intelligence and Security Service.

11 Would someone with that background who has  
12 access to the Russian Intelligence and Security Service  
13 be well-positioned to provide information relevant to  
14 connections between an American political campaign and a  
15 government that is actively interfering in the election?

16 A. [REDACTED]  
17 [REDACTED]  
18 [REDACTED].

19 Q. Have the sort or access that would make  
20 him reliable?

21 A. That's correct.

22 Q. The memo identifies another of the  
23 primary subsource's sources, Source 3, as having, quote,  
24 direct and indirect contact with a deputy or multiples  
25 deputies in -- redacted. The redaction, presumably,



1 refers to a foreign government or a foreign government  
2 agency.

3 Would someone with that sort of background also  
4 be in a position to have the access to provide reliable  
5 information?

6 A. Yes.

7 Q. Switching to a different allegation that  
8 we've heard to the discredit the primary subsource, that  
9 the information provided was unreliable -- sorry -- the  
10 individual who you believed to be the primary subsource  
11 was not reliable because he was paid by Christopher  
12 Steele. Does the fact that a source has been paid in  
13 connection with providing information, as a general  
14 matter, mean that that information is unreliable?

15 A. No.

16 Q. In fact, doesn't the FBI routinely  
17 compensate sources who provide the Bureau with  
18 information?

19 A. We do, yes.

20 Q. Executive Assistant Director Michael  
21 Steinbach told us -- former Executive Assistant Director  
22 of the FBI, Michael Steinbach, told us that the source  
23 in almost all cases is doing it for some ulterior  
24 motive, get himself out of a jam, for money. Is that  
25 your experience, that sources often have an ulterior

1 motive?

2 A. Yes. Yes. They do. Ulterior motive,  
3 depending on national security or criminal, but there's  
4 sometimes a motivation for that.

5 Q. And if there is an ulterior motive,  
6 sometimes that motivation is getting paid money?

7 A. Absolutely.

8 Q. And the fact that they, in your view with  
9 your many years of experience as a agent, does the fact  
10 that they're getting paid mean that that information is  
11 not reliable?

12 A. No.

13 Q. Steinbach also told us that with all  
14 sources, you take a look at it. You apply healthy  
15 skepticism. A lot of times, source information is only  
16 partially correct. So you need to investigate to try  
17 and develop more information to run down those leads.

18 Is that how you approached Christopher Steele  
19 and the primary subsource, with a healthy skepticism?

20 A. We always do. We always want to be on  
21 guard with the information that's being passed to us.  
22 There could be an agenda, but that's why, in this case,  
23 another reason why we want to get to the source of the  
24 original information.

25 Q. A third allegation we heard about the

1 primary subsource is a more recent one and I will do my  
2 best to avoid any questions that you can't answer.  
3 Please let me know if I don't do that successfully.

4 The claim is that the CSS had ties to Russian  
5 intelligence, was a Russian agent providing Russian  
6 disinformation to harm Trump. Speaking generally, if a  
7 source has ties to a foreign government or an  
8 intelligence agency, I imagine that can pose risks that  
9 make, that can make, the information they provide less  
10 reliable, that it can; it's not only the only option,  
11 but that's one of the possibilities?

12 A. It's possible, yes.

13 Q. And as we discussed, the FBI has methods  
14 of drilling down on sources and figuring out whether the  
15 information they are providing is reliable?

16 A. We always do.

17 Q. On the other hand, a source has ties to a  
18 foreign government or intelligence agency could provide  
19 benefit; the information that they provide could be more  
20 reliable given the access that they have; is that  
21 correct?

22 A. Yes. In my role as a counterintelligence  
23 professional has been to tend to recruit intelligence  
24 officers who are foreign agents to work on behalf of the  
25 United States Government, and that's part and parcel of

1 what we do in the counterintelligence realm.

2 Q. And you also said earlier that one of the  
3 things that -- one of the reasons you like to meet with  
4 subsources and someone's source network is to make them  
5 a source?

6 A. Yes.

7 Q. So you said that, you know, one of the  
8 reasons you get FISA coverage on a foreign intelligence  
9 office in part of your work in counterintelligence is to  
10 recruit foreign intelligence officers to be sources?

11 A. That's right.

12 Q. You've also said that part of your work  
13 is recruiting the source of the source to be a direct  
14 source?

15 A. Yes.

16 MR. HASKELL: I think that is all I have on that  
17 topic. I think that is all we have for this round.

18 MR. SOMERS: Do you want to take a quick break?

19 THE WITNESS: Yes.

20 [Whereupon, at 2:27 p.m., a recess was taken,  
21 resuming at 2:35 p.m.]

22 MR. SOMERS: All right. It's now 2:35.

23 FURTHER EXAMINATION BY THE MAJORITY

24 BY MR. SOMERS:

25 Q. When we were last talking, we were

1 talking about the primary subsource interview that  
2 occurred in January of 2017 that you took part in. Did  
3 you take part in arranging for the interview to occur  
4 prior to it occurring?

5 A. I believe the planning was done by DOJ,  
6 which was represented by an attorney.

7 Q. But the FBI tried to reach out to the  
8 primary subsource directly before --

9 A. So we reached out to him on a Friday  
10 evening and we made contact with him. Myself and SSA 1  
11 went to his attorney's office at, I believe, 2 a.m.,  
12 whereby we discussed his client. He had retained  
13 counsel. So then we -- if I recall correctly, we set up  
14 the meeting with the primary subsource and his attorney.

15 Q. Do you recall where the interviews took  
16 place?

17 A. They took place in the Washington Field  
18 Office. I don't know the address.

19 Q. Is it possible the interview took place  
20 in the attorney's office?

21 A. The first meeting we had with his  
22 attorney -- I don't recall that the primary subsource  
23 was there -- was in the attorney's office. The meetings  
24 that I took place on, that -- excuse me -- I took part  
25 in in January, I believe they took place in the

1 Washington Field Office.

2 Q. You believe or you --

3 A. To the best of my knowledge, I recall  
4 sitting in the Washington Field Office, conducting a few  
5 days of interview.

6 Q. I'll just say why I'm asking is the  
7 electronic communication that combines all the 302s of  
8 the interview indicate that it did, in fact, occur in  
9 the Washington Field Office. We had another witness who  
10 took part of an interview come in and testify that the  
11 attorney from the DOJ that was in most of interview, he  
12 believed the interview took place in the primary  
13 subsource's attorney's office.

14 A. Without knowing who the DOJ attorney was,  
15 there may have been a DOJ attorney -- I don't recall who  
16 was in that meeting at the 2:30 in the morning call, you  
17 know, the meeting we had. So without knowing who that  
18 attorney was, I can't answer.

19 Q. [REDACTED] testified before this  
20 committee last week, [REDACTED], and he, to his  
21 recollection, he took part in the three-day interview or  
22 at least the second two days and possibly part of the  
23 first day of the three-day January interview of the  
24 primary subsource. To his recollection, that interview  
25 occurred at the primary subsource's attorney's office.

1 I'm just trying to clear up what the  
2 discrepancies are.

3 A. Yeah. I don't know. The way I remember  
4 it is we were in the Washington Field Office in an  
5 interview room on the first floor.

6 Q. Okay. Who was the primary questioner or  
7 the lead? I guess you refer to it as a lead.

8 A. Yeah.

9 Q. Who was the lead on the primary subsorce  
10 interview?

11 A. So there were DOJ attorneys present.  
12 There was myself and the SIA. On an interview like  
13 that, I don't think anybody took a lead. I think the  
14 SIA, who is well-versed in, you know, Russian  
15 counterintelligence and other Russian matters, he and I  
16 kind of collated. I don't think at that point, there  
17 was a lead.

18 This was just like a -- it was just a sit down  
19 and get him to talk. The first time you're sitting down  
20 with a source is to build a rapport with that  
21 individual. So whoever kind of fits the mold during the  
22 course of that interview, that's who -- you know, no one  
23 really took the lead.

24 Q. It is unusual to have an analyst sort of  
25 share the lead role with an agent?

1           A.       Not in the way I've done my work. I view  
2 the SIAs and IAs as counterparts. They're experts in  
3 their field.

4           Q.       Who was the primary drafter of the 302s?

5           A.       The SIA.

6           Q.       Did you have any role in those?

7           A.       I reviewed them. I reviewed to make sure  
8 it was accurate.

9                    It was an EC, not a 302, just for the record,  
10 the write-up. So he drafted it. I just read through it  
11 to ensure that it was accurate.

12           Q.       My understanding is -- maybe this  
13 refreshes your recollection. Maybe it does not. Maybe  
14 my understanding is wrong -- that there were three 302s  
15 that were then eventually combined in an EC.

16           A.       Yeah. I just know it was a lengthy  
17 document. The iterative process that occurred, I can't  
18 recall.

19           Q.       Okay. That's fine.

20                    Now, eventually, in the FISA applications that  
21 occurred, the two FISA applications that occurred after  
22 the primary subsorce interview, the interview was  
23 characterized -- the primary subsorce was characterized  
24 as being truthful and cooperative. After your three-day  
25 interview with the primary subsorce, would you



1 characterize him as being truthful and cooperative?

2 I'm not saying that's your word. I'm asking if  
3 you would --

4 A. I think he was cooperative with us. It  
5 was the first time we sat down with him. So I felt when  
6 asked questions, he answered them to the best of his  
7 ability.

8 So that was the only time I sat down with that  
9 individual.

10 Q. So you can't speak to truthful?

11 A. No. I'm not saying that. I'm saying  
12 that he answered the questions that we asked. I didn't  
13 think he was -- I'm sorry. He or she -- was deceptive  
14 or not, but I felt at the time, the individual was  
15 cooperative and truthful.

16 Q. Do you recall ever  
17 describing -- obviously, these words, truthful and  
18 cooperative, made it into the FISA. Do you recall --

19 A. I don't recall. I mean, that's not how  
20 we speak. I just thought when I got back and spoke to  
21 the individuals about the investigation, I thought we  
22 got information from him and we going to analyze all  
23 that information that we received.

24 Keep in mind that I transferred all  
25 responsibilities in that case soon thereafter, after

1 that interview. So I don't know where that language  
2 came from.

3 Q. So we had the 2 a.m. meeting at the  
4 attorney's office and the three-day interview.

5 A. Yeah.

6 Q. Are those your only interactions with the  
7 primary subsource?

8 A. Yes.

9 BY MR. BAKER:

10 Q. Did you say earlier that it was an FBI  
11 analyst that identified who the primary subsource was?

12 A. I believe it was an analysis. It was  
13 produced by the intel cadre. So I don't know who  
14 specifically identified him. If I recall, thinking back  
15 on a few years ago, I believe that came from an  
16 analytical cadre.

17 Q. Would that analytical product also have  
18 had information that where the primary subsource most  
19 likely lived or other information besides the name?

20 A. I can't speak to the specific product.

21 Q. Were you or anyone on the interview team  
22 or even the broader Crossfire Hurricane team surprised  
23 where the primary subsource lived once he was  
24 identified?

25 A. Yes. Yes.

1 MR. BAKER: Okay.

2 BY MR. SOMERS:

3 Q. The IG report goes on, goes over on page  
4 186 and 187, the bottom of 186 ad the top of 187. This  
5 is in reference to this interview: "In particular, the  
6 FBI's interview with Steele's primary subsource in  
7 January 2017, shortly after the FBI filed Carter Page  
8 FISA Renewal Application No. 1 and months prior to  
9 Renewal Application No. 2 raises doubt about the  
10 reliability of Steele's description of information in  
11 his election reports."

12 I'll just read the last clause again: "Raised  
13 doubts about the reliability of Steele's description of  
14 information in his election reports."

15 Was that your impression of the primary  
16 subsource interview?

17 [Witness peruses document.]

18 THE WITNESS: I can't recall. I can't recall  
19 that specific instance.

20 BY MR. SOMERS:

21 Q. Not the specific instance, but --

22 A. Or not that comment. I can't recall if I  
23 felt that there was doubts about the reliability of his  
24 information.

25 Q. You didn't come out of the interview with

1 that impression?

2 A. No. Not that I recall. Sorry.

3 Q. Now, this is not an interview you took  
4 part in, but I want to see any of these same type of  
5 comments occurred in an interview you did take part in.

6 In March, the primary subsource was  
7 re-interviewed by the FBI. In that interview, the  
8 primary subsource said that -- this is from an  
9 Washington Field Office agent. His comment is that the  
10 information he was giving Steele was based on  
11 conversations with friends over beers, that the primary  
12 subsource characterized the information he gave Steele  
13 as word of mouth and hearsay, that the primary subsource  
14 told the FBI the information was intended to be taken  
15 with, quote, a grain of salt and that the corroboration  
16 was zero.

17 Were any comments along those lines made during  
18 the January interview?

19 A. No.

20 Q. Had you ever seen -- go ahead.

21 A. I'm just trying to recall.

22 He described the network to us. He described  
23 who these individuals were. He described meeting these  
24 individuals at various times and various locales where  
25 he got the information from, but he identified each

1 individual, for the most part. He identified  
2 individuals with whom he spoke with and provided  
3 information, and my role was, I believe my role was, to  
4 identify those individuals get in front of those  
5 individuals.

6 Q. But did the -- is it correct to say that  
7 the primary subsource took exception to do what he  
8 referred to more as a group of friends as being referred  
9 to as a network?

10 A. That's not -- that wasn't expressed  
11 during the course of the interview. He said they were  
12 friends of his in the network, but --

13 Q. I think the lawyers took exception to  
14 them being described as a source network and wanted them  
15 characterized more as a group of friends. Do you recall  
16 that?

17 A. I don't recall that.

18 Q. Did you speak with the agent before -- we  
19 don't have a name, a Washington Field Office agent. Did  
20 you discuss your interviews with the primary subsource  
21 with the agent? I can't give you his name.

22 A. Not that I recall. As the case I was  
23 working was so close hold and the case agent had no real  
24 need to know, I don't recall any specific conversations  
25 with him about that.

1 Q. And vice versa, he didn't come to you  
2 after he interviewed the primary subsource in March and  
3 tell you what he learned?

4 A. No, no, no. To the best of my  
5 recollection, no. I had transitioned off the case. I  
6 wasn't read into anything else that was going on.

7 Q. Was there a level of importance placed on  
8 this interview within the Crossfire Hurricane team  
9 before it happened?

10 A. Yes.

11 Q. Okay. What about -- so members of the  
12 team thought the interview was important; is that a fair  
13 characterization?

14 A. That's fair.

15 Q. Did Peter Strzok know about the interview  
16 that occurred before it happened?

17 A. I don't know.

18 Q. Bill Priestap?

19 A. I don't know.

20 Q. But, certainly, the supervisor of  
21 intelligence was in the meeting. Did SSA 1, was he  
22 aware of the interview before -- well, he helped set it  
23 up.

24 A. I believe so, yes.

25 Q. So you go interview the primary

1       subsource.

2               A.       To your point, the individual overseeing  
3       the Crossfire Hurricane case was -- Peter Strzok moved  
4       up, I think, and they moved another section chief into  
5       that role and she was aware of the interview. I think  
6       that was the highest executive management discussion I  
7       had.

8       BY MR. BAKER:

9               Q.       Who was that?

10              A.       Jen Boone.

11       BY MR. SOMERS:

12              Q.       So you did discuss the primary subsorce  
13       interview with Jen Boone?

14              A.       I don't know if she was aware the  
15       interview was taking place. Again, I was not in  
16       the -- I was not part of the Headquarters component. I  
17       was back in New York. I flew in for it.

18              I forget how it actually transpired, but I just  
19       remember her making a comment about it prior to the  
20       interview. That was about it. I can't recall any  
21       specific discussions that I had with her.

22              Q.       She was the -- not ultimate, but let's  
23       say the ultimate supervisor at that point?

24              A.       She was the section chief at the time.

25              Q.       So you interview the primary subsorce.

1 People thought the interview was important prior to it  
2 occurring.

3 Was there a meeting about it afterward, a  
4 briefing?

5 A. I don't recall a specific debriefing. I  
6 know when you take part these types of interviews -- I  
7 don't recall if we maybe had a quick debriefing after  
8 the fact. I can't recall any specific meeting that we  
9 had.

10 Q. Did it come up in the regularly-scheduled  
11 meeting?

12 A. I was no longer down in Headquarters.  
13 The SIA was. When I traveled back to the Bureau, that  
14 was the last interview that we did. Whether or not the  
15 SA brought it up at the regularly-scheduled meeting, I  
16 can't answer that.

17 Q. Did you discuss any inconsistencies  
18 between the Steele reporting and what the primary  
19 subsource said in the interview with the SIA?

20 A. So we had a lot of information in the  
21 span of three days. So I don't recall any discussions  
22 soon thereafter. I don't recall -- again, I left the  
23 case soon thereafter. I don't recall having any  
24 discussions about any inconsistencies that really stood  
25 out in my mind.



1           The one thing I do recall is mentioning of the  
2 meeting we were having in New York with a certain  
3 individual. So that was a thread for me to follow when  
4 I came back to New York, meeting with the individual.  
5 So I looked to see if I could track that individual  
6 down.

7           Q.       So the 57-page summary -- did you see  
8 thea 57-page summary at the time?

9           A.       Yeah. I must have.

10          Q.       Do you know where that 57-page summary  
11 was sent?

12          A.       It was put into the case file for  
13 Crossfire Hurricane, I believe.

14          Q.       And who had access to the case file?

15          A.       Anybody that worked the case.

16          Q.       Would Pete Strzok have had access to it?

17          A.       Yes.

18          Q.       What about Bill Priestap?

19          A.       I believe so. I don't know who was on  
20 the case access list, but it would be normal practice  
21 for anybody, as I mentioned earlier, anybody who was  
22 working on the investigation all the way up through the  
23 chain to have access to that.

24          Q.       Does the Justice Department have access  
25 to that?

1 A. No.

2 Q. OGC at FBI?

3 [Witness confers with counsel.]

4 THE WITNESS: Yeah. I believe so, yes. I think  
5 OGC would have. I believe OGC attorneys would have  
6 access to it.

7 BY MR. BAKER:

8 Q. So Justice wouldn't have access to it?

9 A. I'm sorry. I didn't hear you.

10 Q. DOJ wouldn't have had access to it, but  
11 like you did with some other stuff to OI, did you let  
12 them know that there was this document that had been  
13 produced if they wanted to see it?

14 A. I was pretty much transferred off the  
15 case at that point. As it was finalized, I was in the  
16 process rolling off that case. How, if, and when OI was  
17 informed about that, I don't believe I took part in any  
18 conversation.

19 Q. Is that something they should have been  
20 informed about?

21 A. In the course of business, I think that  
22 it would have brought up, but I don't want to put myself  
23 in their shoes.

24 Q. I understand you don't know if it was or  
25 wasn't. I'm just asking in the course of the craft of

1 counterintelligence and the way that FISA work with DOJ  
2 and FBI, is that something that should have been shared?

3 If it wasn't, I don't know. I'm just saying is  
4 that something that you would share?

5 A. It would be something we would share. As  
6 I've said all along, we're transparent with OI. I think  
7 that helped, you know, described the source network and  
8 the primary subsource. So it's something that I would  
9 have shared.

10 Q. In the three days of interviews that  
11 resulted in that document, do you recall either prior to  
12 the first interview or after each day of interview, was  
13 there any kind of group or team huddle to figure out  
14 what ground you covered, what you want to do, make sure  
15 you're moving forward in each day of interviewing?

16 A. No. As I said earlier, I can't recall  
17 any specifics. I think the first time you meet a source  
18 or potential source, I should say, it's a bit of a  
19 feeling-out process, spending some time getting to know  
20 the individual, where the individual is from,  
21 background, things along those lines.

22 I think we had some areas we wanted to cover,  
23 but we had to go where the interview led us. It's kind  
24 of a -- it depends on the situation, but I think we had  
25 an idea of some questions we wanted to ask and I think

1 we got some information that we didn't ask as we talked  
2 to the source.

3 I can't remember specifics, but that's where I  
4 feel, to my point earlier, he was open with us, and when  
5 we asked questions, there didn't seem to be a lot of  
6 hemming and hawing to get information from him. Now, he  
7 had an attorney with him. So I don't know if there a  
8 comfort there as opposed to talking to a source off the  
9 street, but that's what I found. I don't recall any  
10 specific meetings that we had prior to or after any  
11 meeting with the primary subsorce.

12 Q. Was there any discussion, maybe not a  
13 formal meeting, but did anybody raise a concern that  
14 based on the totality of information known or what you  
15 knew at the time that this primary subsorce could not  
16 only be maybe shading or minimizing reporting, but he  
17 could actually be, he or she actually be, part of a  
18 disinformation campaign in what they were funneling to  
19 Christopher Steele?

20 A. Well, I think you're asking two different  
21 questions. Right?

22 I think you're asking if the source could  
23 minimize activity and then the next question is was he  
24 providing disinformation to us.

25 Q. I don't know that I'm asking if he was.

1 Was there a discussion that he could be based on the  
2 totality of what was known about him at the time?

3 A. Could he minimize or could he be  
4 providing disinformation?

5 Q. Both. I would assume that any source  
6 could minimize, especially if it's something that  
7 dirties them, but I'm more interested in was there a  
8 discussion that he could be doing something far more  
9 serious than minimizing, i.e., intentionally giving some  
10 false information through some disinformation campaign  
11 and not just having some allegiance to some other  
12 entity, but actually working on behalf of another  
13 entity?

14 MR. HEISS: I'm going to ask the witness not to  
15 answer the latter part of that question. You can answer  
16 whether or not you thought in your interview with the  
17 subsource whether he was minimizing, but I think that  
18 the second part of that question goes directly to this  
19 new allegation that arose last night, and the witness is  
20 not going to answer that question.

21 BY MR. BAKER:

22 Q. I'm not interested in any allegation that  
23 rose last night. As a general proposition, was there  
24 that concern?

25 Because I'm assuming in counterintelligence,

1 when you're dealing with sources, there's always some  
2 issue -- because of what they're reporting on, there is  
3 always some issue as to what their true allegiance is.  
4 I'm just curious was there a general concern going into  
5 it since this was a primary subsource and a lot of that  
6 information was used for sophisticated investigative  
7 techniques.

8 Was there concern that this person could have an  
9 allegiance that was not to Christopher Steele?

10 MR. HEISS: If you want him to answer the  
11 question in general, whether or not when you're  
12 interviewing a source, there is a concern or potential  
13 concern that either the source is minimizing or may have  
14 ulterior motives for the information provided, you can  
15 answer that. We covered that, I think, before, but I  
16 think the more specific question does raise this issue  
17 which has only recently emerged and we're not prepared  
18 to deal with it now.

19  
20 THE WITNESS: Could sources minimize,  
21 especially the first time they meet with us, there could  
22 be pieces of information they have, from my experience.  
23 The reason we had -- I brought the SIA with me is to  
24 take the information and then whatever information we're  
25 given, to check the veracity of the information given  
what we knew at the time.

1 MR. BAKER: Okay.

2 BY MR. SOMERS:

3 Q. Did you believe he was minimizing  
4 his -- I think it's indicated in this 57-page  
5 summary -- that you thought he might be minimizing or  
6 not fully explaining his contacts with Russian  
7 intelligence?

8 A. I wasn't sure what specifically he was  
9 minimizing, but it's been my experience that the first  
10 time you get in front of a source, especially the way we  
11 approach the source, there's always the chance that that  
12 individual is holding back some information from us.  
13 That's where the source handling relationship comes in.

14 Q. Did he reveal a relationship with Russian  
15 intelligence officers during the -- suspected Russian  
16 intelligence officers during the interview?

17 A. I can't recall specifics.

18 Can you rephrase that question? I just want to  
19 make sure I answer.

20 Q. I don't want to pull the whole 57-page  
21 summary out there. I thought in the 57-page summary of  
22 the interview that as you were discussing the different  
23 sources of people he knew in Russia, I got the  
24 impression that you all had the impression that he was  
25 not being forthcoming about his contacts with Russian

1 intelligence, individual associated with Russian  
2 intelligence?

3 A. One of his sources was a former  
4 intelligence officer through contacts he had back home.  
5 I can't recall any of the specifics.

6 Q. Okay. Did you understand coming out of  
7 the interview, after the interview was over, that the  
8 primary subsource was actually sort of a contract  
9 employee of Orbis Business Intelligence?

10 A. Yeah. That came up in the discussion,  
11 that he worked for Orbis in the past. That was part or  
12 the -- I think when we were getting to know him a little  
13 bit.

14 Q. Did it become apparent that the primary  
15 subsource was in the United States?

16 A. I'm sorry?

17 Q. Did it become apparent that the primary  
18 subsource lived in the United States?

19 A. Yes.

20 BY MR. BAKER:

21 Q. You had said earlier with a similar  
22 question I asked that it was a surprise where this  
23 individual ended up living. Why was it a surprise?

24 A. I don't know if we want get into where he  
25 lives, where the primary subsource lives. It was closer



1 than I thought, not because of the information primary  
2 subsource was providing, just because we were  
3 scouring -- we weren't -- we wanted to get in front of  
4 him and he was closer than we thought.

5 BY MR. SOMERS:

6 Q. Prior to learning who the subsource was  
7 and where he lived, did you believe he lived in Russia?

8 A. I don't think I was aware. I don't think  
9 I had an opinion or a thought of where he lived. Him  
10 living the United States doesn't make a huge -- it's  
11 not -- I was just -- it's not a surprise. It was just  
12 more of a humorous surprise, more of an investigative  
13 surprise.

14 Q. So if the FISA application said the  
15 primary subsource was Russia based, you did not put  
16 those words in there?

17 [REDACTED]: Hold on.

18 [REDACTED] confers with the witness.]

19 THE WITNESS: Repeat the question, please.

20 BY MR. SOMERS:

21 Q. If the FISA said that the primary  
22 subsource was Russian based, are you testifying that you  
23 wouldn't have put those words in there because you  
24 didn't think he was Russia based?

25 A. If it says that, I don't recall providing

1 that.

2 Q. You don't recall providing that?

3 A. I don't recall that.

4 Q. You talked in the last round with the  
5 Minority about whether money could be a motivation for a  
6 source and you said you wouldn't necessarily discount a  
7 source if money was the motive. Could spreading foreign  
8 disinformation be a motive?

9 A. So I think anything the FBI receives from  
10 an individual can be motivated by various factor. The  
11 role of the FBI is to take that information and vet it  
12 and run it through out -- you know, to track it down and  
13 to make a determination if it's false, it's true, or  
14 disinformation. Our role is to take in the information  
15 and vet it all out.

16 Q. Are motives more important to take into  
17 consideration than others?

18 A. I think it depends on the motive. I  
19 think it depends on --

20 MS. ARGENTIERI: I'm unclear on the question.  
21 To him or to the person giving the information?

22 BY MR. SOMERS:

23 Q. To how you take the information, how you  
24 receive the information. You receive information. You  
25 said money may not matter. I'm asking

1       whether -- there's got to be a whole host of factors of  
2       things you want to take into consideration as you  
3       receive information. I'm trying to understand whether  
4       some of those motives, you just don't discount?

5             A.       The motives of the source?

6             Q.       Of the source in providing FBI with the  
7       information.

8             A.       I think it depends on the source. I  
9       think it depends on the situation. We recruit  
10       intelligence officers who we pay to provide information.  
11       Although we pay them, they may be motivated by ego, but  
12       we will still take the information and we take whatever  
13       information we have. As I said earlier, we'll always  
14       accept the information, and then our role as  
15       investigators and the intelligence cadre is to go  
16       through it, to vet it, to ensure it's accurate and to  
17       report on it.

18            Q.       Did you --

19            A.       If we find a problem with it, then we  
20       determine if we want to continue the relationship with  
21       that source.

22            Q.       Did you get leads -- so in the interview,  
23       I can kind of tell, although there's a lot of redactions  
24       from the 57-page summary, that you were probing the  
25       primary subsource on his sources.

1 A. Yes.

2 Q. I'm trying to get "subs" out of here.

3 Did you develop leads out of the interview with  
4 the primary subsource as to who his sources were?

5 A. We did. Again, I don't know whether or  
6 not -- if you read the version that I have seen --it's  
7 been a few years since then -- once identified, I asked  
8 about if that individual would be amenable to be in  
9 contact by the FBI, if that individual would be -- so  
10 the way I envisioned my role in that interview is to get  
11 the subsource or whoever. Once those are identified, to  
12 figure out where those individuals reside or how we  
13 could safely get in touch with those individuals so that  
14 the FBI, USITC, or whoever could get in front of those  
15 individuals, albeit the United States or a third  
16 country, then, as I mentioned throughout the course of  
17 this day, to get from the primary source information.

18 Q. Did the primary source -- I'm not asking  
19 you the actual name. Did he provide you with the names  
20 of his subsources?

21 A. He gave some names.

22 Q. Do you recall any discussion within the  
23 Crossfire Hurricane team, first, about then trying to go  
24 into interview these individuals?

25 A. I remember I was -- even though I was

1       transitioning off, there was an individual I think I  
2       wanted to get in contact him, because this individual  
3       came to the United States on a fairly regular basis or  
4       somewhat regular basis.

5               Q.       What about going overseas to speak to  
6       these people?

7               A.       I think I remember one individual that  
8       was standing out that I wanted to go see if we could get  
9       in front of.

10              Q.       Do you recall any disagreements about  
11       whether resources should be spent on going overseas to  
12       interview sources?

13              A.       At that point, I think I was not  
14       affiliated with the investigation.

15              Q.       How about prior to the primary subsource  
16       interview? You guys had some idea of who some of the  
17       subsources were. Correct?

18              A.       Only through the October meeting that  
19       occurred with Steele, I think, but I can't recall any  
20       discussion about any disagreement about funding and  
21       trying to get overseas. Again, this goes to the  
22       resource issue. We were focused on some other things at  
23       the time. So the individuals whom were identified in  
24       that October meeting, we weren't sure how we would be  
25       able to get in contact with them.

1           Q.       I want to clear something up. You said a  
2       few times and you just clarified that the person -- I  
3       think you said you had some reason to believe it was the  
4       primary subsource. It was clarified in earlier rounds.

5           You had no reason to believe the person you  
6       interview was not the primary subsource; is that  
7       correct?

8           A.       I wasn't involved in trying to identify  
9       and locate the primary subsource. That was a role that  
10      was, if I recall correctly, done by the intelligence  
11      analyst.

12          Q.       So you were just clarifying that you're  
13      not the one that identified the primary subsource; you  
14      relied on the analyst to tell you?

15          A.       Yes, which is what we do.

16      BY MR. BAKER:

17          Q.       On that point, generally speaking, once  
18      the primary subsource or a subsource or any information  
19      is gleaned as far as an identity of somebody that you're  
20      trying to find, it would be just normal investigative  
21      procedure to sort of verify that that person could have  
22      provided the information they provided; they could have  
23      traveled to place they said they traveled?

24          You just wouldn't come up with a name and assume  
25      it's the right person; there would be some sort of

1 puzzle fitting of pieces to see that this guy is  
2 probably who he says he is or who he's purported to be?

3 A. Yeah. I mean, there would be steps taken  
4 to try. It wouldn't be just pulling a name out of a  
5 hat. It would be based on certain matrices that are  
6 developed by whomever is trying to identify individual.

7 BY MR. SOMERS:

8 Q. You answered this, but I just want to put  
9 a fine point on it. You don't recall, after the primary  
10 subsource interview, anyone saying, Hey, we have a  
11 problem with the FISA as a result of the primary  
12 subsource interview?

13 A. Not that I recall, no.

14 Q. Did you see -- we don't have access to  
15 the document. There's the 57-page summary that we've  
16 discussed. There's also, according to the IG report, a  
17 two-page shorter summary, essentially, of the 57-page  
18 summary.

19 Do you recall that document?

20 A. I don't. With the passage of time, I  
21 don't recall.

22 Q. Do you recall any role in drafting that  
23 document?

24 A. I don't believe I did, no.

25 Q. And just to be clear, you don't recall

1 taking part or as part of a regular meeting or any group  
2 meeting of the Crossfire Hurricane team -- this is the  
3 last one I'll ask you on this, but I do want to ask this  
4 question: You do not recall a meeting during which a  
5 larger group of the Crossfire Hurricane team where your  
6 three-day interview with the primary subsource was  
7 discussed?

8 A. I participated in numerous meetings even  
9 when I came down from New York for a specific meeting.  
10 I can't recall. There may have been, but again, I don't  
11 recall a specific meeting.

12 Q. Okay.

13 A. I'm sorry. It's been years. So I  
14 apologize.

15 Q. You don't have to apologize. It's been a  
16 while. I'm just asking for your recollection.

17 In terms of sources -- getting back to  
18 Christopher Steele himself, getting away from the  
19 primary subsource and getting back to the FISA itself,  
20 on page 131 of the FISA, this exchange seems to have  
21 occurred: "The OGC unit chief advised Case Agent 1 on  
22 September 22nd during the drafting of the FISA request  
23 form, she said, quote: One last thing, we probably need  
24 a little bit more on the source -- redacted.

25 It says: "This is essentially a single-source



1 FISA. We have to give a fulsome description of the  
2 source."

3 So you were -- were you aware that the source  
4 characterization was important in this particular FISA  
5 application?

6 A. I was aware of the importance because  
7 everything we put in a FISA is important.

8 Q. Were you aware prior to receiving  
9 that -- you've worked on, you said, around 10  
10 FISAs -- that a source characterization statement, when  
11 you're relying on a confidential human source for  
12 information in a FISA, is important?

13 A. I have provided it in the past, yes.

14 Q. I mean did you realize it was important?

15 A. Yes. I understood it was something to  
16 include in the FISA, yes.

17 Q. So then: "Handling Agent 1 also told  
18 that FBI email instant messages reflect that he had  
19 provided language on September 23rd."

20 This is on page 160. I'm sorry.

21 "Handling Agent 1 also told that FBI email  
22 instant messages reflect had he had provided language on  
23 September 23rd to Case Agent 1 that the source  
24 characterization statement that was substantively  
25 different from the final language used in the FISA

1 application."

2 So what Handling Agent1, according to the IG  
3 report, provided you with is the following statement. I  
4 think the statement is on 161 if you want to look at it  
5 while I'm reading it into the record.

6 "CHS had been signed up for over three years and  
7 reliable. CHS responds to taskings and obtaining  
8 information from network or subsource. Some of the  
9 CHS's info has been corroborated, when possible."

10 Do you recall receiving a source  
11 characterization statement from the handling agent?

12 A. I recall the back and forth between  
13 myself and him.

14 Q. About the source characterization  
15 statement?

16 A. [Gestures.]

17 Q. Then it goes on to say the  
18 characterization statement that you provided OI -- it  
19 says: "Case Agent 1 provided OI with the following  
20 characterization of Steele for inclusion in the FISA  
21 application. This information comes from a sensitive  
22 FBI source whose reporting has been corroborated and  
23 used in the criminal proceeding and who obtained  
24 information from a number of sensitive well-placed  
25 subsources. Several of the source's reporting is from

1 June 2016 through August 2016."

2 Within that, there's some other variations, but  
3 there's two variations that I would like to point out  
4 between what Handling 1 provided you and what he  
5 provided to OI. One is the clause "has been  
6 corroborated and used in criminal proceedings".

7

Do you recall where you got that phrase?

8 A. Yeah. I received that phrase from the  
9 intelligence memo that was drafted by the SIA.

10 Q. That's FBI product, the intelligence  
11 memo?

12 A. That's FBI product that we regularly use  
13 in FISA applications.

14 Q. Okay. And there's another clause in  
15 there that says "who obtained information from a number  
16 of ostensibly well-placed subsources". Where did you  
17 get the impression that his subsources were ostensibly  
18 well-positioned?

19 A. I believe that also taken from -- as  
20 stated the IG report, I took it from the intel memo from  
21 the SIA.

22 Q. Why did you take a source  
23 characterization statement from the intel memo and not  
24 from the handling agent?

25 A. We typically take information from intel

1 memos. I believe they're vetted products and approved  
2 at I forget how many levels, but they are normally  
3 incorporated into our FISA applications. My  
4 understanding in reading the intel memo, the SIA did  
5 dive into information that was provided by Steele to the  
6 FBI. That language was incorporated into the  
7 intelligence memo and, as I mentioned in the IG report,  
8 I think I -- I'd need to find the exact quote, but I  
9 used that language.

10 Q. Did you provide these two sentence to the  
11 handling agent before you sent it to OI?

12 A. I did not, no.

13 Q. Did you realize at the time that there  
14 was a Woods requirement that you did so?

15 A. No, I was not.

16 Q. And according to the IG report on page  
17 183 at Footnote 329: "According to IG report, SSA 1  
18 requested a human source validation review on Steele in  
19 November of 2016."

20 Did you speak with SSA 1 about getting a human  
21 source validation?

22 A. We talked about doing an asset validation  
23 review.

24 Q. Is that an enhanced validation?

25 A. I forget if it was enhanced or not.

1 Q. Did you agree that it would be good thing  
2 to do?

3 A. It's always a good thing to do.

4 BY MR. BAKER:

5 Q. Why is it always a good thing to do?

6 A. We use sources all the time. I wasn't  
7 familiar with who this individual was aside from the  
8 meetings. There is harm in it that I thought.

9 Again, we had nothing to hide. It was just  
10 doing an asset validation review.

11 BY MR. SOMERS:

12 Q. Do you recall that validation review  
13 getting shut down?

14 A. I recall discussions, but nothing -- I  
15 was not part of it. So all I can recall are discussion  
16 that I had heard.

17 Q. Did SSA 1 come back to you at some point  
18 and tell you, Hey, we got turned?

19 I think he actually started the source  
20 validation review. Did he come to you and say, Hey, the  
21 source validation-- I'm sorry -- the enhanced validation  
22 was shut down?

23 A. If I recall correctly, yes. We met  
24 with -- I believe we met with the validation unit  
25 briefly, maybe one day, and I remember, to the best of

1 my knowledge, the SSA saying it was -- I don't know if  
2 "shut down" was the language that was used, but it was  
3 put on hold.

4 Q. But it was -- I used the words "shut  
5 down" or the term "shut down". My understanding is it  
6 was started and stopped versus never started.

7 A. Right, and I can't speak to that. I know  
8 that -- I recall -- again, this is the best of my  
9 recollection from a few years ago -- that there was a  
10 discussion where I heard from the SSA that it was on  
11 hold or whatever language you want to use, but I don't  
12 remember the exact language.

13 Q. Do you recall if he was frustrated by  
14 this, upset by it in some way?

15 A. That would be supposition on my part.

16 BY MR. BAKER:

17 Q. Did you have any understanding of why it  
18 was stopped or shut down?

19 A. No. No.

20 BY MR. SOMERS:

21 Q. Had you ever done an enhanced or any sort  
22 of -- have you ever requested a source validation  
23 review?

24 A. I have had source validation reviews on  
25 other sources in the past, I think once or twice.

1 Q. Is that unit at the FBI known for leaking  
2 information to the press?

3 A. I can't speak to that.

4 Q. As an agent, you've never heard that they  
5 were known for leaking information?

6 A. No. I've never heard that. This is the  
7 first time I'm hearing that.

8 Q. Have you heard that they leak information  
9 around the Bureau itself?

10 A. I have not heard anything along those  
11 lines except for today.

12 Q. Have you heard anything negative about  
13 the validation unit in terms of them letting information  
14 slip out?

15 A. I have never heard anything negative  
16 about them leaking information until today.

17 BY MR. BAKER:

18 Q. You said you've done enhanced validation  
19 on other sources, I think you said.

20 A. Again, I don't want to get stuck in  
21 enhanced or asset validation review.

22 Q. Sure.

23 A. I've had a review done on one or two  
24 sources.

25 Q. This is my lame kind of term for this.

1 Is it like a deep dive into the source?

2 A. They take a look at the source. They  
3 have access to the file, whatever source files, whatever  
4 closely-held things. They get access to it and they  
5 sometimes speak with case agents. Sometimes they don't,  
6 or the handling agent, I should say, and then they  
7 provide a report.

8 Q. So they might have access to things that  
9 a case agent might have not access to if you wanted to  
10 do, as a case agent, a preliminary search or something?  
11 This enhanced validation unit, it sounds like they have  
12 an ability to go deeper.

13 A. I can't speak to what access they have  
14 and don't have. Like I said, I've done it once or  
15 twice, but I never had a very good understanding about  
16 how they go about what they do.

17 Q. Is it your understanding that they would  
18 find things that you, as a case agent, might be  
19 interested in knowing about your source?

20 A. Yeah. I think -- well, yeah. They may  
21 call attention to some things the case agent may know,  
22 but given the relationship, the case agent, obviously,  
23 there are different types of relationships with sources.  
24 So it just calls attention to it, and sometimes they ask  
25 for updated records, things like that.



1           So it depends on the report.

2           Q.       In your experience for the few that  
3           you've done, are they able to find things or have they  
4           found things that you didn't know about the source?

5           A.       I don't recall, honestly. I can't answer  
6           that specifically.

7           Q.       And you don't recall if SSA 1 was  
8           frustrated or upset that this enhanced validation was  
9           slowed down or stopped?

10          A.       That would be me putting emotion to a  
11          comment I heard. So I can't speak to that.

12          Q.       But it was, in fact, slowed down or  
13          stopped?

14          A.       From what I heard, it was either slowed  
15          or stopped. I don't know what language you want to use,  
16          but I recall a conversation. It was maybe a one- or  
17          two-off conversation, but I can't recall specifics. I  
18          don't want to put any emotion to a conversation that we  
19          had, but it was a conversation we had.

20          Q.       Do you know of anybody on the Crossfire  
21          Hurricane team that was frustrated beyond what a normal  
22          frustration between investigators would be?

23                 My understanding is a normal difference of  
24          opinion amongst investigators ultimately or many times  
25          very helpful. You play off of each other and come up

1 with a road forward that is beneficial to the overall  
2 goal of the case.

3 Was anybody so upset over something on the team,  
4 so upset over something that they couldn't do or weren't  
5 allowed to do that they left the team or --

6 A. No. Nobody left the team out of  
7 frustration. Nobody -- as you said, there is normal  
8 give and take between the investigative team members. I  
9 don't recall any -- it was a small team. We had some  
10 analysts join us here and there, but I don't recall any  
11 major frustration aside from the day-to-day and some  
12 people feeling they should be included in some things,  
13 you know, investigative steps.

14 Aside from that, that's just normal, but nobody  
15 left the team as far as I recall because they were  
16 frustrated about the pace or because of the  
17 investigative work.

18 Q. I think I understood you in dialogue with  
19 our Minority colleagues that you, maybe others, did a  
20 general frustration with maybe the resources that you  
21 had or the task that you had. Is that correct?

22 A. That would be a fair assessment.

23 Q. And how --

24 A. Well -- I'm sorry. Looking back on it, I  
25 think in the midst of we felt we were stretched thin,

1 but we understood management's decision to keep it lean  
2 in order to prevent leaks and in order to, as I've said  
3 all along, protect the integrity of the process and  
4 those being investigated; but in retrospect, we could  
5 have used bodies.

6 Now, is there an email or instant message where  
7 I complained? Maybe, but that's -- again, that's mostly  
8 in retrospect that, looking back on it, we should have  
9 had way more people for this investigation.

10 Q. Do know if you did raise concern to  
11 anybody that this is really a lot to do, that it would  
12 be better served by having a few more bodies?

13 A. We probably had a discussion at that  
14 point, but, again, we were trying to strike a balance  
15 and we did the best we could given the resources we had,  
16 but I don't recall having a conversation with anybody  
17 asking for more -- that's not my role as a case agent.  
18 I may have complained about it or said something about  
19 it, like I said, but my role as a case agent is to  
20 investigate.

21 Q. Did SSA 1 or anybody, I mean, hear your  
22 general concerns or see your general frustration and  
23 say, Well, I'm going to bring this up at a meeting with  
24 the section chief or whoever?

25 A. Not that I recall anything specific.

1 Q. As far as you know, it stayed at the  
2 worker bee level?

3 A. Yes, as far as I remember.

4 MR. BAKER: Okay.

5 BY MR. SOMERS:

6 Q. Do you recall on September 23, 2016,  
7 Yahoo News published an article titled "U.S. Intel  
8 Officials Probe Ties Between Trump Advisor and Kremlin"?  
9 The article described efforts by the U.S. Government  
10 to --

11 MS. ARGENTIERI: I'm sorry. I want to just talk  
12 to him for one second.

13 MR. SOMERS: Okay.

14 [Ms. Argentieri confers with the witness.]

15 MS. ARGENTIERI: I'm so sorry.

16 MR. SOMERS: No. I was just reading.

17 MS. ARGENTIERI: That's okay.

18 BY MR. SOMERS:

19 Q. I don't know where we got cut off, but on  
20 September 23, 2016, Yahoo News published an article  
21 titled "U.S. Intel Officials Probe Ties Between Trump  
22 Advisor and Kremlin". The article describes efforts by  
23 U.S. Government intelligence agencies to determine  
24 whether Carter Page opened communication channels with  
25 Kremlin officials.

1 Do you recall this article?

2 A. I do, yes.

3 Q. Okay. Page 106 of the Horowitz report  
4 states: "In contrast, Case 1 sent instant messages  
5 indicating his belief that Steele was the, quote,  
6 western intelligence source mentioned in the Yahoo News  
7 article and Steele was, quote, selling his stuff to  
8 others. Case Agent 1 told us that the Crossfire  
9 Hurricane team later said Simpson or someone else who  
10 had the Steele information rather than Steele himself  
11 was responsible for furnishing the information to Yahoo  
12 News.

13 Why did you initially assess that it was Steele  
14 himself?

15 A. I believed the information in the news  
16 article lined up with some of the reporting that we had  
17 or recently received, I guess four days earlier.

18 Q. So was it your assessment or was it the  
19 team's assessment that it was Simpson or somebody else,  
20 not Steele?

21 A. We had a team assessment. I believe  
22 that -- so here's where my issue with the IG report  
23 comes out. I don't know when that IM was dated, if it  
24 was my instantaneous reaction to reading that article.  
25 That's a contemporaneous note I made to another

1 individual on the investigative team.

2           When we met as a team, first, we were concerned  
3 in that there was a leak in the investigation. Then we  
4 made an assessment that the information most likely came  
5 from the U.S.-based entities that had the information,  
6 that was based on after the meeting that we had  
7 with -- "we" being the team -- I'm sorry -- with Steele  
8 in October whereby he complained to Case Agent 2 and the  
9 SIA about the leaks in the investigation where he, I  
10 think, was worried about his source and his source  
11 network drying because of the leaks in the  
12 investigation.

13  
14           This was discussed with the IG and you can see  
15 it here. He was not asking if was the source of that  
16 article by the team. I can't put myself in their shoes  
17 as to why he wasn't asked. My best guess is because he  
18 complained about leaks and these were, you know,  
19 individuals who he was -- Steele, as we know, is a  
20 foreign intelligence professional who would divulge  
21 information to the public.

22           After that meeting, I think we assess that this  
23 was opposition research and my best guess as to why we  
24 decided -- made the assessment was because the  
25 individuals in the U.S. who were getting the information  
from Steele were asking opposition research. So,

1           therefore, that would a natural avenue.

2           So I'm sorry. I just lost -- I apologize.

3           [Witness confers with counsel.]

4           THE WITNESS: I believe if you read the IG  
5           report, Stu Evans -- I'm sorry. I don't know if I can  
6           use his name or not.

7           BY MR. SOMERS:

8           Q.        Yeah. I can.

9           A.        I believe he said that they didn't hide  
10          the information, that most of it came from Steele, but  
11          we made an assessment given the information at the time  
12          as a team that it was most likely the U.S.-based  
13          entities that receiving the Steele reporting.

14          Q.        A couple of questions: One, you  
15          mentioned he was concerned about leaks. It's my  
16          impression that the leaks that Steele was concerned  
17          about were leaks about were leaks of Mid-Year Exam  
18          investigation of Hillary Clinton's email serves, is my  
19          recollection.

20          A.        Actually, sorry. I think when he first  
21          met with Case Agent -- I don't have the page. When he  
22          first met with Case Agent 2, he complained about leaks  
23          and he complained specifically, if I recall  
24          correctly -- I don't have the page. I'd have to find it  
25          where he specifically mentioned his sources. As far as

1 I know, he was not a source of the Mid-Year Exam.

2 Q. Okay.

3 A. So that's -- so I think, if I recall  
4 correctly, as is stated in here, the assessment of the  
5 people in the field, being me and those in front of him,  
6 assessed that to be him complaining about the Yahoo News  
7 article, because at that point, that was the only thing  
8 came out about anything revealing an investigation.

9 Q. But your concern with the -- I mean, the  
10 Steele ultimately gets terminated or whatever the proper  
11 terminology is as a source because of it was confirmed  
12 later in the October and November, October 31st and  
13 November 1, he gets terminated as a source because of a  
14 leak to the media.

15 A. Right.

16 Q. So it was relatively serious, was it not?  
17 If this was Steele leaking to Yahoo News, that would be  
18 a rather serious breach, would it not?

19 A. He was closed for talking to the press,  
20 but it began -- I'll point you to the report. I can't  
21 refer to the exact page, but Stu Evans also indicated  
22 that in the next FISA, we mentioned that Steele was  
23 closed for cause for speaking to the media.

24 Q. I was just asking whether speaking to the  
25 media was serious.



1 A. It is serious.

2 Q. On page 107 of the FISA report, it  
3 indicates that drafts of the Carter Page FISA  
4 application stated on October 14, 2016, Steele was  
5 responsible for the leaks that led to the September 23rd  
6 Yahoo News article. One draft specifically stated that  
7 Steele was acting on his/her own volition and had since  
8 been admonished by the FBI.

9 Did you have any responsibility in the drafting  
10 that, whatever the prior statement was in the FISA?

11 A. So I'll point your attention to the  
12 report again, the page where I believe OI said they  
13 included the Yahoo News article in the FISA. That's  
14 something I remember too as a case agent, because OI  
15 drafts the FISA application.

16 Q. But you --

17 A. Sorry. And the OI attorney couldn't  
18 recall how the footnote was put in there and that the  
19 OI, I believe, said he may have put it in there as a  
20 placeholder.

21 Q. Okay. I was just asking whether -- I  
22 understand the OI actually physically drafts it, but  
23 does take input or a lot of input from the FBI.

24 A. Right.

25 Q. All I'm asking you is whether you had any

1 input to OI in --

2 A. I don't recall that and I'll just point  
3 you back to that report where I believe the OI attorney  
4 said he thinks he may have put it in as a placeholder  
5 where he then asked us questions.

6 Q. Okay.

7 BY MR. BAKER:

8 Q. What was your relationship with the OI  
9 attorney? I sense a little bit -- you alluded earlier  
10 that there might be for another day, another forum  
11 suggestions to improve the process or whatnot. I  
12 thought you had a carveout of something that might be  
13 more appropriate for DOJ, and then I think we've heard  
14 today there were some things you sent that weren't put  
15 in.

16 Did you have a good working relationship with  
17 this attorney? Was it frustrating?

18 A. We had a very good working relationship.  
19 I liked him a great deal. I thought that we got along  
20 professionally. I think that we were open and honest  
21 with him with what we were doing.

22 He was receptive when I had calls or questions.  
23 I think they understood the import of this. I knew his  
24 boss as well over the years.

25 So I think we -- it's not cast in stone that

1 it's this individual. It was a good working  
2 relationship.

3 MR. BAKER: Thank you.

4 BY MR. SOMERS:

5 Q. While you were working on Crossfire  
6 Hurricane, did you ever learn that the DNC was the  
7 ultimate client for the Steele Dossier?

8 A. I can't recall when I learned that. I  
9 can't recall if it was from after the fact or not. This  
10 is so engrained in, you know, various media reports. I  
11 can't recall.

12 Q. Just one thing: I'll mention this to you  
13 and maybe it will refresh your recollection. Maybe it  
14 won't.

15 "██████████ and the supervisory intel analyst told  
16 OIG and email communications reflect that by no later  
17 than January 11, 2017, ██████████ and the supervisory intel  
18 analyst understood that Fusion GPS had been hired by the  
19 DNC and another unidentified entity to research  
20 Candidate Trump's ties to Russia."  
21

MS. RIDI: What page is that?

22 MR. SOMERS: I don't have a page. I'm just  
23 asking if it refreshes his recollection or not. I  
24 mentioned that I don't know if it would.

25 THE WITNESS: I don't recall.

1 MR. SOMERS: I think it's on page 98. Sorry.

2 THE WITNESS: Yeah. So that's not a question.

3 BY MR. SOMERS:

4 Q. I asked if that helped --

5 A. I don't recall.

6 Q. -- if you thought that in January of  
7 2017 --

8 A. I don't recall.

9 Q. The IG report indicates that on October  
10 20, 2016 -- I've got to change the name back -- SSA 1  
11 and Case Agent 1 signed the FISA verification form or  
12 Woods form affirming the verification documentation for  
13 each factual assertion in the application.

14 You indicated in one of my first questions that  
15 you had read or review the Horowitz report. Looking  
16 back on the Horowitz report, do you stand by your  
17 signature on the October 20, 2016 Woods form?

18 A. I do.

19 Q. Did you read the -- are you familiar with  
20 the 17 significant errors and omission that Horowitz  
21 identified?

22 A. Yes.

23 Q. Do you agree that they were significant?

24 Do you agree that there are errors and  
25 omissions? Let's start there.

1           A.       I don't think there were any intentional  
2 omissions. I think that we acted in good faith with OI  
3 and provided any information requested or any  
4 information we thought for the investigation to move  
5 forward. Again, as I discussed, the OGA issue, we've  
6 discussed at length. The information about the  
7 transcripts between myself -- excuse me -- between the  
8 CHS and Carter Page was presented to OI. The email  
9 describing an individual was provided to OI.

10           There were a number of things provided and that  
11 just weren't either read or acted on, including the  
12 source statement whereby the OI attorney states that  
13 he -- there's no clear interpretation that he  
14 cooperating in criminal proceedings. He felt that  
15 this -- again, there is no clear definition of it. We  
16 said -- it could mean the spirit in using criminal  
17 proceedings. So nobody really understood that as a  
18 definition.

19           Again, we were as transparent as we possibly  
20 could be with OI during a dynamic fast-moving  
21 investigation.

22           Q.       Do you think it's a problem with the FISA  
23 process?

24           A.       As a --

25           Q.       Between FBI -- I'm asking specifically

1 about the interaction between OI and the people working  
2 the case at the FBI?

3 A. I think this indicates there's a  
4 systematic problem.

5 Q. That's what I'm asking.

6 A. I think, as I spoke earlier, I think that  
7 the changes that are being implemented hopefully will  
8 resolve those issues. I think there are other  
9 things -- as I mentioned to Inspector General Horowitz  
10 when I met with him in December, there are other changes  
11 that could be made.

12 I am a GS-14 currently. I don't have a lot of  
13 say on how this is done.

14 Q. I understand.

15 A. Having to live through this and having  
16 had this affect me personally, things can be changed to  
17 make it better so that nobody is called in question  
18 again on issues like this.

19 BY MR. BAKER:

20 Q. I think you said during your round with  
21 the Minority --

22 MS. ZDEB: I'm sorry. Before you go on, you're  
23 now over by a bit at this point, but depending on how  
24 much longer you have overall, we may be fine with you  
25 just finishing up, but if you have --

1 MR. BAKER: I have just one quick question.

2 BY MR. BAKER:

3 Q. You said during the last round that  
4 institutional issues existed with FISA. Did you mean  
5 the actual process of so many moving parts, it would  
6 seem to me in the FISA process, or is it a cultural  
7 issue with people in the FBI?

8 A. No. I think it's institutional as far as  
9 a process. I think that we investigate. FISA is a  
10 useful and valuable tool for us to use. We take FISA as  
11 seriously as we do any other product, even more so  
12 because of the access it gives and what it means to us.

13 There are always ways to improve the process  
14 and, again, as I stated just before, you know, I'm not  
15 the -- I have been made the number one person for a  
16 failure of FISA. I'm not. If this leads to  
17 institutional changes that codifies things and makes  
18 things better for case agents, so be it and that's a  
19 good thing here; but I think that the changes that are  
20 being made are probably long overdue and probably much  
21 needed, as evidenced by me sitting here.

22 I think that we're better than we were a year  
23 ago for FISAs and with the errors and omissions, however  
24 you want to phrase what was found here, I think we're on  
25 a path to a better process.

1 MR. BAKER: Thank you.

2 MR. SOMERS: We can take a break now.

3 [Whereupon, at 3:40 p.m., a recess was taken,  
4 resuming at 3:50 p.m.]

5 MR. HASKELL: It's 3:50 p.m. and we're going  
6 back on.

7 FURTHER EXAMINATION BY THE MINORITY

8 BY MR. HASKELL:

9 Q. We talked quite a bit today about  
10 confidential human sources, and one of the individuals  
11 that the Crossfire Hurricane team used as a CHS was  
12 Source 2 that you had handled since 2011. Among the  
13 things that Source 2 did was he met with Carter Page in  
14 August 2016, and you told OIG that as a result of that  
15 meeting: "We now had a successful contact between the  
16 established FBI source and one of our targets, which  
17 gave the Crossfire Hurricane team confidence that they  
18 could find out investigatively what we'd been charged to  
19 do."

20 Is it fair to say that the purpose of your use  
21 of Source 2 and other CHSes on Crossfire Hurricane was  
22 either to corroborate or to dispel allegations that the  
23 Trump Campaign was involved in Russia's ongoing election  
24 interference effort?

25 A. Yes, and to get assessment information



1 out of those individuals.

2 Q. And the information that would allow you  
3 to either corroborate it or dispel it and close the  
4 case?

5 A. Yes.

6 Q. More broadly, have you found CHSes to be  
7 a valuable tool for corroborating or dispelling  
8 allegations during the course of your time with the FBI?

9 A. Yes.

10 Q. And is it fair to say that, in your  
11 experience, CHSes have played an important role in  
12 investigating national security threats?

13 A. Yes.

14 Q. I've always understood that sources and  
15 methods, including CHSes, are things that the FBI  
16 vigorously protect. Is that correct in your experience?

17 A. They're some of our most valuable asset.

18 Q. In general, why is it important for the  
19 FBI to protect its sources?

20 A. "A", for their for personal safety; "B",  
21 to protect the integrity of investigations and allows us  
22 to continue potential other operations in the use that  
23 CHS throughout the course of the CHS's working  
24 relationship with the FBI.

25 Q. You mentioned public safety and, in

1 general, what are the risks to the source of them not  
2 being protected, their identity being disclosed?

3 A. Anywhere from death to harassment.

4 Q. And you worked on Russia issues for  
5 years. Are those risks, the personal safety risks, to a  
6 source amplified when Russia is involved?

7 A. Yes.

8 Q. Setting the public safety aside, does  
9 exposing a source's identity impact the FBI's ability to  
10 recruit other sources?

11 A. Absolutely.

12 Q. Can you elaborate a bit on that?

13 A. We tell the sources, typically, we'll do  
14 our best to protect their identity, and I'll speak to  
15 national security issues, not on the criminal side  
16 because I'm not experienced and I can't speak to that;  
17 but depending on that source, the source could be used  
18 in various investigations [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED].

23 They're invaluable to us on a national security  
24 side. If their names and their identities or anything  
25 that can identify becomes public, that puts not only

1 that individual's safety at risk, but ongoing and past  
2 FBI USITC operations at risk.

3 Q. And following on that, is it fair to say  
4 that it puts our national security at risk?

5 A. It absolutely does, yes. It would  
6 prevent us from recruiting other individuals who want to  
7 work with the FBI.

8 Q. We've discussed quite a bit today the EC  
9 documenting the interview with the primary subsource.  
10 That document was declassified, and shortly after it was  
11 posted on our committee's website, shortly after that, a  
12 blogger deduced and widely publicized that individual's  
13 identity. Are you aware of that?

14 A. I have heard of it.

15 Q. And do you recall that during the  
16 interview, and this is reflected in the EC, that: The  
17 primary subsource as recorded in the EC said unless his  
18 name goes public, he is fine when it comes to his source  
19 network. He doesn't believe he can travel -- redacted.  
20 He feels that he would be in danger and, as put  
21 it -- and then redacted again.

22 Would the risk, including the risk to public  
23 safety, including the risk of death that you mentioned,  
24 apply potentially to the revealing of the identity of  
25 the individual you believed to be the primary subsource?

1           A.       The Russian Intelligence Service has  
2 shown that they will spare nothing to get back at  
3 individual who provide information about the Russian  
4 Government or the actions of the Russian Government. It  
5 wouldn't surprise me.

6           Yes. There is a potential for safety for the  
7 individual and the families.

8           Q.       And in this case as well, not only the  
9 risk to the safety of the individual, but also the risk  
10 to our national security?

11          A.       Yes.

12 BY MS. ZDEB:

13          Q.       If I could just jump in with a couple of  
14 additional questions while we're still on the topic of  
15 sources and the primary subsource.

16                You just talked about risk to the safety of the  
17 source when their identity is exposed as well as the  
18 deterrent effect that will have on the ability to  
19 recruit sources in the future. Is there also a  
20 deterrent or a chilling effect if the source whose  
21 identity is exposed is still a current source for the  
22 Bureau?

23                In other words, does the exposure of that  
24 individual's identity make it less likely, perhaps, that  
25 that source would continue cooperating with the FBI?

1           A.       It essentially would nullify that  
2 relationship.  Yes.

3           Q.       Turning back to the disinformation theory  
4 that our colleagues in the Majority were asking you  
5 about in the last round, and I'll again try to keep it  
6 at a pretty high level in generality, without getting  
7 into the specifics of the primary subsorce or any other  
8 source, it seemed to me that Mr. Baker was somewhat  
9 conflating the concept of disinformation, on the other  
10 hand, and then on the other hand, the concept of someone  
11 having tied to or even being a member of a foreign  
12 intelligence service.

13           So to just put a finer point on this issue, does  
14 the fact that a source has ties to a foreign  
15 intelligence service or is, perhaps, even associated  
16 with a foreign intelligence service necessarily mean  
17 that everything that the FBI receives from the source is  
18 disinformation?

19           A.       No.  Some of your best sources are some  
20 of those individuals.

21           Q.       And so I would imagine, as I think you  
22 indicated in response to one of Mr. Haskell's questions  
23 earlier, there certainly could be a risk of  
24 disinformation and that is why or that is one reason  
25 why, in your words, the role of the FBI is to vet

1 information from the source; is that correct?

2 A. That's correct, yes.

3 Q. But the mere fact that someone had ties  
4 to a foreign intelligence service or is even associated  
5 or a member of a foreign intelligence service, that  
6 standing alone does not disqualify that person from  
7 being a source of the FBI?

8 A. No.

9 Q. And, in fact, as you said previously, the  
10 FBI recruits and pays members of foreign intelligence  
11 services and, as you indicated just a moment ago, those  
12 can be some of the Bureau's best sources; is that  
13 correct?

14 A. That s c rrect.

15 MS. ZDEB: Thank you.

16 BY MR. HASKELL:

17 Q Mr. Somers mentioned earlier in the  
18 interview a statement that George Papadopolous had made  
19 that, you know, certain actions would be illegal and  
20 denying participation in them. I know that you didn't  
21 do much work on the Papadopolous case. I have just a  
22 few questions that you may able to answer about it.

23 You told the IG -- I think this is page 332 of  
24 the IG report -- that the Crossfire Hurricane team's  
25 assessment was that Papadopolous's denial and, to be

1 more specific there, he denied that anyone in the Trump  
2 Campaign was collaborating with Russia or outside groups  
3 like WikiLeaks or had any involvement in the DNC's email  
4 hack, and you explained that the team -- that the  
5 Crossfire Hurricane's team assessment was that  
6 Papadopolous' denial to the CHS was a rehearsed  
7 response. You also explained the team discussed for  
8 several days whether Papadopolous had, quote, been  
9 coached by a legal team to deny any involvement.

10 Was it important for the FBI to assess whether  
11 Papadopolous had been coached by a legal team and, if  
12 so, why would that be important?

13 A. Give me one second.

14 MR. HASKELL: Take your time.

15 [Witness peruses document and confers with Ms.  
16 Argentieri.]

17 THE WITNESS: Could you just repeat that?

18 BY MR. HASKELL:

19 Q. Yes, of course.

20 Was it important for the FBI to assess whether  
21 Papadopolous, quote, had been coached by a legal team  
22 and, if so, why would that be important, to determine  
23 whether or not he had been coached to respond to those  
24 questions with those denials?

25 A. We were evaluating his credibility and

1 want to see if he was being honest.

2 Q. So determining if he was giving a  
3 reversed response and dishonesty?

4 A. Yeah.

5 Q. Understood. And do you recall whether  
6 the Crossfire Hurricane team ever came to a conclusion  
7 one way or another about whether those were rehearsed  
8 responses?

9 A. No. I don't recall specifically.

10 I'm sorry. Could you just repeat that? I want  
11 to make sure I answer your question. I'm trying to  
12 listen to read and listen at the same time. I shouldn't  
13 do that.

14 Q. Of course. Do you recall -- you had  
15 talked about how the team discussed the issue for  
16 several days, that it was a topic of conversation. Do  
17 you recall whether the team or you, personally, ever  
18 came to a firm belief as to whether or not that was a  
19 coached response or he was being honest?

20 A. I think we -- I personally thought it was  
21 a coached statement because the way -- as I mentioned in  
22 this report, that it was -- what is not reflected in the  
23 transcript is the change in tenor and the way he -- as I  
24 state here, from a free-flowing conversation to what I  
25 thought was a -- I can't say how I want to phrase it.



1 It just stood out to myself and I think -- I don't want  
2 to speak for the team.

3 Q. There's been some claims that because  
4 Papadopolous denied the campaign's participation in  
5 these things, you know, that should have had a  
6 significant bearing on the direction of the  
7 investigation, which is why it's important to understand  
8 how the FBI interpreted those statements at the time.

9 More generally, in your experience as an agent,  
10 do those who have engaged in criminal conduct sometimes  
11 deny that they engage in criminal conduct?

12 A. Yes, especially the first time we're  
13 meeting with a source. This was the first time  
14 Papadopolous was meeting with agents. They don't  
15 necessarily admit to criminal activity.

16 Q. And, in your experience and your opinion,  
17 should the FBI stop an investigation because a target  
18 denies having committed a crime?

19 A. No. We wouldn't have many cases to  
20 investigate.

21 Q. In an October of 2016 conversation with  
22 the CHS, Papadopolous said that he did not think Russia  
23 was playing with the election or had any interest in it.  
24 So Papadopolous said he did not think Russia playing  
25 with the election or had any interest in it.

1 A. What page is that? Sorry.

2 Q. I believe it's around 332, but I  
3 apologize. I do not have that.

4 A. Okay. I think I --

5 Q. I'm happy to repeat it.

6 A. Is this related to Source No. 3?

7 Q. I believe so, and I'm happy to repeat the  
8 language. I promise, it's a verbatim quote. I'll try  
9 to get the page number.

10 A. Okay.

11 Q. So Papadopolous said this months after it  
12 had been widely reported that Russia hacked the DNC and  
13 the Clinton Campaign and was behind WikiLeaks' release  
14 emails damaging the Clintons. Would that statement at  
15 that time, that Russia had no interest in the election,  
16 undermine Papadopolous' credibility and potentially the  
17 trustworthiness of his denials, his earlier denials?

18 A. Would it undermine his credibility?

19 Q. Would the statement that Russia had no  
20 interest in the election months after it was widely  
21 known that Russia hacked the DNC and the Clinton  
22 Campaign and was behind WikiLeaks' release of emails,  
23 would that statement undermine his credibility?

24 A. Yes.

25 Q. The FBI didn't learn until July 2016 that

1 Papadopolous had told a foreign government official  
2 about Russia's offer to help the Trump Campaign by  
3 releasing hacked email on the Clintons. That was the  
4 FFG report that came in late July that I know you're  
5 familiar with, but Papadopolous had learned about Russia  
6 offer sometime around or before April 2016. That's when  
7 he had the conversation with the FFG official.

8 To your knowledge, did Papadopolous report  
9 Russia's apparent offer of election assistance to the  
10 FBI when he learned of it in April, in or before April  
11 2016?

12 A. Not to my knowledge, no.

13 Q. And did he come forward to the FBI in  
14 July 2016 when WikiLeaks began doing what Papadopolous  
15 had been told the Russian Government was going to do,  
16 release thousands of emails of Candidate Hillary  
17 Clinton?

18 A. Not to my knowledge.

19 Q. And to your knowledge, did Papadopolous  
20 ever, at any point, come forward to proactively report  
21 what he had been told about Russia's willingness to help  
22 the Trump Campaign?

23 A. No.

24 Q. Would that sequence of events we just  
25 went over also undermine his credibility?

1 A. Yes.

2 Q. We spoke about the dangers of publicly  
3 identifying confidential human sources. It strikes me  
4 that there are also harms to disclosing the identity of  
5 FBI agents, and your name, unfortunately, as you know,  
6 has been out there in the public in connection with the  
7 matters this investigation is continuing to focus on.

8 What have the effects of that been on you?

9 A. I have had people post my home address on  
10 Twitter. I have had people put nooses next to my name  
11 on Twitter. I have had people try and scour the  
12 internet to look for photos of myself to put on line.

13 As of yet, I have had no physical threat to  
14 myself or my safety; however, given the current  
15 environment, I am currently constantly aware of my  
16 surroundings and looking out for potential threats to  
17 myself, the safety of my family. I had to take  
18 the -- something as simple as I had to take my name off  
19 the mailbox of my apartment in Brooklyn for fear that  
20 somebody came to my home and identify me. That's just  
21 publicly.

22 Professionally -- well, publicly also -- I have  
23 been described as incompetent. I have been described in  
24 numerous ways, which is contrary to how I've conducted  
25 myself as an FBI agent for almost 16 years.

1           Professionally, I was removed from my squad and  
2           I was given a new assignment. I have had things said  
3           about me internally on FBI systems, which I've had to  
4           have them taken down where they have identified other  
5           sources that I work with.

6           It's been a difficult nine, ten months.

7           Q.        I'm sorry, and I'm especially sorry given  
8           your many years of service to this country, trying to  
9           maintain our national security. Nothing like that  
10          should happen to anyone, let alone someone in your  
11          position.

12          It strikes that, in addition to having an effect  
13          on you, it also can potentially have effects on the FBI  
14          morale generally or recruiting of new FBI agents. Am I  
15          correct there?

16          A.        I think there's a chilling effect to,  
17          "A", recruit new agents to work with the FBI and for  
18          other government agencies. I think it also hurts the  
19          FBI in the event that a case like this happens again.  
20          Nobody is going to want to work this case, because  
21          they've seen what's happened to me and it's not a secret  
22          what's happened to me within the FBI.

23          I don't know why I was asked to work this  
24          investigation, but in the future, if an investigation  
25          like this ever occurs again, you're not going to get the

1 best people of the FBI volunteering to do this work  
2 because of what they're seeing happen to me. It's a  
3 chilling effect for the work we do. There's a chilling  
4 effect for, most likely, the number of FISAs that are  
5 being sought, and it continues down the line.

6 I think it hurts us as an organization and,  
7 thereby, hurts the national security of the United  
8 States. I'm a small cog in this and I recognize that,  
9 but it's easy to dismiss a small co and it's -- but I  
10 feel the weight of all of this on my shoulders, because  
11 it's cast the FBI in a bad light. That's not the way  
12 our organization is. Our organization does the best we  
13 possibly can given the circumstances.

14 We're asked to work difficult cases. We're  
15 asked to make sacrifices and we do that and there are  
16 repercussions, obviously, in doing that, but some of  
17 added repercussions because of this, because of the  
18 nature of this investigation, some of these  
19 investigations, I think it hurts the agency as a whole.

20 MR. HASKELL: Thank you.

21 That's all.

22 MR. SOMERS: I have a little more. Do you want  
23 to take a break?

24 THE WITNESS: I'm fine.

25 MR. SOMERS: Hopefully we can get through this

1 and be done for the day. I'll note the time is 4:13.

2 FURTHER EXAMINATION BY THE MAJORITY

3 BY MR. SOMERS:

4 Q. You know the source, the person who has  
5 been identified as Source 2 in the OI FISA report? Do  
6 you know who that person is?

7 A. I do, yes.

8 Q. Were you Source 2's handler?

9 A. I was, yes.

10 Q. The OIG FISA report notes on page 313  
11 that Source 2 was closed by the FBI in 2011 for  
12 aggressiveness towards handling agents as a result of  
13 what Source 2 perceived as a -- conversation and  
14 questionable allegiance to intelligence targets.

15 Did you experience any problems with Source 2?  
16 It says you handled him from -- sorry -- 2011 through  
17 2016. Did you have any issues with Source 2?

18 A. I did not.

19 Q. Do you have any explanation why the  
20 demeanor changed from other handlers?

21 A. Yes. I made a determination that he  
22 would be an individual who might be able to help further  
23 advance counterintelligence investigations. I reached  
24 out to one of his original handling agents who had  
25 retired -- he was a contractor at the time -- and an

1 intelligence analyst who I had worked with over the  
2 years who knew the source for a number of years.

3 We met with the source and we were honest with  
4 him and we told him -- sorry. We told the source that,  
5 essentially, this was the source's last opportunity to  
6 work with the FBI given the issues this person had in  
7 the past, and at the time, I relied some of the senior  
8 people I had brought with me.

9 Through that time, I developed a source-handler  
10 relationship with that source over the years, and, for  
11 whatever reason, you know, there's an art to  
12 source-handler relationships. Sometimes it's just a  
13 personality conflict. We just didn't have any  
14 personality conflicts.

15 Q. I notice here that it says the -- this is  
16 also on 313 -- the FBI conducted a human source  
17 validation reviews on Source 2 in 2011, 2013, and 2017.  
18 Were you aware they conducted those validation reviews?

19 A. Yes.

20 Q. Did you look for human source validation  
21 reviews of Christopher Steele during the time you were  
22 on Crossfire Hurricane?

23 A. Christopher Steele was not my source.

24 Q. I was asking did you check the files to  
25 see if there were any?



1           A.       I know case agents -- handling agents had  
2       access to the sources' files.  Again, I did not have  
3       access to our --

4           Q.       Delta?

5           A.       Yeah.  Delta, our source handling system.  
6       I do not have access to the file.

7           Q.       Did you ask the handling agent for his  
8       human source validation file?

9           A.       Not that I recall, no.

10          Q.       Do you recall if anyone on the team asked  
11       for it?

12          A.       I don't know.

13          Q.       Would it surprise you if there were not  
14       human source validation reports in the Delta system for  
15       Steele?

16          A.       Not necessarily.

17          Q.       Do you know why your source was validated  
18       three times during that --

19          A.       So now we're talking about my source?  
20       We're switching back to mine?

21          Q.       Yeah.  We're switching back to your  
22       source, Source 2.

23          A.       I don't know if I can answer that in this  
24       setting.

25          Q.       Is it standard or no?

1 A. I don't know if I answer the setting.

2 Q. Did anyone on the Crossfire Hurricane  
3 team know you were Source 2's handler before you joined  
4 the investigation?

5 A. Yes.

6 Q. Who?

7 A. The SOS, I believe SSA 1.

8 Q. Do you think that played any part in your  
9 being asked to join Crossfire Hurricane team?

10 A. No.

11 Q. Eventually, you --

12 A. I don't know, but I don't believe so.

13 Q. Eventually, Source 2, I think it's fair  
14 to say, was tasked with operations involving Page,  
15 Papadopolous in order to gather information. Why did  
16 you go to Source 2 in particular?

17 He also talked to another high-level unnamed  
18 Trump Campaign official. Why did you go to Source 2 for  
19 these tasks?

20 A. I know given the sensitivity of the  
21 source and this unclassified setting, the source was an  
22 individual who was very familiar with the machinations  
23 of a political campaign and political workings, that the  
24 source was based in the United States. I initially went  
25 to the CHS with -- just to talk about generalities.

1           What's misrepresented in the IG report is I  
2           didn't know what a foreign policy advisor. I do know  
3           what that is. I just wanted to understand the role of a  
4           foreign policy advisor as it relates to a campaign.

5           We sat down with that source just given his  
6           expertise, for lack of a better word, in this realm.  
7           Through the course of our first meeting, we found out he  
8           had met Carter Page earlier in July. I was unaware of  
9           who Carter Page was prior to this investigation, as we  
10          were initially tasked with seeing if he knew anything  
11          about Papadopolous, but he brought up Carter Page's name  
12          to us.

13          We weren't clear to discuss with the source if  
14          Carter Page was, you know, somebody we could talk to  
15          about. So that was the first meeting. I believe it was  
16          within a few days of starting that investigation.

17          Q.       Did you bring up Manafort with him or did  
18          he raise that?

19          A.       I think he -- I can't get to far in the  
20          weeds, even though he's --

21          Q.       Yeah.

22          A.       -- been outed. Given his professional  
23          experiences, I had heard of him.

24          Q.       I'm just asking whether he said I know  
25          Paul Manafort.

1           A.       Well, his name has come up just over the  
2 years, just because given the source, but as far as --

3           Q.       You knew he knew Paul Manafort?

4           A.       I don't think I knew it. I'm sorry. Let  
5 me step back.

6           He may have mentioned it. I may not have known  
7 who it was.

8           I don't recall if he brought up Manafort's name  
9 or we brought it up to him. We had to get cleared to  
10 bring up any names to the source. That is per normal.

11          Q.       But you brought up George Papadopolous?

12          A.       I did and we were approved to do that.

13          Q.       So what I'm trying to understand the  
14 sequence of the events here.

15          A.       Sure.

16          Q.       So let's just back up to the sequence of  
17 events.

18                 You bring up George Papadopolous. He said I  
19 don't know George Papadopolous, and he offers, then,  
20 that I know Carter Page; did you have any interest in  
21 him. So.

22                 I'm asking -- that seems clear on the report,  
23 but what is not clear is whether -- it says Source 2 had  
24 known Trump's then campaign manager, Manafort, for a  
25 number of years and he was previously acquainted with

1 Michael Flynn. I guess I'm just asking whether you all  
2 raised Manafort.

3 I'm going to then ask the same question about  
4 Flynn.

5 A. Sure. So I think as it relates to  
6 Manafort, I think Manafort just came up because he was  
7 the campaign -- he was running the campaign for Trump at  
8 the time. I think he said I've known him, and he gave  
9 some details on how he knew him. So's that how.

10 Q. Same thing with Flynn?

11 A. So Flynn has come up, had come up, with  
12 the source in the past. He had -- he met Flynn at a  
13 professional event and he called me about an individual  
14 who he thought was suspicious to kind of be in front of.

15 Q. Was it relevant to the investigation?

16 A. This was prior.

17 Q. I'm just asking --

18 A. I know. It gets confusing.

19 Aside from that, that was the only -- I had a  
20 conversation with about that. That was probably circa  
21 the 2012 or 2013 timeframe, roughly. Then I didn't hear  
22 Flynn until we spoke to him, but he just he knew the  
23 circle of individuals as we had that discussion the  
24 first time with him of who was in the campaign's orbit  
25 as foreign policy advisors.

1 BY MR. BAKER:

2 Q. Was Source 2 someone you cultivated or  
3 someone you inherited?

4 A. Well, he was closed for cause. He didn't  
5 have contact with the FBI, and then I reached out to him  
6 through -- for lack of a better term, we cultivated him,  
7 if you will.

8 MR. BAKER: Okay.

9 BY MR. SOMERS:

10 Q. Now, I think there's been -- there's a  
11 discussion in the IG report about him joining the Trump  
12 Campaign and him not doing that. Did he have some sort  
13 of informal role with the Trump Campaign?

14 A. No. I believe, if I recall correctly,  
15 Carter Page was trying to get him to join the campaign,  
16 which we advised he could what we wanted, but that was  
17 not our intent and we're not tasking him to join the  
18 campaign at our behest.

19 Q. Did he tell you why he didn't want to  
20 join the campaign?

21 A. His age, various other factors.

22 Q. What was his opinion about Trump?

23 A. I don't know. I think he was -- I can't  
24 recall a specific discussion. So I don't want to --

25 Q. That's fine.

1           Do you know how he was able to get the meeting  
2 with the high-level campaign official? Was that  
3 official trying to recruit him to the campaign?

4           A.       Carter Page was trying to arrange a  
5 meeting between him and that individual. He had been  
6 trying, and it was -- I think he gave me the email  
7 address at one point of that individual. I forget how  
8 that actually transpired, but we sought the proper  
9 approvals with FBI Headquarters.

10          Q.       Did the high-level campaign official  
11 think that the meeting was about Source 2 joining the  
12 campaign?

13          A.       I can't recall the specifics for that,  
14 the reason, how they tabled that meeting.

15          Q.       That meeting, it says here on page 327 of  
16 the IG report: "Case Agent 1 told the OIG that the  
17 plans for this meeting was for Source 2 to ask the  
18 high-level campaign official about Papadopolous and  
19 Carter Page because they were unknowns and the Crossfire  
20 Hurricane team was trying to find out how these two  
21 individuals, who are not known in political circles, got  
22 introduced to the campaign, including whether the person  
23 responsible for those introductions had ties to the  
24 Russian Intelligence Services."

25               Do you learn anything about how these two

1 individuals that were not known in political circles got  
2 introduced to the campaign?

3 A. From -- can you just repeat it without  
4 reading -- I see what you're reading, but what's the  
5 actual question?

6 Q. I'm saying, apparently, the purpose of  
7 sending Source 2 to meet with the high-level campaign  
8 official was to, in part at least, answer the question  
9 of how these two individuals who were not known in  
10 political circles got introduced to the campaign,  
11 including whether it was by RIS, and I guess my question  
12 is did you learn anything about how either Page or  
13 Papadopolous -- I think the word you used were "got  
14 introduced to him"?

15 A. No. We didn't receive anything that  
16 was -- I don't recall receiving anything that was  
17 related to the investigation.

18 Q. Do you recall if the operations described  
19 in part on page -- I think you discussed it a little bit  
20 the last round -- on page 329: "Case Agent 1 said that  
21 by taking Papadopolous to another country, Papadopolous  
22 might feel a little freer to talk outside the confines  
23 of the United States and repeat that conversation he had  
24 with the FFG officials."

25 But then I believe in the last round, you said



1 that, basically, his response seemed like a canned  
2 response. I'm trying to -- it seems like you went  
3 through a plan that had some costs to it in order to get  
4 Papadopolous overseas to be comfortable and, yet, your  
5 reaction to his comment that this would be illegal  
6 seemed like a canned response. So are you saying that  
7 the plan didn't work to get him overseas and have him be  
8 comfortable?

9 A. Did the plan not work?

10 Q. Yeah, since you discounted his answer.

11 [Witness confers with counsel.]

12 THE WITNESS: I would say he just didn't restate  
13 the comment he made to the FFG.

14 BY MR. SOMERS:

15 Q. But you put him in a situation where he  
16 was supposed to be comfortable and, yet, you discounted  
17 his comment that this would be illegal. I'm trying  
18 to -- what I'm getting at is I'm still trying to get  
19 back to all this multiple pieces of exculpatory  
20 information and I'm trying to understand how it didn't  
21 make into the FISA, and so I'm trying to understand.

22 You've represented confidential human sources'  
23 conversations are considered valuable, correct, to the  
24 FBI?

25 A. They are. You have to take many factors

1 into consideration during that source work as well.

2 Q. In this particular one, at the United  
3 States' Government expense, you sent Papadopolous  
4 overseas to meet with Source No. 2?

5 A. Well, I don't understand what the point  
6 of government expense is. The FBI has expenses,  
7 operational expenses, in furtherance of investigations.

8 Q. I'm saying you set the circumstances for  
9 this.

10 A. Which that's something the community does  
11 a whole across the board.

12 Q. I'm not questioning the expense. I'm  
13 questioning the fact that you set the circumstances for  
14 a meeting that you thought that he would feel a little  
15 freer to talk outside of the confines of the United  
16 States. Then you get your derogatory or exculpatory  
17 information from George Papadopolous and then you  
18 discount the information.

19 I'm trying to understand why you discounted the  
20 information in that context.

21 A. As I stated earlier, I thought and the  
22 team thought it was a canned response to a conversation  
23 Papadopolous was having the first time with an  
24 individual he had just met.

25 Q. So of the exculpatory information, what

1 I'll characterize as exculpatory information -- I'm just  
2 going to characterize it that way, but it appears that  
3 Horowitz mentioned it in his report. He says it didn't  
4 make it into the FISA. They identified the fact that  
5 Carter Page worked for the intelligence. That didn't  
6 make it in the FISA. He didn't know Manafort. That  
7 conversation was -- and that Manafort wouldn't even  
8 return his email. That doesn't make it in.

9 He doesn't know Sechin or Diveykin, wasn't  
10 involved in the RNC platform change. Papadopolous  
11 denied his involvement with taking information from  
12 Russia, which was a predicate for the whole  
13 investigation.

14 How does none of that make it into the FISA  
15 application?

16 A. So if you go one by one, can I address  
17 each one?

18 Q. Sure. You can address each, but, also,  
19 if you can -- you don't to -- can you give me a global  
20 response at the end?

21 A. So without going one by one, as I  
22 mentioned earlier, Page had worked with OGA was offered  
23 to the Office of Intelligence at DOJ. They denial of  
24 knowing the meeting with Sechin and Diveykin, that  
25 transcript was provided to the Office of Intelligence.

1 Q. The entire transcript or the --

2 A. The entire transcript, if I recall  
3 correctly, was provided to the Office of Intelligence.

4 Q. Are you positive?

5 A. That's stated in the IG report. It's  
6 started in the March 5th ruling from the FISC report,  
7 saying that they had access to it.

8 Papadopolous denials was, as I had mentioned,  
9 something we discussed amongst the team and we shared as  
10 needed.

11 What are the other ones?

12 Q. The RNC platform change.

13 A. The RNC platform change occurred, if I  
14 recall correctly, during an interview of Page.

15 Q. The RNC platform change, I believe so.

16 A. I was no longer the case agent in the  
17 investigation at that point.

18 Q. I don't have the page.

19 A. We also included in the FISA a letter  
20 written to Director Comey whereby Carter Page denied  
21 knowing Sechin and Diveykin to have any ties to Russian  
22 Intelligence Service and the offer to take a polygraph  
23 examination. We also included the "Washington Post"  
24 article where he was interviewed and denied knowing  
25 anybody associated with Russian or the Government

1 Russian. We also included the September 23rd news  
2 article -- "we", being myself, OI, the U.S. Government  
3 to the court the September 23rd Yahoo News article  
4 whereby Page denied knowing Sechin and Diveykin.

5 To your point of exculpatory information, we did  
6 provide into the FISA quite a bit of exculpatory  
7 information.

8 Q. You mentioned a letter Page sent to  
9 Director Comey. Why did not take Page up on his offer  
10 for an interview, at least?

11 A. That was not my decision to make.

12 Q. Okay.

13 BY MR. BAKER:

14 Q. Did anybody affirmatively make the  
15 decision not to pursue that?

16 A. We used it as the first approach for him  
17 in March. I don't know why the decision. It was above  
18 my pay grade.

19 Q. Do you know who made the decision?

20 A. I don't recall. No.

21 Q. Do you remember Mr. Strzok expressing any  
22 concerns that CHSes were being used too much and that  
23 they were going to get burned or cause suspicion?

24 A. I know there was concern about using  
25 CHSes too, too much, but I think we allayed any concerns

1 he had.

2 Q. That was not a big source of contention?

3 A. There is -- there may have been some  
4 discussions. If we go back to the earlier sessions, the  
5 frustrations, I think that he was overseeing the  
6 investigation. I think that he wanted to avoid  
7 supposition, maybe tunnel vision of using the same  
8 source for multiple, but we were able to justify that it  
9 was a logical step in the investigation to use the  
10 source.

11 Q. And you were allowed to proceed with  
12 that --

13 A. Yes.

14 Q. -- course of action?

15 A. Yes.

16 MR. BAKER: Yes.

17 BY MR. SOMERS:

18 Q. Is FISA an important tool for the FBI?

19 A. FISA is one of the most important tools  
20 we have FBI.

21 Q. Would it hurt national security if we  
22 lost -- the national security of the United States if we  
23 lost FISA?

24 A. Immeasurably, yes.

25 Q. Would it hurt the country as a whole?

1 A. Yes, it would.

2 Q. So you talked about the chilling effect  
3 that lot of this has had on recruitment to the FBI and  
4 how that can hurt national security of the United  
5 States, hurt the FBI; but, conversely, you would agree  
6 that losing FISA would also hurt the FBI, hurt the  
7 national security of the United States, and hurt the  
8 country as a whole?

9 A. Yes, sir.

10 Q. You also were asked about derogatory  
11 statements made by Carter Page -- I'm sorry -- George  
12 Papadopolous. You said they undermined his credibility  
13 in the last round.

14 Text messages criticizing Candidate Trump, do  
15 they undermine the credibility of Peter Strzok?

16 A. That's not for me to answer.

17 Q. But you can answer if it undermines  
18 Papadopolous' credibility?

19 A. I don't think I understand the question.

20 Q. In the last round, you said that certain  
21 statements made by George Papadopolous undermined his  
22 credibility. I'm asking you if text messages regarding  
23 Candidate Trump would undermine the credibility of the  
24 deputy assistant director overseeing the Crossfire  
25 Hurricane investigation.

1           A.       I saw no evidence of any bias from D.A.  
2       Strzok during the course of the investigation.

3           Q.       Do those text messages cast the FBI in a  
4       bad light?

5           A.       That's not for me to say.

6           Q.       But our investigation, you can say casts  
7       the FBI in a bad light?

8           A.       I'm sorry?

9           Q.       But you were able to say that our  
10      investigation of this casts the FBI in a bad light?

11          MR. HEISS:   When did he say that?

12

          THE WITNESS:   I never said that.   I said  
13      that -- I never said our investigation cast the FBI in a  
14      bad light.   I said purported actions, I think, that were  
15      attributed to me in IG report cast the Bureau in a bad  
16      light.

17      BY MR. SOMERS:

18          Q.       You said the IG report?   I'm not  
19      following.   I'm sorry.   I thought you were saying the  
20      investigation --

21          A.       The investigation, the Crossfire  
22      Hurricane investigation, did not cast the FBI in a bad  
23      light.

24          Q.       The Horowitz report casts the FBI in a  
25      bad light?



1           A.       Casted me in a bad light or, in turn, it  
2       casted the FBI in a bad light, because they -- sorry.

3           Q.       And you can answer that question because  
4       it relates to you. You can't answer my question about  
5       Peter Strzok because it doesn't relate to you? I'm  
6       trying to understand the difference.

7           MS. ARGENTIERI: I think he asked and answered  
8       this question. He said it's not for him to say.

9           MR. SOMERS: He'll answer one question, but not  
10      the other.

11           Do you have anything else?

12      BY MR. SOMERS:

13           Q.       I have one more. I think we covered this  
14      very early on, but can you just confirm that in December  
15      and January, December of 2016 and January of 2017, that  
16      you did work on the investigation of Michael Flynn?

17           A.       I was not a case agent on Michael Flynn.  
18      I was aware of the investigation of Michael Flynn.

19           Q.       But you were just aware of it; you didn't  
20      do any actual work on the investigation?

21           A.       I recall an email that was talking about  
22      closing the case, an email I received from Peter Strzok  
23      saying I closed the case. That's all I can recall.

24           Q.       You were cc'd on the email, but it wasn't  
25      you -- you had responsibility for closing the case; you

1       could not --

2               A.       I can't confirm the answer to that. I  
3       forget my actual role, but I remember getting an email  
4       about it.

5               Q.       You did not have authority to close the  
6       case?

7               A.       Sorry?

8               Q.       You did not have the authority to close  
9       General Flynn's case?

10              A.       Case agents do ask for the closure of  
11       cases, but they have to be approved.

12              Q.       I'm saying, for the record, you were not  
13       the agent that drafted that closing memo.

14              A.       I don't recall.

15              Q.       I'm saying you were not.

16              A.       Okay. I'm sorry. It's been a long day.

17              MR. SOMERS: I was just putting that on the  
18       record.

19

              THE WITNESS: Thank you.

20              MR. BAKER: I guess I would just put on the  
21       record that it's not the intention of the Senate  
22       Judiciary Committee to cause hardship on anybody that we  
23       interview or any investigation that we conduct. It's  
24       actually to the contrary.

25              We have oversight responsibility not only to

1 find out what happened in this particular case, but  
2 to -- and you've sort of alluded to this -- to make  
3 changes where changes need to be made in the process.  
4 It's a different process, a lot of moving pieces, and  
5 that's certainly something that the Senate Judiciary  
6 Committee wants to make sure that the FBI has a tool,  
7 the FISA process, and we do whatever we can do to do  
8 that.

9           Personally, I have a very long association with  
10 the FBI and an even longer admiration for the FBI, and I  
11 know this is, certainly, one slice of your career and I  
12 commend and salute you for your service and other things  
13 you've done for the Bureau and all the men and women  
14 that have served. Today is actually the anniversary of  
15 the passing of a very well-known FBI counterintelligence  
16 agent. Steve Carr succumbed to complications from his  
17 leukemia diagnosis for responding to the Pentagon when  
18 the 9-11 attacks occurred.

19           I just want to underscore the committee as a  
20 whole and me, personally, are motivated only to make the  
21 FBI better and the FBI stronger, and I salute you for  
22 what you've done in your career and I salute you  
23 for -- you've alluded a couple of times today to having  
24 some suggestions to improve the process. I hope that  
25 Director Wray gives you an opportunity and any of the

1 agents that have or analysts that have some suggestions  
2 to make in the process, I hope you're given, afforded,  
3 the opportunity to express those so they can be debated  
4 and implemented where appropriate.

5 So thank you for coming out today.

6 THE WITNESS: Thank you.

7 MR. SOMERS: Yes. I didn't mean to minimize in  
8 any of my questions what you've been through. That's  
9 unfortunate. We did at one point have your name in a  
10 subpoena authorization because, legally, we had to. We  
11 didn't identify who you were. Unfortunately, your name  
12 has gone out in the press.

13 I don't think -- and all the other things you  
14 mentioned that have happened to you in and outside of  
15 the Bureau, that's unfortunate.

16 I don't think we have any further questions. I  
17 don't know if the Minority has anything to follow up on.

18 I would just note we did get that document  
19 yesterday at around 12:30 that refers to a May 2009  
20 investigation being opened into the primary subsource.  
21 I understand you're not prepared to answer any questions  
22 about that today. I haven't looked at any of the  
23 documents that back this up. You're the first person  
24 that's been in here since we've gotten the document.

25 I would just say as you're not able to answer

1 any questions on it, there is a chance that we would  
2 have to, on that limited subject, bring you back because  
3 you can't answer any questions today. I don't know.

4 As I said, we haven't investigated it either.  
5 That may not be something we need to do, but sitting  
6 here today, I do think it's possible, depending on where  
7 this goes; but because you can't answer any questions  
8 about it today, we may have to bring you back for that  
9 limited purpose.

10 I think the Minority has a few more.

11 MR. HASKELL: Following up on what Mr. Baker  
12 said, we just want to put on the record that Senator  
13 Feinstein and I think I can say every member of  
14 the -- every Democratic member of the Judiciary  
15 Committee would welcome a FISA reform investigation, but  
16 Chairman Graham has explicitly said in a public hearing  
17 of this committee that this is not a FISA reform  
18 investigation, and it's important that we are honest on  
19 the record about what we are doing.

20 MS. ZDEB: If I could just add, thank you for  
21 being here. This has been a long day. We appreciate  
22 your cooperation.

23 If I could also add for the record, because you  
24 indicated earlier that you are a GS-14, we would like to  
25 acknowledge that your presence here is somewhat

1 extraordinary, because as we understand it, it is a  
2 longstanding policy and practice of the Department and  
3 the Bureau to not make available personnel who are below  
4 the SES level. For that reason in particular, we are  
5 appreciative of the time you have given in connection  
6 with this investigation.

7 Now, of course, we certainly want the Bureau and  
8 the Department to cooperate with legitimate  
9 congressional oversight requests. So I don't intend in  
10 any way to minimize that, but I do think it's notable  
11 the very fact of this interview and other interviews  
12 that have been conducted to date mark such a significant  
13 departure from what the Department's typical practice is  
14 in these sorts of investigations.

15 It is also notable that the Department at the  
16 highest levels continue to selectively declassify and  
17 produce documents in connection with the Chairman's  
18 investigation in apparent concert with investigative  
19 steps that this committee has taken.

20 So Mr. Somers alluded to the production of the  
21 document yesterday. It is not lost on us that that  
22 document was declassified and produced to this committee  
23 a day before you came in for this interview, [REDACTED].  
24 So those are certainly not, you know, issues that we  
25 take with you. What I want to convey to you is thank

1 you for being here, but I did want to put those  
2 observations on the record before we concluded for  
3 today.

4 MR. SOMERS: Given those observations, I don't  
5 want to get into a tit-for-tat here all afternoon, but I  
6 don't control, Chairman Graham does not control when the  
7 Department or the FBI choose to provide us with  
8 documents. We've been requesting documents from the  
9 Department since -- I think our first letter went out in  
10 March of 2019. We've gotten very little document  
11 production in this investigation, much less document  
12 production than I've gotten in any congressional  
13 investigation that I have conducted in my career on  
14 Capitol Hill.

15 Further, I can't keep up with every statement my  
16 boss has made about his intent for this investigation.  
17 I can only say that I've been in hearings, hours' worth  
18 of meetings with him. He is not -- he is doing this  
19 investigation because, and he's expressed it several  
20 times, he is afraid that what happened in Crossfire  
21 Hurricane threatens the very existence of FISA, and  
22 Chairman Graham is a huge proponent of FISA and is  
23 having us conduct this investigation because he believes  
24 that if we don't get to the bottom of this, if reforms  
25 are not made, that when FISA comes up or aspects of FISA

1       come up for reauthorization, they will not be  
2       reauthorized.

3               He's made statements that can be taken to be  
4       contrary to that. That is not my understanding, having  
5       sat through hearings, more meetings with him than I can  
6       even recall about this. His goal is to save FISA.

7               I thank the witness for appearing today. I  
8       thank him for appearing voluntarily. Sorry that we kept  
9       you here for most of the day, but I do thank you.

10              ██████████: Mr. Somers, one thing for the record:  
11       This is the second non-SES employee that the FBI HAS  
12       provided for the committee's investigation. This  
13       witness has particularly expressed concerns for himself  
14       and that of his family. We would request that any  
15       release of information by the committee, to include  
16       transcripts, would redact the names of those witnesses  
17       and seek to protect their identities.

18              MR. SOMERS: We have no intention of releasing  
19       ██████████ name in the transcript or otherwise.

20              ██████████: Thank you.

21              [Whereupon, at 4:46 p.m., the interview  
22       concluded.]

23

24

25