UNITED STATES SENATE

COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C.

INTERVIEW OF DEPUTY CHIEF,
COUNTERINTELLIGENCE AND
EXPORT CONTROL SECTION,
JUSTICE DEPARTMENT

FRIDAY, SEPTEMBER 18, 2020

The interview was convened, pursuant to notice, at
10:06 a.m., in Room SD-266, Dirksen Senate Office Building,
Washington, D.C.
Mr. Somers. I guess we can go ahead and try and get started. Are you ready? Okay. And we'll try and do this the best -- as best we can, and if there's any problems, obviously we'll -- I guess we'll know when we don't get answers to our questions because no one can hear us. Let's go on the record now.

This is a transcribed interview of [redacted]. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department's and the Federal Bureau of investigation's handling of the Crossfire Hurricane investigation, including the applications for and renewals of a Foreign Intelligence Surveillance Act warrant on Carter Page. Would the witness please state his name and the last position he held at the Justice Department for the record?

[redacted]. [redacted], deputy chief of the Counterintelligence and Export Control Section at DOJ.

Mr. Somers. Thank you. On behalf of Chairman Graham, I want to thank you for appearing today, and we appreciate your willingness to appear voluntarily. And I will just note for the record that you are appearing by Webex, so you're appearing remotely and are not in the room with us,
and hopefully we can -- we can make that all work. My name is Zachary Somers. I'm the majority chief investigative counsel for the Judiciary Committee. I would like to ask just for the record for everyone else who's here in the room with me to put their names on the record, and then we'll get to those that are appearing by -- remotely. So, Art, if you want to --

Mr. Baker. Arthur Baker, senior investigative counsel for the majority staff of Senator Lindsey Graham, chairman.

Mr. Findlay. Patrick Findlay, general counsel of the National Security Division for the Department of Justice.

Mr. Charlet. Joe Charlet, counsel for the minority, Ranking Member Feinstein.

Ms. Zdeb. Sara Zdeb, senior counsel for the minority, Ranking Member Feinstein.

Mr. Somers. And, Heather, are you -- are you still able to hear us? Do you want to put your name on the record?

Ms. Sawyer. Sure, yes. Heather Sawyer with Ranking Member Feinstein's Judiciary team.

Mr. Somers. And, Mr. Poe, are you able -- I just want
to make sure you're able to hear us.

Mr. Poe. Yes, sir, Mr. Somers. Thank you. Greg Poe.

I'm counsel for [redacted]. There were a couple things I wanted to mention at whatever time you deem appropriate, maybe before we begin.

Mr. Somers. Yeah, I'll let you do that when I'm done with my preamble.

Mr. Poe. Very good.

Mr. Somers. Got a little bit -- a little bit more to read here into the record. Okay. The Federal Rules of Civil Procedure do not apply in this setting, but there are some guidelines that we follow that I'd like to go over. Our questioning will proceed in rounds. The majority will ask questions first for an hour, and then the minority will have an opportunity to ask questions for an equal period of time. We will go back and forth in this manner until there are no more questions and the interview is over.

Typically, we take a short break at the end of each hour of questioning, but if you need a break apart from that, [redacted], or if you need to consult with your attorney in this remote setting, however we're going to make that work, please let us know.

As I noted earlier, you are appearing today voluntarily. Accordingly, we anticipate that our questions will receive complete responses. To the extent that you
decline to answer our questions or if counsel instructs you not to answer, we will consider whether a subpoena is necessary. As you probably cannot see because I didn't edit this for Webex, but there is an official reporter here in the room with us, in the hearing room, taking down everything that is said in order to make a written record of today's proceedings. So we're going to ask that obviously you give verbal responses to all the questions we ask you, Do you understand that?

I do.

Mr. Somers. So that the reporter can take down a clear record, it is important that we don't talk over one another or interrupt each other if we can help it. The committee encourages witnesses who appear for transcribed interviews to freely consult with counsel if they so choose, and you're appearing today with counsel, Mr. Poe, who already introduced himself for the record. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time. If you don't -- if you have any questions or if you don't understand one of our questions, please let us know. If you honestly don't know the answer to a question or do not remember it, it is best not to guess. Please give us your best recollection, and it is okay to tell us if you learned the information from someone else. If there are things you don't know or
can't remember, please let us know and inform us who, to
the best of your knowledge, might be able to provide a more
complete response to our question. You should also
understand that although this interview is not under oath,
you are required to -- by law to answer questions from
Congress truthfully. Do you understand this?

Yes.

Mr. Somers. This also applies to questions posed by
congressional staff in an interview. Do you understand
this?

Yes.

Mr. Somers. Witnesses who knowingly provide false
testimony could be subject to criminal prosecution for
perjury or for making false statements. Do you understand
this?

[No response.]

[Audio malfunction in the interview room.]

Mr. Somers. Did we lose ? I just wanted
confirmation that you understand that knowingly providing
false testimony or false statements to the committee could
subject you to criminal prosecution for perjury or for
making false statements. Do you understand this?

[No response.]

[Audio malfunction in the interview room.]

Mr. Somers. I think one more time the record.
[No response.]

[Audio malfunction in the interview room.]

Mr. Somers. I think you're on mute.

VOICE: I think you're on mute.

Court Reporter: Okay. We're getting a loopy sound.

[Brief pause.]

[Audio malfunction in the interview room.]

Hello?

Court Reporter: There we go.

Ms. Sawyer. Hey. Can you guys hear me, because I can hear perfectly fine.

Mr. Somers. No, we're -- I think we now can hear.

Ms. Sawyer. Okay. Great.

Okay. I heard your question. I tried to answer "yes," but if you want to ask it again, I understand.

Mr. Somers. Just as long as you understand that making false statements could subject you to criminal prosecution. Is that a "yes?" Is that what you responded?

That's a "yes."

Mr. Somers. Okay. Is there any reason you're unable to provide truthful answers to today's questions?

No.

Mr. Somers. Finally, we ask that you not speak about
what we discussed today here in this interview with anyone who is either not in the room here today or obviously on the -- on the Webex. This is the end of my preamble. I understand that your attorney and the Department, I think, want to put something on the record. I'll start with the Department, and then, Mr. Poe, we'll come to you.

Mr. Findlay. Sure. Thanks.

Mr. Poe. Thank you.

Mr. Findlay. We just wanted to confirm that because the general rule of not attributing things to non-SES folks, and in compliance with that general rule, and having not been SES when he was with the Department, that his transcript wouldn't be attributed to him or made public. So --

Mr. Somers. Yeah. If and when a transcript of these proceedings are made public, we will probably use the -- his name will either be redacted or use the identifier that is in the Horowitz report.

Mr. Findlay. That sounds good, and then the same for -- I don't know that we'll have to mention In any other non-SES folks, but the same would apply to any other --

Mr. Somers. Yes, to any -- yeah, we will -- we will redact that out --

Mr. Findlay. Great.

Mr. Somers. -- with either just a straight redaction
or the identifier from the Horowitz report.

   Mr. Findlay. Sounds good.

Mr. Somers. Mr. Poe, did you have something you wanted to add to the record or have questions for us?

Mr. Poe. Yes, sir, just three things. One is, you know, just due to the format here, if for any reason wishes to speak with me, obviously what we'll do is we'll mute, and he and will have a telephone conversation offline, number one, which is probably self-evident to everybody in the room. Number two, the -- this interview is being conducted under the terms of an email that I sent to Mr. Baker on the 1st, and then to Mr. Baker and Ms. Sawyer on the 4th of August, so I just want to put that in the record. And the last thing is, following up on Mr. Findlay's question and statement regarding the transcript, on behalf of I would simply request that nothing be made public that could identify him with or without his name, if -- to the extent possible. That would be a request.

Mr. Somers. Yes. We no -- we have no plans to identify him publicly and would take any steps to remove anything else that that could identify him --

Mr. Poe. Thank you.

Mr. Somers. -- if and when the transcripts are made public. Anybody else have anything before we begin?
Sorry. I'm just in a different world here with this Webex.

[No response.]

Mr. Somers. It is now 10:16, and we'll begin our first round of questioning, and hopefully we'll be able to get through this pretty quickly this morning. I anticipate that, you'd be one of the shorter interviews that we'll do as part of this investigation, but I guess you never know. When did you leave the Justice Department?

January 2018.

Mr. Somers. And what, for the record, are you currently doing?

I'm head of global investigations, I believe in a footnote. I don't remember what page, but I believe that's correct.
Mr. Somers. Okay. And then other than your personal attorney and the attorneys with the Department, did you speak to anyone in preparation for today's interview?

   No.

Mr. Somers. Obviously the main focus of what we're going to talk about today is Crossfire Hurricane and the Carter Page FISA application, and whatever role you had in all that. But before I turn to Crossfire Hurricane, I did just want to ask you, I believe I've got four questions here on your role in the mid-year exam investigation of Hillary Clinton's use of a private email server. Just for the record, is it correct that you were involved in the mid-year exam investigation?

   Yes.

Mr. Somers. And what was your position at DOJ when you -- during that involvement?

   Deputy Chief, the same role we just discussed.

Mr. Somers. Same role. Do you know how it was that you came to be assigned to or work on the mid-year exam investigation?

   I believe based on the subject matter that I covered as deputy chief, which included counterintelligence and mishandling of classified information cases generally.
Mr. Somers. Okay. And what was your role, you know, as best you remember it, on -- as part of the mid-year exam investigation? What was your role in the investigation?

Mr. Poe. [redacted]? Mr. Somers, I'm not -- I'm not sure that -- I need to check, but I believe that that last question goes beyond the scope of what we agreed to.

Mr. Somers. I mean, that was my last question. I was just trying to understand. If he could just give us just broadly some general sense of what his role was, I think we would be done with our mid-year exam questions. I'm not looking -- I'm not looking for, like, specific tasks. I just didn't know if he could give us some very broad overview of what he did.

Mr. Poe. I appreciate that, and, of course, we're intending to be fully cooperative. I just want to make sure that that wouldn't open the door from the minority staff's perspective for additional questions.

Ms. Zdeb. I don't know if you can see me. This is Sara Zdeb on the minority staff. It's hard to say without hearing his answer, but I do not anticipate that we will be asking many or any questions at all on mid-year exam.

Mr. Poe. Well, you know, again, we don't want to make this unduly complex. This might be worth a short break so I can speak to [redacted]

Mr. Somers. Yeah, that -- why don't we go ahead and
take a short break then?

Mr. Poe. All right. It'll be very brief.

Mr. Somers. Okay.

Mr. Poe. Thanks.

Court Reporter. Going off the record or --

Mr. Somers. I think we won't be able to hear them, so.

[Pause.]

Mr. Poe. Mr. Somers?

Mr. Somers. Yes?

Mr. Poe. Thank you for that break. I am prepared to answer your question.

Mr. Somers. Okay. Thank you. Do you remember the question or do you need to me to repeat it?

I remember it.

Mr. Somers. Okay.

So my role on the case, I was one of the DOJ attorneys who worked on the case both from NSD and from the U.S. Attorney's Office in the Eastern District of Virginia.

Mr. Somers. Okay. I guess that does just raise one.

You worked in the Eastern District of Virginia or you worked at NSD, not in relation to mid-year, but --

Oh, sorry. I worked in NSD, and you were asking me about my role on mid-year, and I was saying I was
one of the Department of Justice attorneys who worked on mid-year. There were some from NSD and some from the U.S. Attorney's Office in Alexandria. I was in the former group.

Mr. Somers. Okay. Okay. Thank you. And then I think from your -- from the questions I've asked you so far, when Crossfire Hurricane -- the Crossfire Hurricane investigation began, I assume on July 31st of 2016, you were the deputy section chief in NSD that you were when you left the Department. Is that correct?

In July of 2016? Yes.

Mr. Somers. Yeah, and then all the way through until you left the Department in 2018?

Correct.

Mr. Somers. Okay. What would -- generally, you know, speaking, what was your -- what was your job during that time period at NSD? What type of laws and -- did you have responsibility for?

So the areas I covered included Federal counterintelligence matters, so espionage, mishandling of classified information, economic espionage, theft of trade secrets for -- by foreign governments or people associated with foreign governments, matters like that.

Mr. Somers. Did you have any responsibility for the Foreign Agents Registration Act?
Not really. There was a separate unit that handled that within my section.

Mr. Somers. Did you have any?

Mr. Baker. I was just going to ask, is that your expertise, or was that your expertise, at DOJ, or did you have other assignments before you ended up in that spot?

Before I became deputy, I was a line attorney in the section, and I handled the matters I described to you, but also export control matters, so Commerce-controlled and State Department-controlled items going to sanction countries, things like that, plus counterintelligence matters.

Mr. Baker. But that section was the entire -- that's where you spent the entire duration, your tenure at DOJ.

Correct.

Mr. Baker. Thank you very much.

Mr. Somers. Have you in your tenure at DOJ worked on FISA applications?

Not worked on them, no. That was a different section that handled them.

Mr. Somers. Have you been involved in investigations that involve FISA coverage?

Yes.

Mr. Somers. Is that a pretty regular component of investigations you're involved in, or would that -- would
that be out of the ordinary?

It's certainly not in every case, but not out of the ordinary.

Mr. Somers. No, but you've never actually worked on an application itself. That's what you just testified to?

Yeah, we don't -- we don't -- sorry. The section I worked in did not handle the applications.

Mr. Somers. Did you -- so you -- have you ever reviewed a FISA application for substance prior to it being filed or renewed?

No, the FISA applications that I've looked at tended to involve litigation after the fact.

Mr. Somers. Okay. When did you switch into Crossfire Hurricane specifically? When did you first learn about the Crossfire Hurricane investigation?

Sometime in the fall of -- late summer, fall of 2016.

Mr. Somers. And how did you become aware of it?

My manager, the section chief, informed me of it, and I -- took me to a meeting concerning the matter.

Mr. Somers. Okay. And David Laufman, that's your -- who you referred to as the section chief? Is that correct?

Correct.

Mr. Somers. Let's see. So he informed you prior to the meeting, or the meeting was how you were informed about
the investigation?

I think he told me about it generally because I -- he was taking me to a meeting.

Mr. Somers. Okay. And do you recall what he told you about the investigation, roughly?

I think just a general --

Mr. Somers. Yeah.

Yeah, just a general description of the matter.

Mr. Somers. Do you recall what he told you was being investigated?

I don't remember how he worded it, no.

Mr. Somers. So between his conversation and maybe this first meeting you went to, what was kind of your original or your early understanding of what Crossfire Hurricane was investigating, was an investigation of?

I understood it to be an examination of Russian interference in the election, something along those lines.

Mr. Somers. Did you understand it to relate specifically the Trump Campaign?

I guess -- I don't want to draw the distinction between what I knew beforehand and what I learned at the -- at the meeting as I started to attend.

Mr. Somers. Okay. And what was -- who was in this
meeting -- this first meeting you attended?

A number of FBI folks from headquarters and a few people from DOJ around the SCIF conference room at FBI.

Mr. Somers. At FBI? Was it all officials from NSD on the Department side?

To the best of my recollection.

Mr. Somers. On the FBI side, do you recall if Peter Strzok was in the meeting?

I do recall him being there.

Mr. Somers. Bill Priestap?

I'm not sure if Bill Priestap was there or not.

Mr. Somers. Lisa Page?

I don't remember. There were -- so what I would say is there were -- these were regular meetings, and I'm not sure the attendance was the same every time.

Mr. Somers. These were regular meetings that -- you regularly attended these meetings?

Yes, once I -- once I came to the first one, I, I think, generally, came thereafter.

Mr. Somers. And I'm sorry. You said they were weekly meetings? I --

I think they were either weekly or every other week.
Mr. Somers. Okay. So maybe I should start back over again and not ask specifically about the first meeting. Just generally attendance wise, you said Peter Strzok at least attended one meeting. Was he kind of a regular attendee at these meetings?

I think that's fair.

Mr. Somers. Bill Priestap, regular attendee?

I don't know about that, but I recall seeing him certainly at one point.

Mr. Somers. Okay. Lisa Page? Was she a regular attendee?

I'm not sure about that, but I remember -- I believe I would've seen her there. I don't know. I don't want to characterize her as regular because I can't recall.

Mr. Somers. ?

Yes.

Mr. Somers. ?

I don't remember seeing him there.

Mr. Somers. Do you know who he is?

Yes.

Mr. Somers. ?

Yes, I remember seeing him there.

Mr. Somers. Jim Baker?

I'm not sure I remember seeing Jim Baker
Mr. Somers. Patricia Anderson?
I think maybe I recall seeing her there, but I'm not sure if she was a regular attendee.

Mr. Somers. Sally Moyer?
Yes.

Mr. Somers. Kevin Clinesmith?
Yes.

Mr. Somers. And then on NSD side, I'm -- would Stu Evans have ever attended these meetings?
Yes, though I don't know if he was there every time.

Mr. Somers. George Toscas?
Yes.

Mr. Somers. David Laufman?
Yes.

Mr. Somers. Tash Gauhar?
I don't remember seeing Tash there.

Mr. Somers. Was there, and I don't know the name, but was there a line attorney that may have directly been from OI that may have directly been working on the -- on the FISA? Was there an attorney like that in attendance in these meetings?
I don't recall a line OI person being there.
Mr. Somers. Was there anyone else from, other than Stu Evans, from the Office of Intelligence in these meetings?

I can't remember anyone right now.

Mr. Somers. So not -- definitely not a regular attendee then.

I think that's fair.

Mr. Somers. Okay. What about Mary McCord?

I don't remember Mary being there.

Okay. Anybody?

Mr. Baker. I apologize if you already answered this. Was Andy McCabe or Jim Comey present at any of the meetings? Did they ever stick their head in for any reason?

Not that I recall.

Mr. Somers. Okay. And what was generally the purpose of these meetings?

In my estimation, they were -- they were updates, briefings by the FBI on their -- status of their investigation.

Mr. Somers. Were investigative steps, things like that, discussed in these meetings?

Yes.

Mr. Somers. And was the question of whether to take investigative steps in these -- in these meetings, or was
this just a straight here's what we're doing, like an
update meeting?

Mr. Somers. Okay. And do you recall why CES was
involved in these meetings?

Mr. Somers. Okay. So what -- I guess maybe we'd get
maybe a little better sense if I just ask you more
generally. What was your -- what was your role on
Crossfire Hurricane?

Honestly, we -- from my perspective, we
were getting updates on what was going on, but there was
not much that we were doing from a DOJ perspective on the
matter, at least as far as -- I shouldn't say from a DOJ
protect. From a CES, from a Counterintelligence and Export
Control Section perspective, it was not a very active role,
in my view.

Mr. Somers. So how long were these -- how long would
one of these meetings take on average?

Mr. Somers. All right. But you didn't have -- so
they started -- these meetings started in the fall of 2016. Would you say in that time period that was your main -- kind of your main role on Crossfire Hurricane was to attend these meetings, or were there other things you were doing?

So I don't know when the meetings started. I started attending in the fall of 2016, just to clarify that, and the main -- yeah, there was not much of an active role for our section in -- as far as I understand it.

Mr. Somers. Okay. At some point, did you take on a more active role in Crossfire Hurricane?

I would say in 2017, the work became more active.

Mr. Somers. And what type of things were you doing in 2017 for Crossfire Hurricane?

Well, in 2017, we assigned an attorney from our section to work on the matter, and he started interacting with the FBI in a more substantive manner, I would say.

Mr. Somers. And that's, I assume, a non-SES line attorney?

Correct.

Mr. Somers. What was he doing that was more active? What was he doing for FBI or as part of the investigation?

I think he was meeting with them, and I think there were subpoenas going out, things like that.
Mr. Somers. This is somebody that -- was he in your
direct chain of command, or was it just somebody else from
CES?

So we didn't organize the section that
way, so everyone did different types of cases. So he was a
line attorney in the -- in the section, so, yeah.

Mr. Somers. So the section wasn't further divided
below you.

That's correct.

Mr. Somers. Okay. Do you know if that attorney had
any expertise in the Foreign Agents Registration Act?

Actually, I don't know. I think he did.

Mr. Somers. Did you -- did you all have -- so we
talked about the meeting where FBI was essentially
providing updates basically. I don't want to overstate
what you said, but the general tenor of those meetings was
FBI updates. Were there other meetings besides those
regularly-scheduled meetings that you attended related to
Crossfire Hurricane?

Not that I remember.

Mr. Somers. And so, okay. So I asked you initially
kind of what your original understanding of what Crossfire
Hurricane was looking at. Did that understanding evolve
over time? Did you get a better sense of what was being
looked at maybe in this 2017 time frame when you became --
when it became a little more active as to exactly what the
FBI was looking at?

I think we -- I got more -- I guess, let
time put it this way. I think Crossfire Hurricane was sort
of an umbrella name for the case, and then there were
different sub-code names or whatever you want to call it.

Mr. Somers. Yeah.

I learned that there were different parts
they were looking at, yeah.

Mr. Somers. Were there any of those parts that you
worked on more than others, or the sub-investigations?

I think the most sort of time I spent on
anything was the -- I guess it related to Carter Page
because it was associated with the meeting with the --
what's been called the sub-source.

Mr. Somers. Okay. Did you work at all on the Michael
Flynn aspect of the investigation?

No. I remember that eventually the line
attorney in our section was working on it in 2017 related
to FARA.

Mr. Somers. Okay. Paul Manafort? Did you work on
Paul Manafort at all?

Not that I recall.

Mr. Somers. George Papadopoulos?

No. I remember getting briefed about him
as sort of the origin of the case, but that's the -- I think -- let me say that I think the line attorney in our section may have worked on Mr. Papadopoulos in 2017, but I don't remember any details.

Mr. Somers. So is there -- just staying on the Foreign Agents Registration Act for a second. I'm just trying to understand a little bit, at the time you were there, the division within the Counterintelligence and Export Control Section. Is there -- is there a FARA unit within -- not is there now. Was there then a FARA unit within CES?

[Redacted] Yes, there was then, and, as I understand it, there is now.

Mr. Somers. Okay. How many -- how many units are there in -- not are there now -- were there, if you recall, within CES during this time frame?

[Redacted] That was the only unit as far as I know.

Mr. Somers. Okay. And this line attorney was not from the FARA unit, I take it?

[Redacted] No.

Mr. Somers. Okay.

Mr. Poe. I'm sorry. Mr. Somers, this is Greg Poe. responded "no," but I think that answer could be taken as ambiguous.

Mr. Somers. So, Mr. --
Ask me -- ask me again. I'll try to answer it. Sorry.

Mr. Somers. To the best of your knowledge, was -- we spoke about a line attorney. To the best of your knowledge, was that line attorney assigned to the FARA unit in -- within CES?

To the best of my knowledge at the time, he was not okay.

Mr. Somers. Okay. Now, you mentioned a moment ago that -- and I don't want to mischaracterize what you said, but it seemed like you were alluding to the fact that your primary involvement involved the primary sub-source for the Carter Page FISA application and the interview with the primary sub-source. Is that a fair statement?

I think that's fair. It was the most sort of -- most involvement I had with what was -- what was going on, as best I recall, although, and I'm sure we'll discuss it, it wasn't -- wasn't terribly involved, as you'll -- as you'll learn.

Mr. Somers. All right. Well, let's maybe start at the big -- the big piece of that. You did attend the -- there was a 3-day interview in late January -- I believe it's January 24th to January 26th -- of Christopher Steele's primary sub-source. You did attend that interview, correct?
I attended portions of it, but not the entire 3 days.

Mr. Somers. Did you attend -- well, explain to me what you did attend then.

In my recollection, I attended when Mr. Laufman could not, so I think I attended the last 2 days.

Mr. Somers. Okay. Did you attend any -- I mean, my impression from the IG report is you may have attended part of the first day, or is that --

So I recall Mr. Laufman having to leave early one day, and I can't remember what day that was, so I'm not sure which ones were full days and which not. I do believe I attended definitely the last two.

Mr. Somers. Okay. And where did this interview take place?

At a law firm conference room at a law firm called

Mr. Somers. So it didn't take place at Washington Field Office.

Not to my recollection.

Mr. Somers. Okay. And who was in the -- who was in the interview? I don't need you to tell me the name of the primary -- let me just put that on there. I don't need you to tell me the name of the primary sub-source, but --

Mr. Findlay. And I would think the title -- in the
302 that I think you're referring to, the titles are there, so I'd ask [BLANK] not to give the name, but just use the titles.

Mr. Somers. Okay. Or I could ask it differently. I could ask, my understanding is the primary sub-source was in the interview, the primary sub-source's attorney was in the interview, and there were two agents -- or, I'm sorry -- one agent and one analyst from the FBI in the interview, and you were in the interview. Did I miss anybody?

[BLANK] Mr. Laufman.

Mr. Somers. And the two individuals that were in the interview from the FBI, they were -- was that [BLANK] and [BLANK]?

[BLANK] Can I answer that, Patrick?

Mr. Findlay. Yeah, that's fine, and those will be subject to the -- yeah.

Mr. Somers. We'll take it out.

[BLANK] Okay.

Mr. Findlay. That's fine to confirm or deny.

[BLANK] That's correct.

Mr. Somers. Okay. Just one attorney for the primary sub-source?

[BLANK] Yes.

Mr. Somers. Okay. So what was your understanding of why all of a sudden you were attending this interview?
It's my understanding that the FBI wanted to speak with the sub-source, and he had an attorney, and the FBI called Mr. Laufman to have him work it out with the attorney so that they could sit down with the -- with the sub-source. So that's why they called Mr. Laufman.

Mr. Somers. Were you involved in those discussions prior to the interview with the primary sub-source's attorney?

I believe Mr. Laufman handled it. I believe he knew that attorney from prior work.

Mr. Somers. Okay. And did the FBI further request that Mr. Laufman or somebody from CES attend the actual interview?

I don't know if the FBI asked that or whether the sub-source's attorney asked for that. I'm not sure.

Mr. Somers. Okay. But do you -- okay. Do you recall why you were chosen to attend when Mr. Laufman could not when he was absent?

I think because I was the deputy for the subject matter area, and I'd already been briefed on the case.

Mr. Somers. And what did you understand the -- sort of the nature of the -- what were you told? What was the nature of this interview?
My understanding was that they were trying to speak with the source or sources underlying the Steele reporting, and they, therefore, wanted to speak to this individual.

Mr. Somers. Did it seem important that they speak with this individual?

I don't know how to answer that.

Mr. Somers. I don't know if the -- I just -- I'm just not quite -- did anyone raise the -- I don't know. Mr. Laufman asked you to attend. I assume he's the one that asked you attend to interview. Is that correct?

Yes.

Mr. Somers. Did he express anything to you about the importance of this interview, or did he just say come attend it?

I think it was more the latter. I think it was really that the FBI needed -- we needed to be there for some reason to deal with this individual's attorney to allow the FBI to conduct its interview.

Mr. Somers. Okay. So, basically, CES' role, and I think this is pretty much what the IG report says. CES was there because they negotiated the terms of the interview, and I assume, I guess, it sounds like from your testimony today, simply because the primary sub-source had an attorney? Is that fair?
I think it's fair. I would also say if the attorney raised any issues during the interview, I think we were there to address them as needed, but those did not arise as far as I recall.

Mr. Somers. Did you have -- back to my question about importance of the interview. You know, I assume that there were probably -- did you ride over to the interview with the agent and the analyst, intel analyst?

No, I met them there.

Mr. Somers. Did you have any discussions during breaks or anything in the -- in the interview with the -- either the agent or the analyst?

Mr. Findlay. You can answer, of course, whether you had discussions, but I think, depending on the substance -- if the answer is yes, we might have to revisit.

I don't recall any discussions.

Mr. Somers. Do you recall any discussion, just to put a more -- a finer point on it, where they discussed or you heard them mention anything about the importance of interviewing the primary sub-source?

No, I don't recall any discussions like that.

Mr. Somers. Did you have any discussions with the FBI, either generally at the FBI or with the two -- with the case agent and the -- and the intel -- supervisor intel
analyst? Did you have any discussions with them prior to the interview about the interview?

I only recall a very general discussion that they wanted to speak to this individual about the -- about the Steele reports. I don't remember any detailed session in advance of the -- of the interview. It's possible that occurred and I wasn't present, so I don't want to say there wasn't any such discussion, but I don't recall being part of one.

Mr. Somers. Okay. Were there -- were there restrictions? I mean, did the attorney for the primary sub -- were there parameters for the interview?

I don't -- I don't recall any, and I don't recall the attorney interposing himself during any questioning.

Mr. Somers. Yeah. I guess what I'm asking is whether the -- you know, Mr. Laufman, it sounds like, arranged for or negotiated, however you want to characterize it, this interview. And I just didn't -- what I was getting at is whether the primary sub-source's attorney had put any conditions, parameters, restrictions on the interview that then would've had to have been conveyed to the agents actually taking the interview.

I don't remember any.

Mr. Somers. So did it seem like, either from your
discussions prior to the interview or just sitting in the interview itself, that there were topics or areas sort of off limits, or was this kind of a freewheeling interview?

I recall him answering everything he was asked.

Mr. Somers. Do you recall if his attorney ever instructed him not to interview -- not to answer a question?

I actually don't recall him giving any such instruction.

Mr. Somers. Okay. Did you glean any impression for how the agent or the supervisor, intel analyst, thought the interview was going?

Mr. Findlay. I think that's -- his impressions of how the interview was going, I mean, that's going to be protected and wasn't in the IG report, if I recall. I guess he can answer whether he developed impressions, but then saying what those were would be protected.

Mr. Poe. Mr. Somers, this is -- this is Greg Poe. Can I just add that the memorialization of the -- of sort of the agreed scope concerns knowledge of historical facts. So, again, he wants to cooperate fully. I just want to make sure we're sensitive to boundaries on things like impressions, opinions, and so forth.

Mr. Somers. Yeah, I'm just trying to get whether he
had a sense of whether the FBI agents thought they were getting what they were -- what they were looking for from the primary sub-source, one. And I also, two, am trying to get whether he got any impression of -- from the FBI agents of whether, like, you know, hey, this is a big deal that we're -- that we're interviewing this guy. That's really kind of what I'm getting at. I'm not looking for their specific comments or anything. I'm just trying to get a sense of whether this was perceived to be an important step in the investigation. He may have gotten no such impression and had no such conversations. So I'm just kind of poking around here a little bit just trying to see if there's any general impression that you got that the FBI agents -- agent and intel analysts in the room for the interview thought this was an important investigative step to have accomplished.

Mr. Findlay. So I think he already answered that he didn't have those sorts of discussions with them, and I think he already answered that the witness, at least while he was there, that the witness answered all of the questions that were asked of him. So beyond that, it's -- you're asking for his takeaway of --

Mr. Somers. Yes.

Mr. Findlay. -- his impression of how the interview went?
Mr. Somers. Yes, I'm trying to -- versus asking him 15 questions that you may have object to me asking based on your prior -- previous objection, I'm just trying to see if he can generally give me an impression of how the FBI agents thought the -- either the interview went or related to like, hey, it's great that we got to interview this guy. I'm just trying to -- I think rather than draw a ton of objections, and maybe he has no impression, in which case he could say I did not gain any such impression, and we could avoid asking a ton of questions as well.

Mr. Findlay. So that's fair. And so you're asking him his impression that he gleaned without discussion of the FBI's impression of how things went.

Mr. Somers. He didn't say he had no discussion with the agents. I asked him about a particular discussion.

Mr. Findlay. I guess we can -- we can certainly let him answer whether he had an impression.

[Blind redaction]

I mean, I think what I would say is I don't remember any specific discussions with the agents, or the agent, and the analyst about it. My recollection is that any question they asked, the individual answered, and there were no problems in getting the person to answer the questions that were being asked. That's my recollection.

Mr. Baker. Did you brief Mr. Laufman or anyone else at DOJ about what had attended at this meeting once you
returned to DOJ?

I think I probably in the normal course
would have done so. I don't remember specifically doing
so. And to the extent I did, I think it would've been
whether there were any issues that arose that I had to deal
with in his absence.

Mr. Baker. Would you have had similar briefings with
Mr. Laufman or other superiors or DOJ people when you had
these Crossfire Hurricane meetings at FBI headquarters?

When you went back to DOJ, did you have any discussion
about what you gleaned from the meetings or where the case
was progressing to?

I don't remember doing that.

Mr. Baker. Did you ever prepare any summaries from
the standing Crossfire Hurricane meetings, or did you
prepare any summary for DOJ, Mr. Laufman, or anybody else
about what happened at the meeting -- at the interview?

I don't remember preparing summaries of
those meetings. It's possible I took notes at the
meetings, but I don't remember preparing any summaries.

Mr. Baker. I was going to ask if you took any
informal notes, and, if so, what happened to those.

If I took notes, they would've been
classified, and they would've been left at the Department
when I left.
Mr. Baker. Okay. Did you, and I don't want to get back into the discussion of what people thought or heard or other people's impressions. But was there a general, this meeting was really a bombshell in terms of just a high-level summary of what was learned, people were surprised at what they heard, or it was just the aftermath was kind of mundane, we're going to document what we -- what we learned here and move on, or was it really something that needed to be followed up on based on what was learned at this meeting?

Mr. Findlay. So, again, you're asking him to characterize -- you're asking him to characterize sort of other folks' impressions --

Mr. Baker. Well, what was --

Mr. Findlay. -- his own impression.

Mr. Baker. What was your impression of it? Did you hear things that were contrary about the case -- about the foundations of the case that you had not heard before or were contrary to what you heard before?

Mr. Findlay. And, again, his impressions would still be protected. Those aren't in the IG report and waived, and I think that's also outside the scope that you negotiated with his counsel. But regardless, we would object.

Mr. Baker. Was there anything you heard that was
contrary to the general discussions at these meetings at FBI headquarters that you had previously been attending?

Not that I -- not that I recall, and I didn't -- sorry. Patrick, what am I supposed to do about my impressions?

Mr. Findlay. Yeah, I'm not entirely sure what -- so are you saying did he learn during the interview facts that --

Mr. Baker. Did --

Mr. Findlay. -- were contrary to facts that were --

Mr. Baker. Yes. Yes. Did he learn anything that was contrary to what you believed about this case that you'd previously learned by these meetings at FBI headquarters?

Did this interview change or cause concern in your mind about things you had already learned?

Mr. Findlay. So, again, "changed or caused concern" is his impressions.

Mr. Baker. Well, was there anything you heard that was absolutely black-letter different from what you had been told at these prior meetings?

Mr. Findlay. And you can answer "yes" or "no," but if there was and it's beyond or behind one of the redactions in the report, he won't be able to get into it, so we might have to go a little more granular.

Not from what I'd heard in the meetings,
no.

Mr. Somers. Did the -- did these meeting -- I assume these regular meetings we talked about earlier continued on or were still going on at the time of the primary sub-source interview?

I don't recall those meetings going past late 2016, but you'd have to check me on that.

Mr. Somers. Okay. Well, do you recall being in a meeting with FBI after the primary sub-source interview about Crossfire Hurricane, like a general update meeting?

Not right around that time, no. I recall it being sort of quiet from late 2016 until, when I described to you earlier, things sort of picking up in 2017, maybe February, something like that, March.

Mr. Somers. All right. And other than what you may have discussed with Mr. Laufman about the interview -- I'm sorry. There's been a lot of back and forth here. Is it my understanding that you did not have a meeting or discussion about the primary sub-source interview with anyone else after the -- after the meeting?

Can you hold on one second because my children are screaming in the background?

Mr. Somers. Absolutely. Absolutely.

[Brief pause.]

I'm sorry about that. That's probably not
something you have to deal with too often.

Mr. Somers. No, no, no, that's fine.

I may ask you to repeat that one just so I -- so I have it. Sorry.

Mr. Somers. Yeah, so you said that you may or may not have discussed the primary sub-source meeting with Mr. Laufman directly either during the 3-day period or after. Did you have any discussions about the primary sub-source meeting with anyone other than Mr. Laufman either during or after the meeting?

I don't remember discussing it with anyone during or after the meeting. And I -- while I don't remember specifically discussing with Mr. Laufman, I do feel comfortable saying that I would've normally done so, especially because I felt I was filling in for him.

Mr. Somers. Okay. And then during the meeting, I assume you didn't ask any questions of the primary sub-source?

I don't believe I did.

Mr. Somers. And it seemed like the attorney wasn't objecting a lot, so there was no major interaction that you had with the primary sub-source's attorney during the interview?

No, just chatting with him. He was -- if anything, he was sort of trying to be helpful in getting --
he wasn't -- he wasn't interjecting or stopping his client from answering anything.

Mr. Somers. Okay. And so I guess there -- and just taking it from your other answers, but just put a finer point on it, I assume there was no debrief type of session with the agent and the analyst after -- that you were involved in, after each day of interviewing the primary sub-source.

Mr. Somers. Sorry. Say that one more time?

Mr. Somers. I assume that, you know, that you were never involved in some sort of debrief or discussion about, like, how each day's -- like a debrief of the -- of the day's interview with the primary sub-source. You would -- you and the agent and the analyst didn't get together and discuss it after each day.

No.

Mr. Somers. And did you review the 302s of the -- of the interview?

At the time?

Mr. Somers. At the time.

No.

Mr. Somers. How about the -- the 302s that the interviewer then put together into one document, 57-page long summary of the interview, is that something you reviewed or had access to around that time?
Not around that time, no.

Mr. Somers. So it wasn't sent to you at some point after the interview.

I don't recall seeing it.

Mr. Somers. Okay. Who did most of the questioning during the interview?

I think it was shared, but I think the agent did most of the questioning.

Mr. Somers. Okay. And just -- there were no objections to -- that you recall, from the primary sub-source's attorney?

Correct.

Mr. Somers. Okay. And then that 57-page summary, I know you haven't seen the -- maybe you've seen the summary, but you had -- you didn't see it at the time. It mentions on the bottom of the summary that there's a proffer as part of this interview. Do you recall that? Proffer agreement.

Sorry.

Proffer agreement. Yeah, I mean, there was -- there was like a -- an immunity agreement, like a "Queen for a Day" agreement, that I would call it, that was in place for the interview.

Mr. Somers. Is that something that CES negotiated with the primary sub-source's attorney?

Yeah, I think Mr. Laufman did that with
the sub-source's attorney before the interviews were conducted.

Mr. Somers. Do you recall whether that was a standard "Queen for a Day" sort of arrangement?

I should be careful what -- how I characterize things. It was like a -- as I recall, it was a letter agreement and would've been, like, the standard format.

Mr. Baker. Were any FBI lawyers involved in negotiating that agreement?

I don't know. I think Mr. Laufman worked it through with the other attorney, so I don't know who else might've been involved in that discussion.

Mr. Somers. Okay. So did it cover it -- was it tailored specifically to the primary sub-source?

Well, in that it had ■ name in it, yeah, but I -- sorry. Maybe you want --

Mr. Somers. Well, here -- you're dealing with -- I'm a -- I've got very little criminal experience, none. It would be -- law school would be last time I had any criminal experience. I'm more of a civil -- a civil lawyer, so I've never seen a proffer agreement, to my recollection. But I'm guessing -- my question is, is this a standard "Queen for a Day," however you want to characterize it, standard proffer agreement, or are these...
agreements tailored towards specific potential criminal liability?

I would describe it as more generalized. I would call it like -- like a letter immunity agreement, and normally we'd use the standard language for whatever place we're doing it, so D.C. here.

Mr. Somers. Okay. And in your experience, is this -- and I don't know if you have -- I guess I -- you know, I don't know how many -- have you been involved in other interviews of individuals by the FBI?

Yes.

Mr. Somers. Would you characterize this proffer agreement as a standard or at least a regular component of such interviews?

I would, yeah, when -- it's something that's used in those interviews. And I want to be careful about the specifics here, but I would feel comfortable saying it was sort of the standard language that was used for one of those letter agreements.

Mr. Somers. Okay. So nothing unusual to your mind that there was a proffer involved in this interview.

No, it certainly is something that's used in interviews.

Mr. Somers. Do you recall whether it only covered that interview, or did it cover subsequent interviews with
the FBI?

The 3-day? I know it -- I believe it covered all 3 days. I don't recall the last time I looked at it, so I don't --

Mr. Somers. Okay.

I don't want to speak to the specifics of it.

Mr. Somers. I was speaking -- I was thinking more of later interviews. He was interviewed two additional times. I don't know if you recall whether it in later months covered that, or whether it was just for the particular interview you were conducting in January of 2017.

I don't think I can answer that based on what I remember right now.

Mr. Somers. That's fine. That's fine. Did you gain any understanding of the Steele reporting based on sitting through these 3 days of interviews?

I remember different sort of topic areas that came up, and I remember that there were report numbers, so, that they were talking about.

Mr. Somers. Had you seen the Carter Page FISA application or first renewal prior to your attendance at this interview in January?

No.

Mr. Somers. Had you seen any of the Steele reporting
prior to your attendance in this interview?

I recall that I knew about it generally. I also recall that it became public at some point, I believe, prior to the interviews, but I don't think I had a detailed knowledge of it.

Mr. Somers. Was the -- now, we talked about these regular meetings earlier. Was the regular FBI sort of update meetings of -- that were possibly weekly, was the Steele reporting discussed during those meetings?

I think it was. I think that would've been how I -- how I learned of it, but I don't remember in what detail or in what context. But I do remember sort of knowing about it before it became public by, you know, by BuzzFeed, whenever that was.

Mr. Somers. Okay. And I think just based on the last couple questions I've asked you, I probably know the answer to this question, but I'm going ask it anyway. Was there -- was there anything that the primary sub-source said in the meeting that stuck out to you as conflicting with the Steele reporting?

Mr. Findlay. And just the stuck-out part, I guess I would object to, but if you remember any of the conflicting, I guess that's fine to answer "yes" or "no."

I'll tell you, the only thing I really remember was the reporting on the hotel-related stuff in
Mr. Somers. And what do you remember about that?

I just remember the sub-source explaining that it felt like it was based more on rumor than anything else. I just remember that in particular for some reason.

Mr. Somers. Did you gain any understanding of Christopher Steele's relationship with the primary sub-source during the 3-day interview?

I believe I learned that he was at -- worked for -- I don't know if that's the correct term, if he's an employee, but I know I learned a little bit about his relationship to Steele's entity.

Mr. Somers. Okay. It was your understanding that he worked for Steele's entity?

Mr. Findlay. And I'm not sure whether that is -- I'm not sure whether that's redacted or unredacted in the -- in the 302. So if -- you know, if you want to walk him through that and confirm statements or not, but beyond that, unless we're sure it's unredacted in there, we're going have to object.

Mr. Somers. Okay. Well, we're almost out of time in this round, so I will consider that. Was it your understanding that the primary sub-source lived in the United States?

Mr. Findlay. Again, any details that he gained from
that interview are either in the 302 or they're not, and
we're going to have to go through that because I don't
think any of us have sort of total recall of what it --

Mr. Somers. It's not in -- I don't understand. It's not his 302.

Mr. Findlay. If it's not unredacted in the 302, then we would object. So if it is, he could possibly shed some light on unredacted portions of it, but if it's not --

Mr. Somers. I don't understand why I care what he knows about what's in the 302. I want to know if he sitting there realized whether the primary sub-source lived in the United States or not.

Mr. Findlay. And I understand that the general rule, what he learned in that interview, is off limits. If it's unredacted from the --

Mr. Somers. Why were we not told that the general rule going into this interview is that I can't ask the witness what he learned in the interview?

Mr. Findlay. You can. If it was an unredacted part of the 302, the Department has allowed it to go out. If it's either redacted or not in the 302, the Department hasn't, and he can't testify about it. So there's quite a bit unredacted that he could go through and confirm or, again, possibly with limitations, sort of shed more light on. But if it's redacted in there, he can't talk about it,
and if it's not in there, that privilege hasn't been waived.

Mr. Somers. Are you -- are you objecting to it being classified?

Mr. Findlay. It might be. I mean, that -- again, if it's unredacted in the 302, it's perfectly fine for him to reiterate. If it's redacted, it could be classified. It could be privileged. I don't know what else to say. If you -- if you can't point to it in the 302, he can't talk about it.

Mr. Somers. All right. Well, I'll go back and look at the -- at the 302 during the -- during the break and see what we can ask him about that, although he has never seen the 302 as part of his -- well, it's not even a 302 -- the 1057 as part of his -- I don't know what's in the 302 because the Bureau has not provided us with the 302. Instead they provided us with this 57-page summary, which may or may not reflect what's in the 302, but --

Mr. Findlay. And that's fair. That's the document I'm referring to, the document --

Mr. Somers. Yeah, I know. I'm just -- I just want to make that -- put that on the record as well. I think the best thing to do probably now -- I don't have a whole heck of a lot more to ask you, but I think our hour has expired or is quickly about to expire. I think we can
circle back on a few of these questions in a later round, and I have just a few more questions for you. But I think we'll probably take a short break and then turn it over to --

Mr. Baker. -- 30 seconds.

Mr. Somers. -- the minority. I think Mr. Baker does have one question for you.

Mr. Baker. The FBI's DIOG, Domestic Investigative Operation Guidelines, that sort of is the rulebook for what they do investigation-wise -- openings, closings, techniques, whatever -- for a sensitive investigative matter, their DIOG requires that there be a notification to NSD. And I think there's -- it's even more formal where it has to be at least emailed. I think, according to the IG, NSD has an email account set up to receive these notifications. But in this instance, because I think things were moving quickly, or maybe because of the heightened sensitivity of the investigation, there was an oral briefing or an oral notification made to CES. Were you aware of that, and who was that briefing made to at CES?

I'm not aware of that, and I don't want to guess, so I'll just say I don't know.

Mr. Baker. Thank you.

Mr. Somers. Yeah, I think we can take a 5-minute --
how long do you guys need?

Ms. Zdeb. I think at this point we would be comfortable if you two wanted to just keep going. We have very little, at least for the time being, and so for the sake of efficiency, it may make the most sense for you to conclude your questioning, and then we can just jump in once you're done.

Mr. Somers. All right. I will need a few minutes just to go back and see if I can find something in the 1057 to ask about the location of the -- where the -- where primary sub-source lived. But I can -- I can continue on then with the last set of questions I wanted to --


Mr. Somers. Okay. So we're going to stay on then, for a few more -- a few more minutes here, and I will try and follow up with you briefly then after the -- after the minority goes, then hopefully we can then let you go. So I think you are nearing, at least from the minority's description of their -- the amount of their questions, I think you are nearing the end.

I'm going to read something from the IG's report and ask you if you're familiar with the document that's discussed here. On page 266 of the IG report, it says, "We observed among the NSD's Counterintelligence and Export Control Section, CES, records an April 2017 version of an
investigative" -- I'm sorry -- "an investigation outline
CES prepared and periodically updated reflecting that
Carter Page received an email from Gordon in July 2016
about the Platform change, and the -- that the email
'suggests Page was not involved in' the decision. Also
included in the CES outline were Page's denials to the
FBI." The document I want to ask you if you're familiar
with is, are you familiar with a CES outline that was
prepared and periodically updated, and it's -- according to
the IG report, the last version of it was in April of 2017.

Mr. Somers. Well, that's the -- it seems to me
there's multiple versions. I guess that's the last
version. That's around the time that the Special Counsel's
Office was formed.

Mm-hmm.

Mr. Somers. So I assume that might be why it was last
modified, I would take that to mean. It just says that
it's -- it was in the records in CES, and it was -- they
characterized it as an investigation outline that CES
prepared and periodically updated. And one of the updates
in there appears to be that Carter Page received an email
from Gordon regarding the Republican Platform change.
That's not the part I'm asking about. I'm just asking if
you're familiar with the document.
Yeah, so I'm not familiar with that specific part you mentioned about Carter Page. But as to the outline, I think I feel comfortable saying that when I told you earlier that there was more active work going on in 2017, I think that outline document, or whatever you want to call it, was something that the line attorney at CES would've been working on and updating.

Mr. Somers. Was this a CES-created document?

I don't -- I don't know who originally created it. I just remember that there was sort of a document that was updated and used to understand what was going on.

Mr. Somers. Could you elaborate on that a little bit more, "understand what was going" -- I'm just trying to understand what the purpose of the document was.

I guess what I would say was that the -- I think the line attorney at CES was working with the FBI on different -- like, the -- not the -- we don't talk about the umbrella case. We talk about the sub -- the sub-cases, different people. He would've been tracking that and sort of keeping track of what's going on in those matters. I think this document kind of tracked what was going on investigatively in those matters. I don't know who created it originally.

Mr. Somers. So it was created in anticipation that
CES might -- it allowed CES to keep track of what was going on in all four cases, or were you saying it was just one of the cases?

I don't know how many cases, but I believe the line attorney was working on different -- I don't know what they call it, sub-parts, different individuals.

Mr. Somers. And I assume this was a classified document. I mean, it seems to have raw FISA data in it.

If that -- I would -- I would assume that's the case, and it's also a counterintelligence matter, so they're generally kept on classified systems.

Mr. Somers. So I'm just trying to -- this was -- this was a document keeping track of the case versus a document meant to catalog verification of Steele's allegations?

The former, not the latter, as I understand it.

Mr. Somers. Do you know if FBI had input into this document or is this wholly a CES product?

I understood it to be something that the DOJ line attorney was using to track what was going on in the matter.

Mr. Somers. So it definitely, from the description in the IG report, had information about Carter Page. Do you recall for that information about the other three cases in it?
Mr. Somers. I shouldn't say "cases." I should say "investigations."

Investigations, yeah. Not specifically, but I do recall that the line attorney was working on multiple investigations.

Mr. Somers. Now, you don't know when this document -- did you ever input anything into this document, edit the document?

I don't believe so.

Mr. Somers. Was it something you had access to, or was it something just that the line attorney was preparing?

I think it was his document. I'm not sure we had the ability to share anything like that anyway.

Mr. Somers. All right. I think that's all I have on -- if you could just give me one second here.

[Brief pause.]

Mr. Somers. Just another mention here, and I think this is -- this is from the -- I know this is from the IG's report, and I just want to make sure that you concur with this statement from the IG report. I think you and Mr. Laufman -- you're the "they" in this.

What page is this?

Mr. Somers. I don't happen to have the page with me, but -- I'm sorry I didn't write that down, but there's a
"they" and an "us." The "they" is -- well, I can start it earlier than that. "NSD's Counterintelligence Export Control Section representatives attended the primary sub-source January 2017 interview. Section Chief David Laufman and his deputy section chief told us that they did not recall discussing the interview with OI officials afterwards. They told us they did not have knowledge of the information in the Carter Page FISA applications at the time, and that they were not sufficiently familiar with the Steele reports to have understood there were inconsistencies between the primary sub-source and Steele."

Accurate characterization by the IG?

Yes.

Mr. Poe. (Off audio.)

Oops, sorry. I cut someone off.

Mr. Poe. You cut off your lawyer, but that's okay.

You've answered the question.

[Laughter.]

Mr. Somers. I'm sorry. I think we just got cut off there, and we didn't hear it in the room at least. Do you believe that's an accurate characterization by the Inspector General?

Greg, did you want to say something? I'm sorry.

Mr. Poe. No, I don't. Go ahead.
Back to your question, yes, I think that's accurate.

Mr. Somers. Okay. Now, it does say in that quote, it says, "at the time." At a later time, did you realize that there were inconsistencies between the Steele reporting and what you learned during the primary sub-source interview?

Mr. Poe. This is -- this is Greg Poe. Mr. Somers, I mean, the reason I was going to interject before was just that it would be useful if you're quoting from a report, that have access to see what you're quoting from.

Mr. Somers. Yeah, it's in the -- if you could give me a moment.

Mr. Poe. Sure.

Mr. Somers. It's in the IG report. I just am looking at two documents, and so I don't have the -- it's on page 247 of the IG report.

Is it the second full paragraph? No, sorry.

Mr. Somers. Yeah, second full.

Yeah. Second full paragraph, yeah.

Mr. Somers. Yeah, that's what I was --

Let me just look at that quickly.

Mr. Somers. Yeah, yeah, please go ahead.

[Brief pause.]
Okay. I just looked at that paragraph.

Mr. Somers. So I guess what I was looking at is the quote there, or I guess it's not a quote, but the IG report says at the time, you did not have sufficient knowledge of the Carter Page FISA applications and were not sufficiently familiar with the Steele reports to identify inconsistencies between what you learned at the primary sub-source interview and what was in the Steele reporting. I guess what my question is, is after the time, at a later time when you maybe became more familiar with the Carter Page FISA applications or -- and/or the Steele reporting, did you come to the realization that you learned things in the primary sub-source interview that there were -- could've been understood to be inconsistencies between the primary sub-source and Steele?

Mr. Poe. Mr. Somers, let me just interject one second. I just want to make sure we're talking about -- you're identifying the time frame, you know. Are you talking about up through, you know, for example, up through April of 2017, or are you talking about up to the present date, and that could -- that could obviously affect the -- what an appropriate answer would be.

Mr. Somers. No, I think what the IG is getting at here, what I understand it to say, is that when was in the primary sub-source interview, he had neither the
knowledge of the Carter Page FISA application or
Christopher Steele's reporting to know that there were --
there possibly could be inconsistencies between what the
primary sub-source was telling the FBI and what was in
either the Carter Page FISA application itself or the
Steele reporting. So he wouldn't have realized at the time
of that interview that there were inconsistencies. And I'm
asking him, looking back on it, knowing what he learned in
that interview and knowing what he may or may not know now,
whether he realizes that there were inconsistencies based
on his present knowledge of --

Mr. Poe. Well --

Mr. Findlay. You're asking him his knowledge up
through today where he could've read the IG reports and
that -- I mean --

Mr. Somers. I'm asking his -- yeah.

Mr. Findlay. It seems like the back end of April, to
Mr. Poe's point --

Mr. Somers. We could --

Mr. Findlay. -- would be more appropriate. I mean,
if you want to know whether he's read the IG report where
the IG talks about those inconsistencies, that just seems
like a --

Mr. Somers. Well, he was in --

Ms. Sawyer. Yeah, I --
Mr. Poe. Also, Mr. Somers, I don't want to step on Mr. Findlay. But Mr. Somers, that -- this interview is limited by agreements to historical facts, not views that that he may have retrospectively based on after acquired knowledge through the press or other sources.

Mr. Somers. Yeah, I'm asking him about the historical interview, and -- we can -- we can limit it. Let's limit it to by April 2017. Would that statement still -- would "at the time" in that statement also cover all the way to April of 2017?

May I answer that one?

Mr. Findlay. I think that's fine. So you're asking for the delta between January and April.

Mr. Somers. Yeah, I'm asking from -- so when you were in the interview, you didn't have enough knowledge, and I'm -- what I'm asking you is, did you gain enough knowledge by April of 2017 to know that there were inconsistencies.

Ms. Sawyer. If I might. Sorry. I just want to raise a point, Zach, not -- just to make clear on the record that, vis-a-vis the document that reflects the January interview, I think it's fair to say that the majority and the minority do not share the same view as to whether or not that document exposed any inconsistencies between what the primary sub-source -- at least the version that we have does not expose inconsistencies in what the primary sub-
source may have said in that interview and the Steele reporting. So I just want to make that clear on the record.

Mr. Somers. Yeah, I'm not -- I'm not -- I'm sorry. I'm not trying to characterize my view of the document. I'm trying to look at Inspector General Horowitz's view of the document.

Ms. Sawyer. Yeah.

So the question is, is there -- was there any change between January when the interview took place and April of 2017 as to my understanding of inconsistencies between what was said in that interview and the FISA application? Is that right?

Mr. Somers. Or the -- or the Steele reporting, yeah. Or the Steele report. My answer to that is, no, I don't have any -- I can't draw any distinction between January and April on that point.

Mr. Somers. Okay. I think that's all I have, and we'll see if there's a further -- any further follow-up questions after the minority. Do you all want a break or --

Ms. Zdeb. Why don't we take a quick break?

Mr. Somers. Let's take 5 minutes.

Court Reporter. Off the record.

[Off the record at 11:36 a.m.]
[On the record at 11:49 a.m.]

Mr. Charlet. And Heather?

Ms. Sawyer. Yeah, sorry. I am here. I had it on mute so the -- I wouldn't disturb with any background noise, but I'll go ahead and unmute it just in case.

Mr. Charlet. Okay. Well, the time is 11:49, and we can go back on the record. Good morning, and thank you for being here. We just have a few questions, and I'm going to start a little bit more generally.

As you know, from the DOJ Inspector General's report issue -- or -- I'm sorry -- the DOJ Inspector General issued a 400-page report in December of last year titled, "Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation." The report detailed the results of a 2-year investigation into the same topics that we're addressing today. According to the report, the IG examined more than 1 million documents and interviewed more than 100 witnesses, including Christopher Steele and numerous current and former government employees. Did you cooperate with the Office of Inspector General investigation?

Yes.

Mr. Charlet. Were you interviewed as part of that investigation?

Yes.
Mr. Charlet. How many times? Once? More than once?

Once.

Mr. Charlet. And for how long approximately?

No more than 2 hours.

Mr. Charlet. Did you provide complete, truthful answers to the questions OIG asked during the course of your interview?

Yes.

Mr. Charlet. Did you or did the Justice Department provide OIG with documents related to your involvement with the Crossfire Hurricane investigation?

I had already left the Department, so I think the Department provided documents to the IG.

Mr. Charlet. Okay. Did you personally then ever hear OIG complain that it needed more information from you?

No.

Mr. Charlet. And did you ever hear OIG complain that it didn't get the documents it needed related to your involvement?

No.

Mr. Charlet. Okay. Did you have an opportunity to review the OIG report before they finalized and published it, at least the portions that involved you?

No.

Mr. Charlet. And when did you first see the portions
that involved you in the OIG reports?

After it was publicly released at some point.

Mr. Charlet. And you were not part of the Crossfire Hurricane investigative team, correct?

I don't know. I don't believe -- I don't know if there was ever such a formal designation, but I don't -- I don't believe I was on the team, so to speak.

Mr. Charlet. Okay. More specifically, you played no role in the investigations of Paul Manafort, Michael Flynn, Carter Page, or George Papadopoulos.

No role. I was aware of what the FBI was doing. They were briefing on the case, so you might have to be more specific.

Mr. Charlet. Sure. To clarify, you did not have active involvement, other than attending the January 2017 primary sub-source interview and sitting in meetings where you received updates. Is that correct?

I think that's correct, and on the updates, I would include the questions I was answering most recently about the line attorney in our office in the spring of 2017, who was working more actively on the matter and getting briefings there as well.

Mr. Charlet. Okay. Okay. Our committee held a 6-hour hearing with Inspector General Horowitz following the
release of his 484-page report. A number of allegations were made against the FBI during that hearing and subsequently repeated at other hearings and meetings of the committee. We believe the allegations were investigated and answered by the Inspector General, but I'm going to ask you a series of questions about them because we continue to hear these allegations from people who do not have firsthand knowledge or evidence about what happened during Crossfire Hurricane.

The Inspector General found that there was no documentary or testimonial evidence of bias impacting the FBI's work in Crossfire Hurricane. Nonetheless, there have been allegations that there was "tons of evidence of bias." Aside from attending some general briefings and obtaining some updates, your involvement in Crossfire Hurricane was limited to attending a portion of the FBI's January 2017 interview of Christopher Steele's primary sub-source, correct?

[Redacted] Yes.

Mr. Charlet. Okay. Did political bias impact any of your actions in connection with this interview?

[Redacted] No.

Mr. Charlet. Did political bias ever impact any of your other actions during your time at the Department of Justice?
Mr. Charlet. Do you have any evidence that political bias otherwise impacted the FBI or DOJ's work in Crossfire Hurricane?

Mr. Charlet. It has been alleged that the FBI engaged in a "massive criminal conspiracy over time to defraud the FISA Court." Do you have any evidence that the FBI engaged in a massive criminal conspiracy over time to defraud the FISA Court?

Mr. Charlet. It has been alleged that the FBI "purposely used the power of the Federal Government to wage a political war against a presidential candidate they despised." Do you have any evidence that the FBI agents purposely used the power of the Federal Government to wage a political war against then candidate Donald Trump?

Mr. Charlet. Do you have any evidence that the FBI was attempting a coup against President Trump?

Mr. Charlet. Do you have any evidence that the Crossfire Hurricane investigation was a "hoax" or a "witch hunt" intended to hurt Trump politically?
Mr. Charlet. Was your goal to hurt Trump politically?

[Redacted] No.

Mr. Charlet. What was your goal?

[Redacted] To support the FBI and its investigative activities as we did in any case.

Mr. Charlet. Do you have any evidence that Crossfire Hurricane was part of a "deep state effort" to take down President Trump?

[Redacted] No.

Mr. Charlet. There have also been allegations that the purpose of the Crossfire Hurricane investigation was to change or nullify the results of the 2016 election. Do you have any evidence that the goal of Crossfire Hurricane was to change or nullify the results of the 2016 election?

[Redacted] No.

Mr. Charlet. There have also been allegations that Crossfire Hurricane was composed of people who hated Trump and who had "an agenda to destroy him before he was elected and after he was elected." Did you personally have an agenda to destroy Trump at any point either before or after he was elected?

[Redacted] No.

Mr. Charlet. Do you have any evidence that the goal of Crossfire Hurricane was to destroy Trump before or after he was elected?
Mr. Charlet. Do you have any questions?

[Brief aside.]

Mr. Charlet. Does Ms. Sawyer have any questions?

Ms. Sawyer. Yes, I just have a couple, and I think I'm on. Can you guys hear me okay?

Mr. Charlet. Yes.

Mr. Somers. Yep.

Ms. Sawyer. Great. Well, thank you for your patience for dealing with this Webex. I think you -- everyone has done an admirable job navigating the video, and, Bentley, thank you for all your work with that. Just a couple questions to put a slightly finer point on it. Just to be clear, did you ever personally recommend any investigative steps with regard to the Crossfire Hurricane investigation?

I don't think so, no.

Ms. Sawyer. And did you ever launch an objection about any investigative steps that were taken by the FBI or DOJ related to the Crossfire Hurricane investigation?

No.

Ms. Sawyer. And during the interview portions of which you sat in on, did you ever suggest or recommend any questions that were posed to the primary sub-source?

No, I don't think so. I don't recall asking anything.
Ms. Sawyer. And did you recommend to either the FBI agent or analysts that they ask any particular questions?

No, they were -- they were leading the questioning and handling it.

Ms. Sawyer. And that's really all I had, and thank you again for your time and for working through the logistics of this interview with us.

Of course.

Mr. Charlet. That's all for the minority's questions.

Mr. Somers. Are you able to see me up here, this camera up here? You can hear me, though.

Yeah, I can hear you, and it's zooming in on you now.

Mr. Somers. All right. Sorry. I just have a -- just a quick question. I'm not able to find any declassified information to ask you the question I was asking you earlier about where the primary sub-source lived. I would note that other people we've interviewed have been able to answer, or at least one other individual we've interviewed has been able to answer that question, but I will leave it alone. I do have -- in searching through that, and I'm not trying to trip you up or anything. I'm just trying to understand what I'm looking at on a document versus what you said earlier.

The document I'm looking at here, which is a 57-page
summary of the -- now, this is only question I have for you, unless Art has something. It's an FD-1057, and I believe it's a compilation of three 302s. This document indicates that the interview that you took part in or attended took place in the Washington Field Office interview room. You had indicated earlier that it took place at the lawyer's office. I'm just trying to sort out the confusion or the difference.

I have no recollection of that interview occurring at that FBI -- at the Washington Field Office. I recall it being in a conference room at this sub-source's attorney's offices near Dupont Circle.

Mr. Somers. So you have -- you have no recollection of it occurring at the Washington Field Office. I mean, the only thing that would occur to me of why it would occur at the Washington Field Office is just because they would have a SCIF at the Washington Field Office. But your recollection is -- and I'm not -- I have no reason, other than I'm looking at the document, that notes that it occurred in the -- I believe this is what this means to say, is that occurred in the FBI Washington Field Office interview room. That occurs on page 22 and page -- my copy is really bad -- it looks like 40 -- for January 25th and January 26th of 2017, but --

I --
Mr. Somers. Go ahead. I'm sorry.

Twenty-two and 40?

Mr. Somers. Yeah, 22. It says -- I think that's 22.

Yeah, I see it. I can just tell you I don't think that's accurate, but you can -- you could correct me if I'm -- if I'm wrong on that.

Mr. Somers. Yeah, I'm just asking for your recollection, and that's a -- do you have anything?

Mr. Baker. No, I was just going to say thank you for appearing today, and thank you for your service at DOJ, and thank your counsel, Mr. Poe, for coordinating your appearance with the committee. Thank you.

Mr. Poe. Thank you.

Mr. Somers. Yeah, that's a -- you guys are -- I think that's all. Thank you for coming -- well, for getting in front of your computer and speaking with us this morning. I think this worked out relatively well, although I don't know I'd want to do it with a much longer interview. So thank you, and thank you, Mr. Poe, for making your client available.

Mr. Poe. Thank you, Mr. Somers. Thank you, Mr. Baker. Thanks all.

Appreciate it. Bye bye.

[Whereupon, at 12:02 p.m., the interview was concluded.]
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Deponent: **Deputy Section Chief, CES**
Case Name: **Senate Judiciary Committee**

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