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\*\*\* CONFIDENTIAL INTERVIEW \*\*\*

SENATE JUDICIARY COMMITTEE

UNITED STATES SENATE

WASHINGTON, D.C.

INTERVIEW OF:

Supervisory Special Agent 1

THURSDAY, AUGUST 27, 2020

The interview in this matter was held at the Senate Dirksen Building, Hearing Room 226, commencing at 10:14 a.m.

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1 APPEARANCES :

2 SENATE JUDICIARY COMMITTEE :

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6 ARTHUR RADFORD BAKER, ESQ.

7 Senior Investigative Counsel

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9 LEE HOLMES, ESQ.

10 Chief Counsel to Chairman Graham

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12 SARA ZDEB, ESQ., Senior Counsel

13 JOSEPH CHARLET, ESQ. for

14 Ranking Member Feinstein

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16 FOR THE WITNESS :

17 LAWRENCE BERGER, ESQ.

18 Federal Law Enforcement Officers Association

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3 On behalf of the Federal Bureau of Investigation:

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9 On behalf of the U.S. Department of Justice:

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EXAMINATION BY

COUNSEL FOR THE MAJORITY:

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By Mr. Somers:

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COUNSEL FOR THE MINORITY:

By Ms. Zdeb:

62, 130, 187, 192

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

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

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

12 THE WITNESS: [REDACTED] and I'm the Assistant  
13 Special Agent in Charge for Counterintelligence at the FBI [REDACTED]  
14 [REDACTED] Field Office.

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

18 My name is Zachary Somers. I'm the Majority's chief  
19 investigative counsel for the Judiciary Committee, and I would  
20 now like to ask everyone else who's here in the room to introduce  
21 themselves for the record other than your personal counsel, who  
22 I'll get to in a few moments.

23 MR. BERGER: Thanks.

24 MR. BAKER: Arthur Baker, senior investigative counsel  
25 for Majority staff, Chairman Lindsey Graham.

1 MS. ZDEB: Sara Zdeb, senior counsel for the Minority  
2 staff, Ranking Member Feinstein.

3 MR. CHARLET: Joe Charlet, counsel for the Minority  
4 staff, Ranking Member Feinstein.

5 MR. Brian Zimmerman with Chairman Johnson's office.

6 MR. SCHRAM: Zach Schram, Homeland Security Government  
7 Affairs Committee, Minority chief counsel.

8 [REDACTED]: [REDACTED], senior counsel, Department of  
9 Justice Office of Legislative Affairs.

10 [REDACTED]: [REDACTED], FBI OGC.

11 [REDACTED]: [REDACTED], FBI OGC.

12 [REDACTED]: [REDACTED], FBI OGC.

13 [REDACTED]: [REDACTED], FBI OGC.

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

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

22 Typically, we take a short break at the end of each hour  
23 of questioning, but if you'd like to take a break apart from  
24 that, please let us know.

25 As I noted earlier, you are appearing today

1 voluntarily. Accordingly, we anticipate that our questions  
2 will receive complete responses. To the extent that you  
3 decline to answer our questions or if counsel instructs you not  
4 to answer, we will consider whether a subpoena is necessary.

5 As you can see, there is an official reporter here  
6 taking down everything that is said to make a written record.  
7 So we ask you to give verbal responses to all our questions.

8 Do you understand that?

9 THE WITNESS: I understand.

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

13 The Committee encourages witnesses who appear for  
14 transcribed interviews to freely consult with counsel if they  
15 so choose, and you are appearing today with counsel.

16 Counsel, please state your names for the record.

17 MR. BERGER: Sure. Lawrence Berger.

18 MR. KOUKIOS: James Koukios.

19 MS. VIJ: Vanshika Vij, Morrison Foerster.

20 MR. SOMERS: We want you to answer our questions in the  
21 most complete and truthful manner possible. So we'll take our  
22 time. If you have any questions or if you don't understand one  
23 of our questions, please let us know.

24 If you honestly don't know the answer to a question or  
25 do not remember it, it is best not to guess. Please give us



1 your best recollection and it is okay to tell us if you learned  
2 the information from someone else.

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

7 You should also understand that although this interview  
8 is not under oath, you are required by law to answer questions  
9 of Congress truthfully. Do you understand that?

10 THE WITNESS: I understand.

11 MR. SOMERS: This also applies to questions posed by  
12 congressional staff in an interview. Do you understand this?

13 THE WITNESS: I understand.

14 MR. SOMERS: Witnesses who knowingly provide false  
15 testimony can be subject to criminal prosecution for perjury  
16 and for making false statements. Do you understand this?

17 THE WITNESS: I understand.

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

20 THE WITNESS: No.

21 MR. SOMERS: Finally, we ask that you not speak about  
22 what we discuss in this interview with anyone else outside of  
23 who is here in the room today in order to preserve the integrity  
24 of our investigation.

25 That is the end of my preamble. Do you have any

1 questions before we begin?

2 [REDACTED]: Not a question, just one comment: The FBI  
3 wants to note for the record that these are extraordinary  
4 circumstances in which a non-SES current onboard FBI agent is  
5 appearing for a voluntary transcribed interview.

6 MR. SOMERS: Thank you for making him available under  
7 the circumstances of this investigation.

8 It is now 10:20 and we'll begin our first hour of  
9 questioning.

10 EXAMINATION BY THE MAJORITY

11 BY MR. SOMERS:

12 Q. [REDACTED], have you had a chance to review the  
13 IG's December 2019 report on the Carter Page FISA application?

14 A. I have.

15 Q. And, for the record, are you the individual  
16 that's identified as SSA 1 in the IG report?

17 A. I am.

18 Q. Other than your personal attorneys and the  
19 attorneys here from DOJ, did you speak with anyone in  
20 preparation for today's interview?

21 A. No.

22 Q. The FBI's Crossfire Hurricane investigation, as  
23 you are aware, was opened on July 31, 2016. What was your  
24 position at the FBI when the investigation was opened?

25 A. I was supervisory special agent assigned to the

1 Washington Field Office.

2 Q. What was your specialization or role, however  
3 you would characterize it, in that position you had?

4 A. I was supervisor of the [REDACTED]  
[REDACTED].

6 BY MR. BAKER:

7 Q. Is your career primarily as a  
8 counterintelligence agent?

9 A. It is.

10 Q. You've been in the FBI as a special agent how  
11 long?

12 A. Eighteen years.

13 Q. And how much of that time was  
14 counterintelligence, to the best of your recollection?

15 A. Sixteen years.

16 Q. So you are a counterintelligence agent; that's  
17 your expertise for lack of a better term?

18 A. Yes.

19 MR. BAKER: Thank you.

20 BY MR. SOMERS:

21 Q. Do you recall exactly when in relation to July  
22 31st you were assigned to the Crossfire Hurricane  
23 investigation?

24 A. I believe I was contacted by Peter Strzok on the  
25 Friday prior. I think it was July 29th.

1 Q. When you say "contacted", what were you  
2 contacted about?

3 A. Peter Strzok asked me to come talk to him and  
4 asked me enter into a TDY.

5 Q. Did you need approval from the Washington Field  
6 in order to enter into that TDY?

7 A. I did.

8 Q. When did you receive that?

9 A. I believe immediately after I spoke with Peter  
10 Strzok.

11 Q. Immediately after. So you started Crossfire  
12 Hurricane at its inception, maybe a couple of days prior to the  
13 official electronic communication opening of the  
14 investigation?

15 A. I agreed to support FBI Headquarters in a TDY  
16 for whatever they needed at the time.

17 Q. And when did you rotate off? When did that TDY  
18 end?

19 A. I ended my TDY on January 6, 2017.

20 BY MR. BAKER:

21 Q. When you say "TDY", for the record, you're  
22 talking about what?

23 A. A temporary duty assignment.

24 Q. And that's an assignment away from your normal  
25 place of assignment?

1 A. That is correct.

2 Q. To another place of assignment for a period  
3 determined between you and that other place?

4 A. That's correct.

5 Q. And the agreement for this was for how long?

6 A. Sixty to ninety days.

7 Q. Did you know Mr. Strzok previously? What were  
8 the circumstances that he calls you for this?

9 A. I knew Peter Strzok when he was a supervisor at  
10 the Washington Field Office for the SBI Squad and I was a case  
11 agent in another squad.

12 Q. So you had a professional relationship with him  
13 prior to his call?

14 A. We did.

15 BY MR. SOMERS:

16 Q. So what did you do?

17 You went back to the Washington Field on January 6th  
18 when the TDY ended. What was your role at FBI then?

19 A. I resumed my role as the supervisor of the  
20 [REDACTED].

21 Q. And did you keep any involvement in Crossfire  
22 Hurricane after January 6th?

23 A. Only when contacted by Headquarters, not  
24 official. I was not assigned there.

25 Q. And you physically moved your location from

1 Headquarters -- I'm sorry -- from Washington Field to  
2 Headquarters when you -- at some point after July 29th?

3 A. That's correct.

4 Q. And moved back to Washington Field on somewhere  
5 around January 6th, physically?

6 A. Physically, yes. That's correct.

7 BY MR. BAKER:

8 Q. And it's from Washington Field that you were  
9 promoted to your current assignment?

10 A. That is correct.

11 BY MR. SOMERS:

12 Q. And what types of things were you asked to do  
13 after January 6th when you said you were contacted?

14 What were those contacts about, the continuing contacts  
15 about Crossfire Hurricane?

16 A. Sure. I was contacted and requested to do a  
17 subject interview of an individual that we will testify today  
18 about that matter. I also was contacted and requested to make  
19 contact with an individual in the Washington, D.C. area that  
20 could provide information on Crossfire Hurricane. That was  
21 also in January.

22 Q. Is that someone other than Bruce Ohr?

23 A. That was someone other than Bruce Ohr.

24 Q. Who was that individual?

25 A. We're in an unclassified setting. I don't

1 think I can give the name.

2 Q. Can you give us any general characterization?

3 Was it a confidential source?

4 A. It was an individual that I understood at the  
5 time to be a subsource of Christopher Steele.

6 Q. Okay. Any other things you were tasked with?

7 A. I received information from an individual that  
8 wished to provide information to the FBI. I interviewed that  
9 individual in April, I think, or in May of 2017 and then later,  
10 during the Special Counsel efforts, I supported my squad,  
11 provided my squad support to the search of Paul Manafort's  
12 residence in Alexandria.

13 Q. Did you have any interactions with the agents  
14 preparing -- so you left on January 6th. I think there would  
15 have been three FISAs applied for or renewed --

16 A. Correct.

17 Q. -- after January 6th. Did you have any  
18 interaction with the agents preparing those FISAs in relation  
19 to --

20 A. I had no interaction with agents preparing those  
21 FISAs.

22 Q. In relation to preparing those FISAs?

23 A. Correct.

24 Q. That was after your Crossfire Hurricane move.

25 So before you were on Crossfire Hurricane, did you have -- so

1 let's just start this way: What was your understanding in the  
2 early days as to what it was you were going to be investigating  
3 as part of Crossfire Hurricane?

4 A. On July 29th, I reviewed an email from a leg.  
5 att. that provided lead information to the FBI. I reviewed that  
6 email and it was determined that the FBI needed to interview  
7 the original source of that information, and that was the extent  
8 of what I did prior to Crossfire Hurricane opening.

9 Q. And what was your understanding of what, say,  
10 like the first two or three weeks of the Crossfire Hurricane  
11 or when it was opened, like what it was that the FBI was  
12 investigating?

13 A. Sure. So we had a full investigation, typical  
14 factual basis that there was a threat to national security based  
15 on the information that we received from a friendly foreign  
16 government, and then, separately, I interviewed individuals  
17 from the friendly foreign government to establish that from the  
18 original source. Based on that information, the friendly  
19 foreign government provided Crossfire Hurricane or the FBI with  
20 information that George Papadopolous had received, that George  
21 Papadopolous provided to the friendly foreign government that  
22 the Trump team received a suggestion from the Russians that the  
23 Russians had damaging information on Barack Obama and Hillary  
24 Clinton and planned to release it anonymously.

25

That was the information at the time that we had and



1 the team was working on an investigative strategy in the weeks  
2 that we're talking about.

3 Q. So you traveled to a European city on August 1st  
4 to talk to this friendly foreign government official; is that  
5 correct?

6 A. That is correct.

7 Q. Do you know what day it was? Was it August 1st  
8 you talked to them or was it shortly thereafter?

9 A. I'll have to refer to my 302. I don't recollect  
10 the time.

11 Q. But you didn't stay in this European city for  
12 days waiting to talk to somebody?

13 A. No.

14 Q. What explanation, if any, were you given as to  
15 why you opened Crossfire Hurricane based on the friendly foreign  
16 government official's information on Sunday, July 31st and  
17 traveled on August 1st to go interview that friendly government  
18 official? Why not wait until after the official had been  
19 interviewed to open the investigation?

20 A. It's common practice. You receive lead  
21 information and then you go out and you can open an investigation  
22 based on lead information and then you can go out and  
23 substantiate what you heard from the source. Sometimes in the  
24 Bureau, you might not have that opportunity. In this case, we  
25 did.

1 Q. I didn't hear that last part. You said we did?

2 BY MR. BAKER:

3 Q. Is your mic off?

4 A. The mic was off, yes.

5 MR. BAKER: Thank you.

6 THE WITNESS: So in this case, the last part that you  
7 might not have heard is sometimes you do not have the opportunity  
8 to get at the original source to interview him or her. In this  
9 case, we did.

10 BY MR. SOMERS:

11 Q. I guess my question is since you had that  
12 opportunity, obviously, since you traveled on the 1st, you knew  
13 you were going to have that opportunity. What would have been  
14 lost by waiting until the 4th or the 5th or whenever it was that  
15 you interviewed the source?

16 I read the EC and the EC is largely the information from  
17 that source, largely what the investigation was predicated on.  
18 So I'm wondering why not wait five days instead of opening it  
19 on a Sunday afternoon, evening, whatever?

20 A. So I'm not willing to speculate on that. It's  
21 common practice. There wasn't anything wrong with it.

22 Q. Yeah. I was not asking whether there was  
23 anything wrong with it. I was just asking if you were given  
24 any reasons why.

25 A. No.

1 BY MR. BAKER:

2 Q. But it wouldn't be unusual?

3 A. It was not unusual.

4 Q. You had said earlier, just to get it on the  
5 record, that you opened a full investigation. What is a full  
6 investigation? What distinguishes that from a less than full?

7 A. A full investigation, you need an articulable  
8 factual basis that a threat to national security exists. A  
9 preliminary investigation, you need information or an  
10 allegation.

11 I thought that we had a pretty articulable factual basis  
12 as opposed to the lesser standard.

13 Q. So you could go right to the full?

14 A. Yes.

15 Q. And what is the distinction between the two?  
16 What does a full get you that a preliminary doesn't?

17 A. I would have to pull up the dialogue. It's a  
18 laundry list of all of the techniques. The full investigation  
19 gives you additional investigative techniques.

20 Q. And a preliminary can eventually go to a full  
21 to use more enhanced techniques?

22 A. It can.

23 Q. You also used the term that you had a  
24 conversation with or you got a call from the leg. att. For  
25 the record, what is that?

1           A.       Legal attache. The FBI has legal attaches that  
2 are our representatives.

3           Q.       And that would be an FBI agent or --

4           A.       Yes. It was an FBI agent.

5           Q.       And they are situated in embassies?

6           A.       That is correct.

7           Q.       Okay. So they are liaisons, for a lack of a  
8 better word, for that country's law enforcement needs in the  
9 FBI?

10          A.       That's correct.

11 BY MR. BAKER:

12          Q.       Were you, if you know, the first member of the  
13 Crossfire Hurricane team?

14                I mean not from Headquarters.

15          A.       As a special agent, I believe so.

16          Q.       Did you help select any of the other members of  
17 the Crossfire Hurricane team?

18          A.       I did.

19          Q.       What were you looking for? Why were people  
20 selected, just generally?

21                I'm not asking why any particular individual was  
22 selected, but what was the search?

23          A.       Their professional experience.

24          Q.       And they were selected from different field  
25 offices or from Headquarters?

1           A.       Different field offices.

2 BY MR. BAKER:

3           Q.       Was there a Bureau-wide canvass to look for  
4 interest in this or did you or Mr. Strzok or whoever have an  
5 idea based on the program that this case would fall under or  
6 you had an idea what the talent in the Bureau was that you  
7 personally reached out to?

8           A.       It was your latter answer to that. We were  
9 looking for skill sets and subject matter expertise in  
10 particular areas.

11          Q.       Do you know -- I'm just curious. If you know,  
12 what would be the average time in the Bureau or  
13 counterintelligence experience? Was there anybody really  
14 junior that came on or you were actually looking for people that  
15 had proven track records in that program?

16          A.       We were looking for people that had subject  
17 matter expertise in Russian foreign counterintelligence. I  
18 don't think we specifically said they need to be a certain time  
19 there.

20 BY MR. SOMERS:

21          Q.       Were these people that you knew or you were just  
22 looking for -- or was it a combination? Were you just looking  
23 for particular expertise, you said there's a counterintel agent  
24 in "X" field office and let's pull them in, or were these people  
25 that you actually knew and had worked with before, you or Mr.

1 Strzok?

2 A. It was a mix of both. There was some that I knew  
3 and some that I didn't.

4 Q. How many FISA applications have you worked on  
5 in your career at the Bureau?

6 A. Fifty, just a generalization, a ballpark.

7 Q. Yeah. And what's your -- what were the  
8 different roles you have been when preparing those FISA  
9 applications?

10 MR. BERGER: You can answer. If you can answer, go  
11 ahead.

12 THE WITNESS: As an agent and then as a supervisor most  
13 recently.

14 BY MR. SOMERS:

15 Q. And these were on -- these FISA applications  
16 were for investigations you were working?

17 A. Yes.

18 Q. Are you familiar with the Woods procedures?

19 A. I am.

20 Q. How did you gain that familiarity?

21 A. Training.

22 Q. What type of training? Specific training on a  
23 Woods file or training more generally -- I'm sorry -- Woods  
24 procedures or training more generally?

25 A. The FBI has various training in the Virtual

1 Academy that prepares you for FISA applications as well as Woods  
2 procedures.

3 BY MR. BAKER:

4 Q. Did you -- you're an ASAC now. You were an SSA.  
5 As part of your career development, did you ever travel with  
6 an inspection team to audits of national security files and a  
7 Woods file?

8 A. Yes.

9 Q. And how many of them do you guesstimate you did?

10 A. I believe I did three inspections.

11 Q. And that would be part of the training,  
12 knowledge, and expertise you developed in the Woods procedures?

13 A. Yes, sir.

14 Q. And you acted, I believe, as an assistant  
15 inspector and actually checked these files for compliance?

16 A. In two of the inspections I did of the three,  
17 yes.

18 BY MR. SOMERS:

19 Q. You signed the Woods form in the Carter Page FISA  
20 application. Correct?

21 A. That is correct.

22 Q. And how many times prior to that had you signed  
23 a Woods form, ballpark?

24 A. Forty prior to that.

25 Q. So there are a few FISAs that you worked on that

1 you were not the agent signing the Woods form as well?

2 A. Can you rephrase that question?

3 Q. Yeah. I'm sorry. That probably was not the  
4 greatest question.

5 So you said you worked on, roughly, 50 FISA  
6 applications. You signed the Woods form 40 or so FISA  
7 applications. So there's a subset there where you didn't sign  
8 the Woods form. Was that because you had a lesser role in those  
9 FISA applications?

10 A. No. I went down to 40 thinking there was  
11 probably 10 more after this FISA.

12 Q. Okay. So you signed the Woods form, you  
13 believe, in almost all of the FISAs that you previously worked  
14 on, in the ballpark of 50?

15 A. Correct.

16 Q. And why were you the one signing the Woods form  
17 in Carter Page's FISA application?

18 A. My role at the time was squad supervisor.

19 MR. BERGER: Could we just make it clear that we're  
20 talking about the FISA 1, the initial application only?

21 MR. SOMERS: Yes. Sorry.

22 BY MR. SOMERS:

23 Q. So as the squad supervisor, it would have been  
24 your role to sign the Woods form?

25 Maybe we should break that down. The case agent also



1 signed the Woods form. Correct?

2 A. That's correct.

3 Q. And what's your role as the squad -- what  
4 was -- you also signed the Woods form. You're signing over the  
5 case agent's signature?

6 What's the rationale for you signing, just in general,  
7 the Woods form after the case agent signs it?

8 MR. BERGER: Can I just ask for clarification? Are you  
9 talking about initiating the application or any application?

10 MR. SOMERS: Any. I'm just asking in general. The  
11 case agent signs the Woods form.

12 MR. BERGER: Understood.

13 MR. SOMERS: Then the supervisor signs the form.

14 MR. BERGER: You can answer that.

15 THE WITNESS: So I would sign it after the case agent.

16 BY MR. SOMERS:

17 Q. I don't know what a Woods form looks like.

18 A. Okay.

19 Q. I guess that's why I'm asking.

20 So it has a line for both -- I'm trying to -- sorry.

21 It's a very basic question. There is a line for the  
22 case agent to sign and for the squad supervisor to sign as well?

23 A. It is, yes. There is.

24 Q. And prior to signing that Woods form -- now we're  
25 talking about FISA Application No. 1, Carter Page -- had you

1 reviewed the Woods file?

2 MR. BERGER: You can answer that.

3 THE WITNESS: I had. I did.

4 BY MR. SOMERS:

5 Q. You did?

6 A. Um-hum.

7 Q. What was the -- then I believe the IG report  
8 discusses that you and Case Agent 1 -- do you know who Case Agent  
9 1 is?

10 I'm not asking for his name. I just want to make sure  
11 we're both talking about the same person.

12 A. I do.

13 Q. You and Case Agent 1 somehow went over the Woods  
14 file or the FISA application with the Woods file next to you  
15 and then you signed the form? Could you walk me through a little  
16 bit more specifically how that happened, how you came to finally  
17 sign the Woods form?

18 MR. BERGER: I need a clarification here, because we  
19 have to determine which FISA application he actually reviewed.  
20 The FISA application he actually reviewed is lost as far as  
21 the -- upon information and belief from the Bureau.

22 We have been shown subsequently what is represented to  
23 be a FISA application that was reconstructed by Case Agent No.  
24 1. We don't have any reliability that that reconstructed FISA  
25 application is the same one that ASAC [REDACTED] looked at at the

1 time of his Woods review.

2 So I'm reluctant to have him answer questions regarding  
3 that process, because he would need to have that FISA  
4 application in order to refresh his recollection.

5 MR. SOMERS: I'm just asking him a more general  
6 question about he signed the Woods form. The IG report  
7 describes that he and Case Agent 1 sat down and reviewed a FISA  
8 application and I'm guessing a Woods file and verified that all  
9 the facts that were in that FISA application were also in the  
10 Woods file, and I'm just asking him to kind of describe that  
11 interaction, that meeting or whatever it was, between he and  
12 Case Agent 1.

13 MR. BERGER: I understand.

14 [REDACTED]: Before he answers, can we go off and have a  
15 conversation?

16 MR. BERGER: Yes. I understand that, but I want to  
17 make one thing clear and that is that the FISA application that  
18 the OIG relied upon was the reconstructed -- I learned, we  
19 learned, was reconstructed, the reconstructed one and not the  
20 original one.

21 [REDACTED]: We need to make a correction for the  
22 record. The FISA application and the Woods file are two  
23 distinct things. There's no indication that I'm aware of that  
24 the FISA application has been lost.

25 I have been made aware that there is an issue with

1 respect to the Woods file. What we are talking about here, as  
2 I understand it, globally, is the first FISA application and  
3 the first FISA application only. That was one that this witness  
4 was involved in as far as I understand it.

5 MR. BAKER: So, [REDACTED], you're saying the FISA  
6 application itself is not at issue, but, Mr. Berger, you're  
7 saying that's been lost, the original one?

8 MR. BERGER: Yes. That is my understanding.

9 [REDACTED]: Let's go off.

10 [Counsel confer.]

11 [REDACTED]: Subject to any comments or corrections  
12 from co-counsel, what we're talking about here is the FISA  
13 application, the actual document that's filed with the court.  
14 That's the FISA application. That is not lost to my knowledge.  
15 That's not been misplaced to my knowledge. That is, I suspect,  
16 on file with the court, fully signed and executed and endorsed  
17 by the court.

18 What the witness was talking about and counsel was  
19 talking about is the Woods file itself, the original Woods file,  
20 is missing. A working draft, probably a final draft, of the  
21 FISA application which is now on file with the court would have  
22 been worked on by the witness, would have been reviewed between  
23 the witness and the case agent. They would have been looking  
24 at that final draft, working off of that to correlate it with  
25 the Woods file.

1           The witness', I believe, understanding now is that that  
2 final draft that they used during the Woodsing process along  
3 with the Woods file has been misplaced or lost.

4           Any corrections?

5           ██████████: I think that's the clarification of what  
6 actually may be missing.

7           ██████████: So it's the final draft that the witness  
8 looked at that's missing.

9           Is that your understanding?

10          THE WITNESS: Yes.

11          MR. BAKER: Okay.

12          THE WITNESS: What I understand is the final draft as  
13 well as the supporting document.

14          BY MR. BAKER:

15           Q.       And that would have been the exact copy of  
16 whatever that you looked at to do whatever you do before you  
17 sign?

18           A.       Yes.

19           Q.       And that's missing?

20           A.       Yes, sir.

21           Q.       I would be curious and Mr. Somers can enhance  
22 this, but in just general terms, for any FISA where you, as an  
23 SSA, are working with a case agent, what does the SSA do, I guess,  
24 after the agent does something?

25                   What is it that each of you are doing to that Woods file?

1 Are you going back through it to look at everything line for  
2 line that the case agent did or are you, as the supervisor,  
3 making sure he did that or some summary of that?

4  
5 I'm just curious what the difference in  
6 responsibilities is.

7 A. Per policy, the obligation of the squad  
8 supervisor at that time is to look at the -- take that draft  
9 application that we now know is missing. The case agent has  
10 already either highlighted or underlined facts in that  
11 application. They're usually tabbed and with numbers, and then  
12 there is supporting documentation to each one of those facts;  
13 and in that supporting documentation, it will also be underlined  
14 or highlighted in tabs with regard to how it links back to that  
15 draft application.

16 Q. What would qualify as acceptable supporting  
17 documentation, just any example you can think of?

18 I mean, you made an assertion in the application.  
19 You're looking to put something in the Woods file that supports  
20 that assertion. Would it be like a 302 or some sort of other  
21 document?

22 A. Sure. 302s, ECs, tech cuts.

23 Q. You're looking, you and your case agent, you're  
24 looking to see that there is such documentation; you're not  
25 diving into the documentation to see if it's true or doing a  
26 separate investigation --

1 A. Correct.

2 Q. -- into what resulted in that being generated  
3 in the first place?

4 A. At that point in the review, by policy and by  
5 obligation, it was just to ensure that there was that fact there.

6 Q. So are you looking, as the SSA, are you looking  
7 at exactly what your agent did and just redoing that or are you  
8 doing something together?

9 What is the result -- what happens to result in a finding  
10 that this documentation is in our Woods file, we'd done this  
11 task and we can move to something else? What do you both come  
12 to agreement on that that's been done?

13 A. I've done it a few ways and it is done in a few  
14 ways. Sometimes you're sitting with the agent. Sometimes the  
15 agent prepares it in advance and brings it into your office and  
16 you review it on your own. You're looking for that one-to-one  
17 correlation, and then once that's complete, you sign the Woods  
18 verification form.

19 Q. And if you have a question, you can go back to  
20 your agent and say, you know, I don't understand why you're  
21 saying this supports this; you might have a difference of  
22 opinion whether something is in there or not at a big level or,  
23 at a more micro level, whether what's in there really supports  
24 what the assertion in the application is and you could go back  
25 to your agent for clarification and you have that back and forth?

1 A. That's the practice and policy, yes, sir.

2 MR. BAKER: Thank you.

3 BY MR. SOMERS:

4 Q. So do you recall how you did it in this case,  
5 the first Carter Page FISA application?

6 A. It was four years ago. I'll say that, but I  
7 don't remember it being different than any other FISA I've done.

8 Q. So you sat down with Case Agent 1 and went over  
9 the Woods file and a Carter Page FISA application?

10 A. What I know is I believe I signed it at eight,  
11 nine o'clock at night. That's what I remember. I was there  
12 late, and I know this was no different than any other Woods  
13 verification that I've done.

14 Q. Now, we had some discussion about versions of  
15 the Carter Page FISA application. Do you have any reason to  
16 believe the version that you ran through the Woods process, that  
17 you just walked us through, was substantially different than  
18 the version that was filed with the court?

19 MR. BERGER: I'm going to direct him not to answer that.  
20 We don't have enough evidence to judge the reliability of the  
21 reconstructed application that he was shown.

22 [REDACTED]: I think we need to huddle up again.

23 [Counsel confer and discussion off the record.]

24

25 BY MR. SOMERS:



1 Q. Before I go back to the last question we were  
2 asking, just a point of clarification on everything: You only  
3 signed the Woods form on the initial Carter Page FISA  
4 application?

5 A. That is correct.

6 Q. Did you do any work on the second -- the first,  
7 second, or third Carter Page FISA application renewals?

8 A. No.

9 Q. Okay. Back to -- so if I refer to a Carter Page  
10 FISA application, I'll be referring to the initial Carter Page  
11 FISA application. If I want to talk about one of the renewals,  
12 I'll specifically say "renewal".

13 Getting back to doing the Woods process for the FISA  
14 application, the first FISA application, I just basically want  
15 to understand. You and Case Agent 1 sat down at some point in  
16 time with the FISA application and the Woods file and verified  
17 that the allegations -- and you can rephrase this -- that were  
18 in the FISA application were supported by documents in the Woods  
19 file; is that correct?

20 A. That's my recollection.

21 Q. And at the end of that, was it a meeting? Did  
22 you guys sit down together?

23 A. He was in a bullpen. I was in an office. He  
24 was working late at night and I was in my office. So we worked  
25 together in the same SCIF.

1 Q. So you could ask him a question if you had a  
2 question?

3 A. Yes, sir.

4 Q. But you did the reviewing on your own?

5 A. I did.

6 Q. Did you ask him any questions? I'm not asking  
7 what they were, but do you think you asked him any questions?

8 A. I don't remember.

9 Q. So at the end of that review, you then signed  
10 the Woods form?

11 A. Yes.

12 Q. And his signature was already on the Woods form?

13 A. Yes.

14 Q. Now, I asked you at the beginning if you had  
15 reviewed the IG report. As part of your review -- and you said  
16 yes. As part of your review of the IG report, did you  
17 review -- there's an appendix at the end of the report that has  
18 50 or so errors in the Woods process for the Carter Page FISA  
19 application that the IG identified.

20 Did you review that at all?

21 MR. BERGER: You can answer whether you reviewed it.

22 THE WITNESS: I reviewed it.

23 BY MR. SOMERS:

24 Q. Do you agree with the IG's findings?

25 MR. BERGER: I'm going to direct him not to answer

1 because we don't have the original Woods file and the original  
2 FISA application that he reviewed in the Woods process, and  
3 whatever he was shown by the OIG is a reconstructed document  
4 and there's no reliability that it accurately portrays and  
5 represents what he looked at in the original process.

6 So he's not going to answer that.

7 BY MR. SOMERS:

8 Q. Do you have any reason to believe that the FISA  
9 application that you reviewed as part of this Woods review that  
10 we just discussed was substantially different than that FISA  
11 application that was submitted to the court?

12 MR. BERGER: I'm going to direct him not to answer that.

13 BY MR. SOMERS:

14 Q. Are you saying that it's possible that you  
15 reviewed a substantially different FISA application than what  
16 was submitted to the court?

17 MR. BERGER: When you say "reviewed", are you talking  
18 about when he was with -- reviewed by virtue of the OIG?

19 MR. SOMERS: No. I'm talking about when he sat down  
20 with the case agent or when he sat down in his office, Case Agent  
21 1 presents him with the FISA application, a FISA application,  
22 and a Woods file and he reviewed the Woods file and FISA  
23 application. What I'm asking is does he have any reason to  
24 believe that the FISA application he was given to review for  
25 the Woods process was substantially different than the

1 application that was ultimately submitted to the court.

2 MR. BERGER: I'm going to direct him not to answer that.  
3 He's not in a position to do so, because he does not have the  
4 original to review and he has no basis to make a comparison.

5 He's a fact witness. He's not here to give expert  
6 opinion and he has no basis for comparison. I'm going to direct  
7 him not to answer.

8 BY MR. BAKER:

9 Q. Did you, if you recall, after reviewing the IG  
10 report make a statement to the effect that you believed you  
11 and/or others involved with the case, that their performance  
12 should be evaluated in the totality of the responsibilities that  
13 they had in the overall investigation and that the Carter Page  
14 aspect was a very small slice or a portion of it?

15 MR. BERGER: I'm sorry. Could you repeat the  
16 question? I'm sorry.

17 BY MR. BAKER:

18 Q. Were there other things that you did as an SSA  
19 on the case that were not necessarily related to Carter Page  
20 that were not taken into account or that you felt were not taken  
21 into account in the IG report?

22 A. Yes.

23 Q. Could you elaborate on what they were?

24 A. Sure. I was in charge of investigations and  
25 operations throughout the Carter Page. FISA was one component

1 of what I was responsible for.

2 Just generally at the time in the summer of the 2016,  
3 I was trying to work the Crossfire Hurricane investigation, also  
4 looking at the threat from Russia, maligned foreign influence.  
5 I was given a monumental task of evaluating a lot of information  
6 that was coming in from indirect streams and trying to evaluate  
7 what is relevant for our information and what is not, which is  
8 constant work in that manner.

9 Q. Were you also, as the SSA, were you burdened,  
10 for lack of a better word, with administrative duties like  
11 evaluating the agents and other employees below you? Were you  
12 doing performance plans? Were you dealing with the routine  
13 things that go with being a supervisor that don't relate to the  
14 investigation per se?

15 A. Absolutely, sir. I still conducted the  
16 evaluations of [REDACTED] agents that I had at Washington Field Office  
17 at the time. I was also responsible -- I was the program  
18 coordinator for [REDACTED], and we have  
19 an integrated program management process in the Bureau that is  
20 a yearly process.

21 We examine threats and the AOR. I was heavily involved  
22 in that, firearms qualifications to physical readiness tests.

23 We have a lot of other duties administratively as well  
24 as a supervisor, whether it's parking passes for people at  
25 Headquarters, T.R. numbers for travel. There's a lot of

1 additional work.

2 Q. Were you still doing things for your desk at  
3 Washington Field even though, I'm assuming, somebody stepped  
4 up or was put in there to cover the desk while you were on your  
5 TDY, but were you still answering questions from that person?

6 You mentioned some sort of AOR reporting. Were you  
7 still kind of doing that desk as well or were you completely  
8 divorced of that while you were TDY to work at Headquarters?

9 A. I have a lot of ownership on my squad. We had  
10 a primary relief who was very capable. He ran the day-to-day  
11 operations we had.

12 There are some things that you can't leave to an acting  
13 supervisor, to include performance reviews. That was solely  
14 on my watch for that fiscal year as well as, like I said, the  
15 TRB process. At times, if there was a major decision for him,  
16 he would consult with me.

17 Q. So you're still doing the evaluations and maybe  
18 some administrative stuff for your Washington Field desk, but  
19 you're also doing the same kind of administrative things in your  
20 Crossfire Hurricane desk?

21 A. That's accurate.

22 Q. And how many people were on your squad or however  
23 you broke it down at Headquarters; how many people were under  
24 you as the SSA?

25 A. It was myself and four other agents.

1 Q. And did you have support employees as well?

2 A. We had an SOS assigned to that.

3 Q. And SOS is what?

4 A. Staff Operations Specialist. It's more of a  
5 tactical analyst.

6 Q. Then you as the SSA, who did you answer to?

7 A. Peter Strzok.

8 Q. And he was, what, a section chief at the time?

9 A. He was a section chief and later promoted to  
10 deputy assistant director.

11 MR. BAKER: Okay. Thank you.

12 BY MR. SOMERS:

13 Q. Did you ever read the initial FISA application  
14 that was submitted to the court before you rotated off Crossfire  
15 Hurricane?

16 A. I believe so, yes.

17 Q. So you read the one that was submitted to the  
18 court?

19 A. I don't remember going back and reading the one  
20 that was signed by the court.

21 Q. Well, the one that was signed by the director  
22 and deputy attorney general, did you read that application?

23 [Witness confers with counsel.]

24 THE WITNESS: I don't remember.

25 BY MR. SOMERS:

1 Q. I asked you about the -- and we'll move a little  
2 bit past the Woods process questions. I had asked you the 50  
3 or so Woods errors that the IG identified as an appendix to the  
4 report. The bulk of the report is about 17 errors, significant  
5 errors and omissions identified by the IG.

6 Are you familiar -- have you read the report and are  
7 you familiar generally with those 17 errors or omissions?

8 A. I have generally.

9 MR. BERGER: Wait, wait, wait.

10 When you say familiar with the 17 errors, you mean  
11 familiar with what's reported by the OIG as 17 errors?

12 MR. SOMERS: Yes.

13 MR. BERGER: You can answer that.

14 BY MR. SOMERS:

15 Q. As reported by the IG?

16 A. As reported by IG.

17 Q. Do you have any issues with any of those 17  
18 errors and omissions?

19 MR. BERGER: I'm going to direct him not to answer for  
20 the reasons I articulated already. He's not in a position to  
21 make such an assessment without a review of that original FISA  
22 application. He doesn't have enough knowledge and we don't  
23 have any reliability with respect to the reconstructed  
24 application.

25 He can't answer that. He doesn't have the document he



1 looked at. He cannot make an assessment as to whether the  
2 OIG-reported deficiencies is accurate.

3 MR. SOMERS: Because, I mean, he can't testify about  
4 whether it was substantially different. So you're objecting  
5 that this document could have been so substantially different  
6 than what was actually submitted to the court, that he can make  
7 no representation as to whether he has issues with any of the  
8 17 errors or omissions?

9 MR. BERGER: Yeah. Those 17 alleged errors are due to  
10 allegations that there may have been no document to support a  
11 material fact or maybe there was a document and the document  
12 did not support a material fact, and the case agent's position  
13 and duty was to alert a supervisor such as [REDACTED] as to  
14 what those material facts are, the language in the draft.

15 We don't know what he omitted, and so I cannot attribute  
16 any alleged deficiencies to [REDACTED] [REDACTED] without looking at that  
17 original document that he looked at. It's impossible. He  
18 could be looking -- he was looking at a reconstructed item that  
19 may have more alerts than the original one for all I know. I  
20 have no idea.

21 MR. SOMERS: But we're told the Woods file was  
22 reconstructed, not the FISA application.

23 MR. BERGER: Well, there was the draft that he looked  
24 at. There's a draft of that application that he looked at that  
25 the case agent, as I understand it, would have made certain

1 notations and flagged for him to look at so that he could  
2 determine independently de novo whether there was a document  
3 in the Woods file to support it.

4 I have no idea whether those flags or notations existed  
5 in that original file. It was reconstructed.

6 MR. BAKER: When you say "reconstructed", what does  
7 that mean?

8 MR. BERGER: Well, what I mean by that, and you can't  
9 attest to whether the line-by-line text was reconstructed, but  
10 the concern is that, according to policy, it was the role and  
11 duty of the case agent to alert anyone reviewing that file, a  
12 supervisor, to any facts that are material such that they need  
13 to be correlated to a document.

14 So the case agent will flag a material fact either by  
15 underlining it or notating it somehow or putting a number next  
16 to it, and that alerts the supervisor that, Oh, this is -- he  
17 can read it line by line and alerts the supervisor that, Oh,  
18 this is a material fact that the case agent is pointing out to  
19 me for a policy that I have to then determine whether there is  
20 a corresponding document or evidence to support it.

21 So if we have what is reconstructed and it has a series  
22 of those alerts, one through a hundred, let's say, Alert 27,  
23 address, Alert 26, whatever it might be, what we don't know is  
24 whether those alerts that existed on the reconstructed one were  
25 the same alerts that were on the original document that the

1 supervisor reviewed so that if there wasn't an alert with  
2 respect to a fact, he wouldn't necessarily be on notice that  
3 he's to look for a document.

4 So OIG concludes that he didn't look for a document.  
5 Well, we don't necessarily know that he was on notice that he  
6 had to look for a document.

7 So we don't have that original file and that's what  
8 creates the problem here, because at the heart of this entire  
9 matter and personnel law is notice. Right? Notice, what is  
10 expected of him.

11 You're demanding an accounting. How is he to know what  
12 he's supposed to do unless he's told per policy what he's  
13 supposed to look at? We don't know what that original file  
14 alerted him to.

15 So I'm reluctant to have him answer those questions.

16 MR. BAKER: I'm still confused who this reconstructed  
17 one, who reconstructed it. Did he go back in and redo it?

18 MR. BERGER: We learned and I believe I learned and we  
19 learned on Sunday, August 24th that the file that the OIG relied  
20 on and the file that we were being shown by the Bureau of Internal  
21 Affairs Unit was reconstructed by the case agent. There is a  
22 note in the file indicating that it was reconstructed from the  
23 original file on May 18, 2018, and where is the original file?  
24 We asked. No one knows. That's the one we want to look at.

25 MR. BAKER: So it was reconstructed from the original

1 file?

2 MR. BERGER: There is a note. It's a non-sworn note  
3 saying this file was reconstructed from an original file.  
4 That's what it says in so many words, the same for Renewal No.  
5 1, by the way, which is not involved here, but they run into  
6 the same problem.

7 The thing is it was reconstructed. So it really is a  
8 hearsay document. So we have Case Agent No. 1 who is saying  
9 this is what the original document says and we're supposed to  
10 accept that as hearsay with no reliability factor whatsoever.

11 MR. BAKER: I understand the evidentiary problem.  
12 What I don't get is why is somebody reconstructing something  
13 from the original when you have the original?

14 MR. BERGER: That is a mystery that is yet to be  
15 resolved.

16 BY MR. SOMERS:

17 Q. The original -- the Woods file you reviewed in  
18 this process that I said that we're going to move away from,  
19 now we're back on, was that a hard copy or were you looking on  
20 a computer?

21 A. It was a hard copy.

22 Q. Was it a binder?

23 A. I don't recall how it was.

24 Q. Was it a thick document? A thin document, to  
25 best of your recollection?

1           If you don't remember, that's fine too?

2           A.       I don't remember.

3 BY MR. BAKER:

4           Q.       Just a general question, not specific to this  
5 particular case: You indicated earlier you've had various  
6 training. You had the Virtual Academy and you did a tour or  
7 a couple of tours as an assistant inspector, going out and doing  
8 Woods file audits.

9                   Do you recall, to best of your recollection, are  
10 there -- because of the ex parte nature of this whole process,  
11 are there errors that are just prone to come up in these  
12 investigations because there's so many people in it and you're  
13 pulling information from so many different places?

14           Are a lot of these errors common in these investigations  
15 or it's all over the board and you don't have an opinion on it?

16           MR. BERGER: I'm going to direct him not to answer that.

17           ██████████: I'm going to object to that speculation. If  
18 you're asking him based on his personal experience, that's fine.  
19 If you're asking him to speculate as to applications throughout  
20 the Bureau, I don't think that's --

21           MR. BAKER: I'm asking him his personal experience  
22 going around the Bureau as an assistant inspector doing these  
23 audits.

24           MR. BERGER: I'm going to direct him not to answer that  
25 question.

1 MR. BAKER: Okay.

2 BY MR. SOMERS:

3 Q. Hopefully the last Woods question, just this  
4 procedural question: I guess I'd ask procedurally and ask it  
5 specifically to this Woods file. Is this something, this form,  
6 is it signed late in the process, like on the eve of an  
7 application going to the court or is it done earlier in the  
8 process, both generally and if you recall specifically in the  
9 Carter Page FISA application?

10 A. It's not always the eve. It's the days prior.  
11 In this case, it was, I believe, on the eve of it going to the  
12 court.

13 Q. I think we have a few minutes left here. So  
14 let's move on from that, from the whole Woods thing.

15  
16 You testified in the beginning, you came onto the  
17 investigation about July 29th and you testified that George  
18 Papadopolous was part of the predicate for opening Crossfire  
19 Hurricane, his interactions. What was your understanding of  
20 who George Papadopolous was in those early days of the Crossfire  
21 Hurricane investigation?

22 A. On the 29th, I did not know who he was. I later  
23 came to know that he was one of five individuals named as foreign  
24 policy advisors to then Republican Candidate Trump that was  
25 named in March 2016.

25 Q. And did you understand Carter Page was also on

1 that slate of individuals?

2 A. I learned later.

3 Q. How much later?

4 A. When his name was discussed as an individual to  
5 consider for predication for the Crossfire Hurricane case.

6 Q. How did that come up? How did Carter Page's  
7 name come up out of all the people associated with the Trump  
8 Campaign?

9 George Papadopolous obviously came up as the friendly  
10 foreign government information. How did you identify Carter  
11 Page as part of the investigation?

12 A. The process for identifying individuals to  
13 predicate, we stuck to that original predication that I  
14 mentioned that we received from the friendly foreign  
15 government. We were looking at individuals that were on the  
16 Trump team, direct quote, from that friendly foreign government  
17 as well as could reasonably be in a position to receive a  
18 suggestion from the Russians.

19 In particular, the Carter Page, he was clearly one of  
20 the five named foreign policy advisors for then Candidate Trump  
21 and it became known that he was a subject of a Russian foreign  
22 counterintelligence contact case out of New York at the time,  
23 and based on that, that's how I remember his name coming up.

24 BY MR. BAKER:

25 Q. What does a "contact case" mean?

1           A.       Contact case means there is an individual that  
2 has ongoing continued contact with a -- this is very broad here  
3 in the unclassified setting -- a Russian diplomat that's already  
4 under investigation.

5 BY MR. SOMERS:

6           Q.       As you're looking at Carter Page and George  
7 Papadopolous, did you dig into what their roles were, what their  
8 affiliations were with the campaign?

9           A.       I did not do that.

10          Q.       Did the team do that?

11          A.       We had an intelligence cadre that was looking  
12 at very broadly who they were, identifying them fully.

13          Q.       There were four individuals that Crossfire  
14 cases were opened on: Paul Manafort, Michael Flynn, Carter  
15 Page, George Papadopolous. Your responsibility on Crossfire  
16 Hurricane, were you working on all four of those cases or were  
17 you working on some of them in particular?

18          A.       Working on all four of those.

19          Q.       What was -- I'm just trying to maybe get through  
20 it quickly here. What were the meetings like in Crossfire  
21 Hurricane?

22                 We've interviewed a number of different witnesses and  
23 they were involved in different meetings. So there were some  
24 very broad meetings with people who have testified, we've heard  
25 testimony from, that involved the director and there were more



1 narrow meetings that involved probably the team.

2 Can you kind of take us through the range of meetings  
3 you were involved in and starting with -- well, start at the  
4 highest level. Were you involved with meetings with Director  
5 Comey?

6 A. No.

7 Q. So you never met with Director Comey about  
8 Crossfire Hurricane?

9 A. I'll consult with counsel real quick.

10 [Witness confers with counsel.]

11 THE WITNESS: I spoke to Director Comey after I  
12 interviewed Michael Flynn.

13 BY MR. SOMERS:

14 Q. After you interviewed Michael Flynn, but were  
15 never like in general -- you were never in a general Crossfire  
16 Hurricane meeting with Director Comey?

17 A. I was not.

18 Q. Same question for Andy McCabe.

19 A. I believe I briefed Andy McCabe three times.

20 Q. And was that one on one or with other people in  
21 the room?

22 A. There were other people in the room.

23 Q. What, generally, did you brief him on?

24 MR. BERGER: Hold on one second.

25 [Mr. Berger confers with the witness.]

1 THE WITNESS: So I briefed him on the progress of  
2 Crossfire Hurricane cases.

3 BY MR. SOMERS:

4 Q. All three times was the progress?

5 A. Correct.

6 Q. Do you recall approximately when these three  
7 briefings occurred?

8 A. I do. I won't have the exact dates for you.

9 Q. I know.

10 A. One was towards the end of August 2016. This  
11 one I remember, was November 10, 2016.

12 January 24, 2017.

13 BY MR. BAKER:

14 Q. Did Mr. Strzok go with you to these meetings as  
15 your section chief?

16 A. He did.

17 Q. For all of them?

18 A. For all of them.

19 BY MR. SOMERS:

20 Q. You said you recall specifically one was  
21 November 10th. Why do you recall November 10th?

22 A. Just a date that I remember.

23 Q. There's nothing specific about the meeting  
24 that --

25 A. No, other than we were providing him with the

1 first real -- you know, obviously, I provided him the update  
2 in August, but we now had more than 90 days on the investigation  
3 and there was a lot to brief him on.

4 Q. Jim Baker?

5 A. He was in all three of those meetings that I  
6 mentioned.

7 Q. Patricia Anderson?

8 A. I don't remember meeting her.

9 Q. Was Bill Priestap at these meetings?

10 A. He was at at least two of them.

11 Q. Now we're getting to -- so these meetings, these  
12 were group meetings?

13 Sort of people like Peter Strzok, was he in these three  
14 meetings?

15 A. He was.

16 Q. Jonathan Moffa, was he in these meetings?

17 A. He was.

18 Q. Lisa Page?

19 A. Yes.

20 Q. Was Case Agent 1 in these meetings?

21 A. No.

22 Q. Were you the lowest ranking official in these  
23 meetings?

24 A. Yes.

25 Q. Was the unit chief from the General Counsel's

1 Office that worked on this case, was she in these meetings?

2 A. She may have been in the first one.

3 Q. Was anyone from DOJ in these meetings?

4 A. I don't know.

5 Q. Did you ever have a meeting with officials from  
6 DOJ about Crossfire Hurricane or take part in a meeting?

7 A. Yes.

8 Q. How frequently?

9 A. I mean at a certain point, there were -- they  
10 were there all the time at least into October. We met with them  
11 very frequently.

12 Q. Are these progress meetings like the McCabe  
13 meeting or are these more specific meetings about a specific  
14 topic?

15 A. In October of 2016, we initiated  
16 counterintelligence and cyber meetings where we were -- both  
17 divisions were briefing on the overall Russian threat. I was  
18 providing Crossfire Hurricane updates and progress and DOJ  
19 attended those meetings.

20 Q. Who was the -- like you're briefing. You're  
21 briefing someone in particular or are you briefing all of these  
22 components?

23 A. In particular, the assistant directors of  
24 counterintelligence and cyber division and whoever they thought  
25 was appropriate, had a need to know, a need to collaborate and

1 share information. They invited staff, section chiefs, DADs  
2 and such.

3 Q. How many people, roughly, would be in a meeting  
4 like this?

5 A. Fifteen.

6 Q. I'm sorry. Fifteen?

7 A. Fifteen.

8 Q. Do you recall who at DOJ was attending these  
9 meetings?

10 A. I didn't know any of their names.

11 Q. The National Security Division?

12 A. Yes. The National Security Division  
13 representatives.

14 Q. Okay. Were there smaller meetings about  
15 Crossfire Hurricane? Were you briefing -- how frequently did  
16 you brief Peter Strzok, for instance, on Crossfire Hurricane?

17 A. I briefed Peter Strzok daily on Crossfire  
18 Hurricane. We had a standing meeting, the smaller team of  
19 agents that were under my control as well as our intelligence  
20 counterparts, Monday, Wednesday, Friday at nine o'clock for the  
21 duration of my TDY. I chaired all of those meetings.

22 Q. And that's with the team?

23 A. That was with the team.

24 Q. Did Lisa Page attend those meetings?

25 A. At times, Lisa Page would.

1 Q. Now, you mentioned Peter Strzok started off as  
2 the section chief. He was elevated to the deputy assistant  
3 director.

4 When that elevation occurred, and you can read in the  
5 IG report, there doesn't seem too much reference to a section  
6 chief stepping in. Was there a section chief between you and  
7 Peter Strzok involved in the investigation?

8 A. No.

9 Q. A unit chief?

10 A. No.

11 BY MR. BAKER:

12 Q. So your next report in that scenario was to a  
13 deputy assistant director, Peter Strzok?

14 A. That's correct.

15 Q. And did you have meetings, just you and the squad  
16 you supervised? For lack of a better way, I said squad, but  
17 the folks you had underneath, did you hold meetings with them  
18 just to go over progress of your specific unit that you  
19 supervised?

20 A. That was the point of the nine o'clock meeting.

21 Q. Oh, that was the nine o'clock meeting?

22 A. Monday, Wednesday, Friday, and then ad hoc as  
23 needed to share information or updates came in.

24 BY MR. SOMERS:

25 Q. So how many people were you supervising in

1 these -- on the Crossfire Hurricane team?

2 A. Four agents.

3 Q. Four agents and then Jonathan Moffa was  
4 supervising the analysts; is that correct?

5 Or did you supervise the analysts?

6 A. I did not supervise the analysts. There was an  
7 SIA, a senior intelligence analyst, assigned under Jonathan  
8 Moffa that was responsible for the supervision of analysts.

9 Q. So you were roughly on equal levels, then, with  
10 the supervisory intel analyst?

11 A. He was my counterpart.

12 Q. Do you recall how many analysts he had working  
13 for him?

14 A. I don't. He had some that were in our SCIF and  
15 some were not.

16 Q. So then he reported to Jonathan Moffa; is that  
17 correct?

18 A. That is correct.

19 Q. And you reported to Peter Strzok?

20 A. That is correct.

21 MR. SOMERS: I think, although we had some  
22 interruptions, I think this would probably be a good time to  
23 break for our first hour.

24 MS. ZDEB: We'll take about a five-minute break.

25 [Whereupon, at 11:31 a.m., a recess was taken,

1 reconvening at 11:48 a.m.]

2 MS. ZDEB: It is 11:48. We are back on the record.

3 EXAMINATION BY THE MINORITY

4 BY MS. ZDEB:

5 Q. [REDACTED], thank you for being here. We  
6 introduced ourselves, but just as a reminder, my name is Sarah  
7 Zdeb. I'm counsel along with Joe Charlet for Ranking Member  
8 Feinstein and we're following up on some of the questions that  
9 our colleagues with the Majority have asked you.

10 So I take it you cooperated with the Office of Inspector  
11 General in his investigation?

12 A. I did.

13 Q. Were you interviewed as part of his  
14 investigation?

15 A. I was.

16 Q. Once? Multiple times?

17 A. Multiple times.

18 Q. And just as a ballpark, can you give us a sense  
19 of how long in total those multiple times took?

20 A. It was six times over thirty hours.

21 Q. Did you or, to your knowledge, the FBI or Justice  
22 Department provide documents to the Inspector General's Office?

23 A. I'm assuming they did, because they represented  
24 it to me.

25 Q. Did the OIG ever complain that it needed more



1 information from you?

2 A. I don't think so.

3 Q. I assume that you provided complete, truthful  
4 answers to the Inspector General's Office over the course of  
5 the six interviews.

6 A. Always.

7 Q. In addition to your six interviews with OIG, you  
8 were, I believe, also interviewed by the Office of Special  
9 Counsel or the Special Counsel's Office over the phone in  
10 January of 2018. Did you provide complete, truthful answers  
11 to the Special Counsel's Office?

12 A. Yes.

13 Q. And have you reviewed the 302 document in your  
14 interview?

15 I can -- I should take a step back. I'm not sure if  
16 there was one interview or multiple interviews.

17 MR. BERGER: I would just like to talk to my client off  
18 line for a moment.

19 MS. ZDEB: Okay.

20 [Mr. Berger confers with the witness.]

21 THE WITNESS: Could you repeat that question?

22 BY MS. ZDEB:

23 Q. Sure. So you were interviewed by Special  
24 Counsel's Office in January of 2018, and my question had,  
25 simply, been whether you provided complete, truthful responses

1 when interviewed by the Special Counsel's Office.

2 MR. BERGER: You can answer.

3 THE WITNESS: Yes.

4 BY MS. ZDEB:

5 Q. Have you had an opportunity to review the 302  
6 that was created from that interview?

7 A. I have not.

8 Q. So you talked a bit before the break about the  
9 decision to open Crossfire Hurricane, the friendly foreign  
10 government information, and the trip that you took shortly after  
11 the investigation was opened in order to interview the source  
12 of that information.

13 MR. BERGER: Can we just take a moment to make one point  
14 of clarification on the opening?

15 So I thank you for bringing that up.

16 THE WITNESS: Yeah. Earlier, I was asked or it was  
17 stated you opened the Crossfire Hurricane investigation. I  
18 just wanted to make clear I did not open the Crossfire Hurricane  
19 investigation.

20 MR. BERGER: You can explain who did.

21 THE WITNESS: Peter Strzok, as I'm sure you know, wrote  
22 the opening communication, just for clarification.

23 BY MS. ZDEB:

24 Q. And it was Bill Priestap who signed off on  
25 opening Crossfire Hurricane?

1 A. I don't know, ma'am.

2 Q. So you had discussed a bit your understanding  
3 at the time that a friendly foreign government had indicated  
4 that George Papadopolous had learned that Russia had damaging  
5 information on Hillary Clinton and planned to release it, and  
6 I think you also characterized that as a threat to national  
7 security.

8 Could you elaborate on that a bit? Why did you find  
9 that to be a threat to national security?

10 A. I would think any time a foreign government is  
11 going to insert influence in our political process at any level  
12 is a threat to national security.

13 Q. So when this information is described as coming  
14 from a friendly foreign government, what does that term signify  
15 as a general matter? Does that mean that the government is a  
16 trusted ally? That it's an intelligence partner?

17 Could you elaborate on that a bit?

18 A. I would say it's a country that is not hostile  
19 to the United States, a country that we would be a partner with,  
20 an ally with, and we share intelligence information with.

21 Q. So, certainly, not a country that we would  
22 suspect to be fabricating information in order to harm the  
23 United States?

24 A. That's correct.

25 Q. So was the fact that the information came from

1 a friendly foreign government significant in terms of the  
2 credibility that you assigned to it, the seriousness with which  
3 the FBI took it?

4 A. I believe so.

5 Q. So the FBI, as you discussed earlier, first  
6 learned of the friendly foreign government information in late  
7 July 2016, but it was April of 2016 when George Papadopolous  
8 first learned that Russia was willing to release dirt on Hillary  
9 Clinton in the form of thousands of emails. I'm quoting the  
10 Mueller report there.

11 To your knowledge, did Papadopolous report Russia's  
12 apparent offer of help to the FBI when he first learned of it  
13 in April 2016?

14 A. State that question again. What was that last  
15 part there?

16 Q. To your knowledge, did George Papadopolous  
17 report Russia's apparent offer of help from Russia to the FBI  
18 when he first learned of it in April of 2016?

19 A. Not to my knowledge.

20 Q. And, to your knowledge, did he come forward to  
21 the FBI in July of 2016 when Wikileaks began doing what  
22 Papadopolous had been told Russia would do, in other words,  
23 releasing emails on Hillary Clinton?

24 A. Not to my knowledge.

25 Q. To your knowledge, did Papadopolous ever come

1 forward to report what he had been told regarding Russia's  
2 apparent willingness to help the Trump Campaign by releasing  
3 emails on Hillary Clinton?

4 A. Not to my knowledge.

5 Q. Would you agree that the fact that Papadopolous  
6 learned of Russia's willingness to help the Trump Campaign by  
7 releasing thousands of emails related to Hillary Clinton saw  
8 that release of emails that happened starting in January of 2016  
9 and still didn't come forward to report that to the FBI, would  
10 you agree that that raised a counterintelligence concern that  
11 the FBI should have investigated?

12 A. Yes.

13 Q. According to the Inspector General's report,  
14 the foreign official, the friendly foreign government official,  
15 who conveyed this information told the FBI that they weren't  
16 aware of who else Papadopolous may have informed about Russia's  
17 offer to help the Trump Campaign; is that accurate?

18 A. Where are you getting that? From my 302?

19 Q. That's on page 59 of the Inspector General's  
20 report.

21 A. I haven't -- not having that document in front  
22 of me and being able to know the source, I can't speak to that.

23 Q. Fair enough. To your knowledge, at the time the  
24 FBI learned of the friendly foreign government information, did  
25 you have any indication as to who, if anyone else, on the Trump

1 Campaign Papadopolous had conveyed Russia's offer of assistance  
2 to?

3 A. I don't think we did.

4 Q. And, in fact, wasn't that one of the goals of  
5 Crossfire Hurricane, was to determine who else may have known  
6 of this information?

7 A. That's correct.

8 Q. You said earlier that you have about 16 years  
9 of experience handling counterintelligence investigations.  
10 Is it accurate to say that when the FBI opened Crossfire  
11 Hurricane, there were essentially three possibilities?

12 The first possibility would have been that someone in  
13 the campaign was wittingly coordinating with Russia?

14 A. The first possibility is that possibility, yes.

15 Q. And another possibility could be that someone  
16 on the campaign was unwittingly coordinating with Russia; is  
17 that right?

18 A. That's fair.

19 Q. And then I suppose a third and final possibility  
20 would be that no one on the campaign was coordinating, either  
21 wittingly or unwittingly, with the Russians; is that right?

22 A. That is correct.

23 Q. And based on your experience handling  
24 counterintelligence investigations, will you agree that that  
25 is the norm at the outset of a counterintelligence

1 investigation; in other words, there might be witting  
2 cooperation, unwitting cooperation, or nothing at all?

3 A. In my experience and with all Bureau  
4 investigations, we remain objective and look at all of those  
5 perspectives.

6 Q. And the FBI's objective when it is conducting  
7 a counterintelligence investigation is to determine which of  
8 those three possibilities is the case?

9 A. Yes.

10 Q. As a general matter, in your 16 years of  
11 experience handling counterintelligence investigations, have  
12 you provided defensive briefings to U.S. persons in connection  
13 with counterintelligence investigations?

14 A. I have.

15 Q. Were you involved in any discussions or  
16 decisions in Crossfire Hurricane as to whether to provide a  
17 defensive briefing to either campaign or not?

18 A. I was not.

19 Q. Bill Priestap, and this is on page 55 of the  
20 Inspector General's report, told OIG that at the outset of  
21 Crossfire Hurricane, he considered whether to provide a  
22 defensive briefing to the Trump Campaign in lieu of opening a  
23 counterintelligence investigation and he decided not to, and  
24 I'm quoting here. He said had we provided a defensive briefing  
25 to someone on the Trump Campaign, we would have alerted the

1 campaign to what we were looking into, and if someone on the  
2 campaign was engaged with the Russians, he or she would very  
3 likely change his or her tactics or otherwise seek to cover up  
4 his or her activities, thereby preventing us from finding the  
5 truth. On the other hand, if no one on the Trump Campaign was  
6 working with Russians, an investigation could prove that.

7           Recognizing you don't have the report in front of you,  
8 based on the quote I just read, do you have -- and based on your  
9 experience providing defensive briefings, do you have a general  
10 understanding of what Mr. Priestap meant by that?

11           MR. BERGER: Can I?

12           [Mr. Berger confers with the witness.]

13           THE WITNESS: I understand what he was considering;  
14 however, I was not through my role part of any of those  
15 considerations or providing input and making decisions on that.

16 BY MS. ZDEB:

17           Q. Understood. Is it accurate to say as a general  
18 matter that the FBI was concerned that a defensive briefing  
19 might tip off the Russians?

20           MR. BERGER: Hold on.

21           [Mr. Berger confers with the witness.]

22           THE WITNESS: It's speculation. I wasn't part of  
23 those discussions. So I can't speak to that, ma'am.

24 BY MS. ZDEB:

25           Q. Based on your experience providing defensive



1 briefings in other counterintelligence investigations, is it  
2 a relevant consideration for the FBI whether the Bureau can rule  
3 in or rule out witting participation by a U.S. person when it  
4 makes a decision about whether to provide a defensive briefing  
5 or not?

6 A. Ma'am, I can answer that question. My  
7 experience with defensive briefings have been for FBI employees  
8 that are traveling to another country, and that's the extent  
9 of my experience.

10 Q. Let me switch gears. Our committee held a  
11 six-hour hearing with Inspector General Horowitz in December  
12 of last year after he released his report and there were a number  
13 of allegations made during the course of that hearing and in  
14 subsequent hearings that we've had, but I'm going to ask you  
15 a series of questions about those allegations because we  
16 continue to hear them from people who, unlike yourself, don't  
17 have firsthand experience or knowledge actually working on the  
18 Crossfire Hurricane investigation.

19 So for starters, although the IG found no document or  
20 testimonial evidence of bias impacting the Bureau's work in  
21 Crossfire Hurricane, we have heard allegations that there was,  
22 quote, tons of evidence of bias. Did political bias impact any  
23 of your actions on Crossfire Hurricane?

24 A. Political bias impacted none of my actions on  
25 Crossfire --

1 Q. And -- I'm sorry.

2 A. On Crossfire Hurricane.

3 Q. Do you have any evidence that political bias  
4 otherwise impacted the FBI's work on Crossfire Hurricane?

5 A. No.

6 Q. It has been alleged the FBI, quote, engaged in  
7 a, quote, massive criminal conspiracy over time to defraud the  
8 FISA Court. Do you have evidence that the FBI engaged in a  
9 massive criminal conspiracy to defraud the FISA Court?

10 A. No.

11 Q. It has also been alleged that the FBI  
12 purposefully used the power of the Federal Government to wage  
13 a political war against a presidential candidate they despised.  
14 Do you have any evidence that the FBI purposely used the power  
15 of the Federal Government to wage a political war against then  
16 Candidate Trump?

17 A. No. If I would have detected that, I wouldn't  
18 have been a part of it.

19 Q. You personally have been accused of being,  
20 quote, in the middle of the most deep state corrupt and criminal  
21 actions. Do you have any evidence that Crossfire Hurricane was  
22 part of a deep state effort to take down Candidate or President  
23 Trump?

24 A. It did not happen. There's no evidence of that.

25 Q. And what's your response to the allegation that

1 you were in a middle of the most deep state effort to take down  
2 President Trump?

3 A. I am an FBI agent and I took an oath to this  
4 country. It's crushing to hear that.

5 Q. There have been allegations that Crossfire  
6 Hurricane was composed of, quote, people who hated Trump and  
7 who had, quote, an agenda to destroy him before he was elected  
8 and after he was elected. Is it correct that you, along with  
9 Peter Strzok and the individual referred to as the intel section  
10 chief, had a hand in selecting other members of the Crossfire  
11 Hurricane team?

12 A. Yes.

13 Q. And did you consider how those individuals felt  
14 about President Trump or then Candidate Trump when you were  
15 selecting them to serve on the Crossfire Hurricane team?

16 A. It was not a consideration.

17 Q. So you didn't consider political affiliation?

18 A. We did not.

19 Q. In fact, it would not have been proper for you  
20 to consider political affiliation when making decisions about  
21 who to staff on the case; is that right?

22 A. Correct. The men and women of the FBI are  
23 objective.

24 Q. So as you probably know and there's been some  
25 discussion of the Hatch Act recently, but as it relates to this

1 case, under the Hatch Act, FBI and Justice Department employees  
2 retain a right to express their opinions in an individual  
3 capacity privately and publicly on political subjects and  
4 candidates. So although FBI employees need to remain objective  
5 in the course of their professional duties, you're allowed to  
6 have and, in fact, you have a constitutional and a legal right  
7 to have personal political views. Right?

8 A. That's correct.

9 Q. And the only requirement is that those views not  
10 impact the job that you're doing?

11 A. As I understand it, yes.

12 Q. The OIG report describes steps that you and  
13 others on the Crossfire Hurricane team took to ensure that the  
14 investigation did not impact the 2016 election. So, for  
15 example, you told the Inspector General, and this is a quote  
16 from page 308 of the report, that one of the overriding concerns  
17 was keeping information about the investigation out of the  
18 public realm because the team did not want to impact the  
19 presidential election in any way.

20 Is that accurate?

21 A. That's very accurate.

22 Q. And why is it important to keep out of the public  
23 realm information about an investigation that could impact a  
24 presidential election?

25 A. All of our investigations should be

1 confidential. This one, due to the allegations we were looking  
2 at, we wanted to ensure that we did not in any way adversely  
3 affect the U.S. presidential election.

4 Q. Just to ask you about a couple of specific steps  
5 that the Crossfire Hurricane team took in order to make sure  
6 it wasn't impacting the election as they are described by the  
7 IG report, in addition to prioritizing keeping information out  
8 of the public domain, the IG report also describes how you  
9 avoided inserting confidential human sources into the Trump  
10 Campaign and for the purpose of gathering investigative  
11 information.

12 Is that correct?

13 A. That is correct.

14 Q. And, in fact, I believe you told the OIG that  
15 you declined to use a specific confidential human source who  
16 knew Candidate Trump and had been in contact with the candidate  
17 because, quote: This is not what we were looking to do. We  
18 were looking for information about the predicate, but didn't  
19 want it to be construed later as something other than what you  
20 were really after.

21 Can you elaborate on that a bit?

22 A. First, that's an accurate statement. We were  
23 examining our source base throughout the investigation, and on  
24 case-by-case basis, we were looking to determine what sources  
25 could help report on those initial allegations, full stop. We

1 were not looking for any other information other than could they  
2 help corroborate the initial allegation.

3 Q. And, in fact, I think you also told the OIG that  
4 if you had at some point received politically-sensitive  
5 information and recognized it for what it was, that your first  
6 call would have been to the FBI General Counsel to talk to them  
7 about how to handle it. Is that right?

8 A. That is absolutely correct.

9 Q. So, in general, is it fair to say that the  
10 Crossfire Hurricane team sought to avoid doing anything that  
11 could be construed, either then or now, as being political?

12 A. Yes.

13 Q. And why is that?

14 A. It's important that our work is objective and  
15 that we don't adversely affect the political process.

16 MS. ZDEB: I think that's all we have for this round.  
17 So it's a quarter after 12. We can go off the record.

18 [Discussion held off the record.]

19 MR. SOMERS: It's 12:15. We'll go back on the record.

20 FURTHER EXAMINATION BY THE MAJORITY

21 BY MR. SOMERS:

22 Q. Other than the Carter Page FISA warrant that was  
23 obtained, during your time on Crossfire Hurricane, did the FBI  
24 ever use or consider using other evidence-gathering techniques  
25 against Carter Page, like Title 3 warrants, national security

1 letters, pen registers, any of those techniques?

2 A. Yes.

3 Q. I'm sorry. I asked a compound question.

4 Did you use those techniques?

5 A. We used some of those techniques.

6 Q. Did you ever consider interviewing Carter Page?

7 A. I think it's always a consideration; however,  
8 we needed to run a full investigation first before we interview.

9 Q. So the decision was made not to interview Carter  
10 Page while you were on Crossfire Hurricane?

11 A. That is correct.

12 Q. Did you seek or did you ever consider seeking  
13 FISA coverage on George Papadopolous?

14 A. It was discussed.

15 Q. Did it ever move past discussion?

16 What do you mean by it was discussed, I guess is a better  
17 way to ask it.

18 A. Well, whenever you're doing any information,  
19 you talk about all investigative techniques that you have based  
20 on your approval or what kind of investigation you have. So  
21 I remember it being discussed by the team, but a FISA did not  
22 get initiated during my TDY.

23 Q. And Papadopolous was who the -- Crossfire  
24 Hurricane was opened predicated on information involving George  
25 Papadopolous specifically. What was the difference between

1 Carter Page, who you did seek FISA coverage on, and George  
2 Papadopolous, who you did not seek FISA coverage on despite the  
3 fact that Papadopolous was the individual named in the  
4 predicated information?

5 A. I don't remember. You would have to ask the  
6 attorneys that were evaluating the information we had for  
7 probable cause.

8 Q. So it was a probable cause consideration?

9 A. That, usually, the attorneys were calling the  
10 balls and strikes on that and that's what it would come down  
11 to.

12 Q. Would you have liked FISA coverage on George  
13 Papadopolous as an investigative matter?

14 A. Assuming that we had legal sufficiency to get  
15 there, yes.

16 BY MR. BAKER:

17 Q. Were there any other downsides? You said there  
18 were discussions about Papadopolous. Were there any other  
19 downsides by doing coverage on him other than lack of probable  
20 cause?

21 Was there any operational reason not to pursue probable  
22 cause for him?

23 [REDACTED]: Mr. Baker, to the extent that questions  
24 doesn't call for the discussion of attorney-client privileged  
25 information.



1 THE WITNESS: I don't know of any other than we,  
2 obviously, do have a discussion on using the least intrusive  
3 methods first, but I'm not aware of any other considerations.  
4 I don't remember any.

5 MR. BAKER: Okay.

6 BY MR. SOMERS:

7 Q. Were other evidence-gathering techniques used  
8 against Mr. Papadopolous, like Title 3 warrants, national  
9 security letters, or pen registers?

10 A. I believe so.

11 Q. Did you ever consider seeking, during your time  
12 on Crossfire Hurricane, FISA coverage on Michael Flynn?

13 A. I don't remember that.

14 Q. Did you consider using other evidence-gathering  
15 techniques like Title 3 warrants, national security letters,  
16 and pen registers against Michael Flynn?

17 A. Yes.

18 Q. Did you use them?

19 A. I don't remember. I would have to look in the  
20 file.

21 Q. Did you consider FISA coverage during your time  
22 on Crossfire Hurricane for Paul Manafort?

23 A. I think it was discussed.

24 Q. It was discussed. Do you know why it wasn't  
25 sought? Was it a probable cause thing or was it other --

1 A. I don't remember. I'm sorry.

2 Q. And the same question: Did you use other  
3 evidence-gathering techniques against Paul Manafort during  
4 your time on the Crossfire Hurricane investigation like Title  
5 3 warrants, national security letters, and pen registers?

6 A. Yes.

7 Q. So the Carter Page FISA application goes in on  
8 October 21, 2016. An investigation was open on July 31, 2016.  
9 What was going on in the investigation between July 31st and  
10 August 21st in terms of actual investigating of the four  
11 subjects?

12 I know that's a very broad question.

13 A. That is a very broad question.

14 Q. Let's start very broad and then we can take it  
15 more specifically.

16 A. Sure. We were examining our human source base  
17 and technical source base for human technical sources that could  
18 report on the predicate. Then, also, once we identified either  
19 helpful sources, sources that could support the investigation,  
20 worked on various operations using those sources to determine  
21 if the initial allegations were accurate or not.

22 Q. I'm not familiar with -- there's human source  
23 and what was the other? Tactical source? You referred to  
24 tactical course?

25 A. I don't know if I -- did I say "tactical source"?

1 Q. You referred to two -- I thought you referred  
2 to two sources, confidential human source and --

3 A. Okay. Technical source.

4 Q. Technical source.

5 [REDACTED]: Any further discussion of that is probably  
6 not appropriate in this setting.

7 THE WITNESS: Got it.

8 BY MR. SOMERS:

9 Q. So you were -- and that was for all four  
10 individuals, you were doing those types of investigations?

11 A. Yes, sir.

12 Q. In the last round, we spoke about, you know,  
13 trying to, I guess, draw a line between getting -- I'll let you  
14 rephrase, but let me put the question out there -- getting too  
15 close to the campaign itself and any campaign decisions, but  
16 at the same time, you needed to conduct an investigation that  
17 involved the campaign.

18 How did you draw that line between the two?

19 A. We were investigating individuals that happened  
20 to be members of the Trump team.

21 Q. But, necessarily, I would think in order -- you  
22 needed to figure out what people's roles were on the campaign.  
23 Right?

24 That's part of the investigation. Correct?

25 A. That's correct.

1 Q. And you needed to know whether these four  
2 individuals you had identified, some of them like Manafort  
3 probably more obviously, what their access level was to the  
4 campaign. Correct?

5 A. That's fair.

6 Q. I think one of the allegations in the Steele  
7 Dossier was that Paul Manafort was Carter Page's like conduit  
8 into the campaign. In order to figure out what Carter Page's  
9 role was in the campaign, were you talking to or trying to  
10 interview, talk to through the confidential human sources,  
11 people outside of those four individuals who were involved in  
12 the campaign?

13 A. Well, let me back up just to make it clear. The  
14 distinction between team and campaign, it didn't matter that  
15 he was part of the campaign. There are different connotations  
16 to being central to the Trump team. The fact that he was on  
17 the campaign was just the fact that he was on the campaign, and  
18 we were able to establish that through the open source.

19 Q. Were you talking to other individuals on or  
20 associated with the campaign in order to figure out what Carter  
21 Page's role was on the campaign?

22 A. I don't remember doing so.

23 Q. Do you think that it's possible you drew -- I  
24 mean, how do you -- the allegation is Carter Page -- again, I'll  
25 let you rephrase the allegation if I phrase it incorrectly.

1           The allegation is Carter Page is possibly a conduit for  
2 taking information from Russia and feeding it to the Trump  
3 Campaign. I guess I'm trying to figure out how do you assess  
4 whether Carter Page actually had that access to the Trump  
5 Campaign to be this conduit?

6           A.       I'd have to think about that for a minute, how  
7 to answer that.

8           Q.       That's fine.

9           A.       I think one of the techniques that we ended up  
10 using was consensual monitoring with a source. So it's an  
11 opportunity for him to speak freely and be challenged on these  
12 subjects and see how he responds.

13          Q.       Is that generally a good investigative  
14 technique or a reliable investigative technique using  
15 confidential human sources?

16          A.       It is.

17          Q.       Did you use confidential human sources to speak  
18 to others on the campaign, other than the four targets, in order  
19 to assess their roles on the campaign?

20          A.       We used the confidential human source to talk  
21 to another individual on the Trump team in an effort to determine  
22 if they would be a subject and they would have either been on  
23 the team or would be in a position to reasonably receive that  
24 suggestion from the Russians.

25          Q.       What did you learn based on that strategy?

1           A.       We learned that that individual was not somebody  
2 we would predicate.

3           Q.       Did that individual have any information on  
4 Carter Page and his access to the campaign or George  
5 Papadopolous and his access to the campaign?

6           A.       As I sit here today, I don't remember.

7           Q.       Would that have been something you would have  
8 tasked a human source with asking?

9           A.       We wouldn't have necessarily asked specifically  
10 about the campaign. We're splitting hairs on this, but I think  
11 it's an important distinction.

12                    We would be looking for, again, any information that  
13 would indicate that he had been or had received that suggestion  
14 from the Russians.

15           Q.       Let's take George Papadopolous. There was no  
16 FISA warrant on him. So the confidential human source, we have  
17 transcripts of his interaction with confidential human sources,  
18 but what I'm trying to understand is that's, obviously, direct  
19 contact with George Papadopolous which could be valuable; but  
20 what I'm trying to understand is what else you would have done  
21 to see what George Papadopolous -- in order for him to give  
22 information -- he could be a Russian agent, but might have no  
23 access to the campaign or the team or however you want  
24 characterize it. I'm trying to understand what type of steps  
25 did you take to understand what George Papadopolous' access to

1 the Trump Campaign or the Trump team was.

2 A. I think using a source to engage directly with  
3 a subject to get that subject to tell you directly is a pretty  
4 significant step. I also remember we had open source  
5 information. You know, we had our intel team, the entire  
6 apparatus that were doing their jobs, looking for any additional  
7 information and helping with the investigation.

8 Q. And then you said that the human source was a  
9 reliable technique, a good technique, but then Papadopolous was  
10 interviewed or however you would phrase it. "Consensually  
11 monitored", I think was the term, by a confidential human  
12 source, by multiple confidential human sources. To at least  
13 two of them, he denied having any interactions with Russians,  
14 said it would be treason.

15 What did you make of those comments?

16 A. I think at the time, we or I felt that they were  
17 rehearsed prepared statements based on the difference between  
18 reading a transcript and listening to it. His tone changed.  
19 His demeanor changed when challenged on that when he made that  
20 statement.

21 That was my assessment at the time.

22 Q. What about the -- there was a statement made  
23 to -- I can't think of the individual's name -- to one  
24 confidential human source, there was a more fulsome statement  
25 involving treason, but he also made a statement to a second

1 confidential human source about denying any involvement in the  
2 Russians.

3 Do you recall that?

4 A. Sir, it's been four years and I haven't had  
5 access to the file. I don't remember that.

6 Q. I guess what I'm getting at is did you think that  
7 Papadopolous thought he was being monitored and that's why you  
8 thought the statement was canned?

9 A. I don't know if he thought he was being  
10 monitored. It could have been that the source might have been  
11 clumsy and asked him as well.

12 Q. Clumsy and asked him the question? You thought  
13 Papadopolous was tipped to the question?

14 I'm trying to understand why you -- I'm not saying this  
15 in a pejorative way, but discounted those two denials that I've  
16 seen transcripts of?

17 A. Again, I think if you look at the totality of  
18 our investigation with him at that time, listening, not just  
19 reading the transcript, listening to what he's saying, in my  
20 experience and training, I felt it was a prepared statement.

21 Q. In the second -- I think it was the second  
22 denial. I think one denial that came first was in a very  
23 free-flowing environment. The denial was made and he said all  
24 sorts of things that I think we would consider embarrassing;  
25 and then he's asked a question about Russia, and in that context,



1 you still think it was a rehearsed response? Did you read the  
2 entire transcript and everything else he had?

3 A. I have and I've listened to the entire  
4 transcript, but that was four years ago. We're talking around  
5 it and in different parts of it. I don't think my assessment  
6 has changed.

7 BY MR. BAKER:

8 Q. When you talk about your assessment, you  
9 mentioned a second ago based on your experience and training.  
10 Is this your experience and training as a FBI agent through the  
11 course of interviews and interrogations, you developed an  
12 expertise, or do you have heightened expertise either maybe in  
13 the behavioral science unit or some specialized interviewing  
14 course where you're trained to look at body language and  
15 nonverbal skills?

16 Is it your totality of experience as an agent or do you  
17 have extra beyond the normal experience?

18 A. The totality of experience as an agent.

19 BY MR. SOMERS:

20 Q. Do you have extra training? Have you taken  
21 behavioral science training?

22 A. I have not.

23 Q. So during this period -- well, let's just start  
24 with the first period between July 31st and August 21st when  
25 you get the FISA application and warrant application in. What

1 was your impression of the pace of the investigation?

2 A. I thought the pace was pretty quick. I mean,  
3 we were conducting significant operations and investigations.

4 Q. Did that pace continue after the FISA warrant  
5 was obtained on Carter Page?

6 A. No. It wasn't after Carter Page. It  
7 was -- more in the November and December timeframe, it was  
8 slower.

9 Q. But the investigation remained opened?

10 A. Correct.

11 Q. Would it surprise you that people at DOJ,  
12 including Dana Boente and Stu Evans, thought the pace was -- Dana  
13 Boente had the impression that the investigation had not been  
14 moving with a sense of urgency. That's the IG report at page  
15 73.

16 Stu Evans characterized the investigation as, quote,  
17 pretty slow moving with not much changing week to week in terms  
18 of updates the FBI was providing. That's on page 70 of the IG  
19 report.

20 Do their impressions surprise you?

21 A. I don't know if I read that about them or what  
22 they had stated. I also didn't have any interaction with either  
23 of those individuals.

24 So I don't know how they got their information to make  
25 that determination.

1 Q. But you were -- putting aside them or I'm just  
2 quoting them as two people that had an impression of the pace.  
3 You wouldn't agree with their characterization of the pace?

4 A. I'll go back to my original statement, that at  
5 the time, based on my training and experience and what I know  
6 about what a normal typical pace is in the field for  
7 investigation, we were progressing with our operation and  
8 investigations at a pace quicker than what I've seen in the  
9 field.

10 Q. What was the division of labor?

11 I know that's a very tough question percentage-wise,  
12 but between trying to verify the Steele Dossier and Steele  
13 allegations and other investigations of these four subjects?

14 A. I can't give you a percentage on that. It is  
15 a verification and a multilayered process. It involves many  
16 people. We attempt to measure productivity of the source as  
17 well as risk of the source.

18 Q. But you don't know how much was dedicated,  
19 roughly, to verification of Steele versus human source  
20 operations, other investigative techniques?

21 A. I can speak to the actions that I took.

22 Q. How was your division of labor between those  
23 two?

24 A. Initially, upon -- we received the first Steele  
25 report on September 19, 2016. Within three hours of receiving

1 those reports on my team, I emailed the case agent and asked  
2 them for a source characterization statement. That's the first  
3 place it starts, with the handling agent on that.

4 Through that process, there are annual checks that a  
5 case agent does, a field office annual source report as well  
6 as QSSRs the supervisor will do. So that's ongoing from the  
7 inception of the source.

8 So that source characterization statement should be  
9 based off of that. So I sought to get that.

10 Secondly, I determined we needed to send a team to  
11 [European City] to work with the handling agent and speak to  
12 the source. I later took other steps, but those are just a few.

13 Q. Why did you not go on that trip to [European  
14 City]?

15 A. I don't remember.

16 Q. Do you recall why the person identified as --

17 [REDACTED]: Can we interrupt for a moment?

18 [REDACTED]: Yeah.

19 MR. SOMERS: We'll take it out of the record.

20 [REDACTED]: Take it out of the record and try to refrain  
21 from saying the name of the city.

22 MR. SOMERS: Yes.

23 BY MR. SOMERS:

24 Q. Do you recall if the person identified as the  
25 acting section chief went on the trip?

1 A. I don't remember.

2 Q. I'm not asking the name, but do you recall that  
3 person who --

4 A. I don't.

5 Q. Do you know what they were acting section chief  
6 of?

7 A. Yes.

8 Q. Which section?

9 A. They were acting in the section that Peter  
10 Strzok had just vacated to become the DAD. So it was the  
11 counterespionage section.

12 Q. Do you recall any consternation within the team  
13 about why that individual was going and not someone else?

14 A. I don't remember that.

15 Q. I think we just referred to the Steele Dossier,  
16 but we can refer to them differently if you want, but when did  
17 you first see any of the reports that ultimately become known  
18 as the Steele Dossier?

19 A. September 19, 2016.

20 BY MR. BAKER:

21 Q. Was there any concern about the length of time  
22 it was taking or that it took for those reports to actually reach  
23 you or the entity at Headquarters that ultimate received them?

24 A. I didn't have concerns.

25 Q. You did or did not?

1 A. I did not.

2 Q. Did anybody have concerns about the length of  
3 time that it took from, I guess, the handling agent to the end  
4 user at Headquarters?

5 A. I don't remember that. At the time that we  
6 received them, they were dated, but we didn't know at the time  
7 when the handling agent actually got them.

8 Q. Were you aware of any abnormal chain that they  
9 flowed through from the handling agent to Headquarters or, as  
10 far as you knew, they went from the handling agent to  
11 Headquarters?

12 A. I received an email from the handling agent.  
13 That was the flow on how I received them.

14 MR. BAKER: Okay.

15 BY MR. SOMERS:

16 Q. On page 99 of the IG report, it says that on  
17 August 25, 2016, during a briefing for then Deputy Director  
18 Andrew McCabe on the investigation -- I guess that's the answer  
19 on when the August meeting was.

20 "During a briefing for then Deputy Director Andrew  
21 McCabe on the investigation, McCabe asked [REDACTED] to contact  
22 the New York Field Office about information that potentially  
23 could assist the Crossfire Hurricane investigation."

24 Do you recall that?

25 A. I do.

1 Q. And by information that could potentially  
2 assist the Crossfire Hurricane investigation, does that refer  
3 to the Steele information or something else?

4 A. I believe that's the same. I later learned  
5 that's what that was.

6 Q. But you said the delay between August 25th and  
7 September 19th, that doesn't bother you in terms of the length  
8 of time or that there wasn't an issue of the length of time it  
9 took from you learning about the investigation to actually  
10 receiving it?

11 A. At the time, I did not have an issue.

12 Q. On page 124 of the IG report, it says you sent  
13 an email to Handling Agent 1 and others stating that: "Our team  
14 is very interested in obtained a source symbol, number, slash,  
15 characterization statement and specifics on the veracity of  
16 past reporting, motivations, last validation, how long on the  
17 books, how much paid, etc."

18 Why was all that information important to you?

19 A. It's always important to understand the  
20 reliability of the source.

21 Q. And what did you learn in regards to the  
22 reliability of the source?

23 A. Then? I did not receive an email back from --

24 Q. From the handling agent?

25 A. From the handling agent.

1 Q. Could you have looked in Steele's file to gain  
2 the information?

3 A. At a certain point, we were able to obtain  
4 access, and I don't remember when that was, but yeah. You could  
5 go into a Delta file.

6 BY MR. BAKER:

7 Q. What is a Delta file?

8 A. Delta is the FBI's system of record for  
9 maintaining source information.

10 BY MR. SOMERS:

11 Q. So you did not immediately have access to that  
12 system with regards to Steele? Somebody had to grant you  
13 access?

14 A. I would have had to have been granted access.  
15 I don't remember anything else.

16 Q. So you didn't get a response to the email, but  
17 at some point, you did learn this type of information. Where  
18 did you learn this type of information, the specifics on  
19 veracity of past reporting, motivations, last validation, how  
20 long on the books, how much paid to date, etc.?

21 How did you learn that information?

22 A. So we had an intel team, as we discussed,  
23 assigned to us on Crossfire Hurricane. They were working on  
24 that.

25 Q. And where did they get that information from?



1 A. I don't know.

2 Q. Did they get it from the handling agent or did  
3 they get it somewhere else?

4 A. I don't know.

5 Q. Were you satisfied with what you learned about  
6 his reliability, Steele's?

7 I'm sorry. Were you satisfied with what you learned  
8 about Steele's reliability?

9 A. Yes. The information, we thought was reliable.

10 Q. What were the efforts to corroborate Steele's  
11 reporting, what type of things?

12 A. Like I mentioned, on the intel side, I can't  
13 speak to how they do their job. I spoke of, obviously, the case  
14 agent and supervisors, their responsibility annually and  
15 continually to do that. In particular, I mentioned I sent a  
16 team to a foreign country to meet directly with the source to  
17 try to glean that information directly.

18 In addition, I initiated an asset validation review to  
19 the director of intelligence and, later, met with Bruce Ohr.  
20 That's one of the things I was trying to determine.

21 Q. Was it -- did you try and determine Steele's  
22 sources were?

23 A. Yes.

24 Q. Did you try and speak with others who had worked  
25 with Steele in the past, clients or other governments?

1 A. Just Bruce Ohr.

2 Q. Just Bruce Ohr. Did you task anyone on the team  
3 with talking to past clients of Steele or past employers?

4 A. I don't remember doing so.

5 Q. You rotated off January 6, 2017, you testified  
6 to earlier. What was your understanding when you left the  
7 investigation; what was your understanding of the level of  
8 corroboration that the FBI had achieved of the Steele reporting?

9 A. I don't know if could I say what level of  
10 corroboration that they had received. It was just an ongoing  
11 effort. It was constantly ongoing.

12 Q. Had you verified anything from the reporting?

13 A. I don't remember.

14 Q. You don't remember. Would you say it was  
15 largely unverified when you left, when you rotated off?

16 A. I don't remember. I would have to look at all  
17 the reports and go back to that time and try to give you some  
18 sort of weight to what was and what wasn't.

19 Q. What was your understanding of who Christopher  
20 Steele was at the time?

21 You're getting this information. You're told on -- you  
22 get it on the 19th. You get a bunch of reports. What's your  
23 understanding of where this is coming from and who this guy is  
24 providing you this information?

25 A. So I can't remember what I knew when. I would

1 have to refer to those emails or just anything that could help  
2 me remember what I knew at a particular time.

3 Q. Generally in that time period, what was your  
4 understanding of Steele?

5 A. During which time period?

6 Q. Prior to October 21, 2016 when the FISA  
7 application was submitted.

8 A. I believe we knew that he had at that timeframe  
9 been a member of an intelligence service from another friendly  
10 foreign government.

11 Q. And you understood that he was a private  
12 contractor of some sort at this point in time?

13 A. I believe so.

14 Q. You mentioned earlier, I think you just  
15 mentioned a few minutes ago, requesting a human source  
16 validation review on Steele in November 2016. Do you recall  
17 requesting that?

18 A. I do.

19 Q. Why did you request that review at that point  
20 in time?

21 A. At that point in time, the "Mother Jones" news  
22 article had come out on October 31st. We had closed a source  
23 for cause, a source that was used in the FISA application of  
24 Carter Page.

25 Q. That's what caused you to request the review at

1 that point, the validation review at that point in time?

2 A. That's correct.

3 BY MR. BAKER:

4 Q. What happened to your request for the validation  
5 review?

6 A. So the validation review initiated and it was  
7 later turned off.

8 Q. What do you mean "it was turned off"?

9 A. I mean the validation review through the D.I.,  
10 the Director of Intelligence. Just to be clear exactly what  
11 I'm talking about, there was a constant validation review  
12 ongoing by the Counterintelligence Division and the  
13 intelligence analysts at the time. My request was to the FBI  
14 director of intelligence for them to do what is considered an  
15 enhanced validation review, something outside and independent  
16 of the Counterintelligence Division.

17 Q. But that was turned off?

18 A. Yes, sir.

19 Q. And why would it have been turned off?

20 A. I can give you the answers that I was provided  
21 or the discussion that I had with Assistant Director Priestap  
22 and DAD Strzok at the time. There were concerns about leaks.  
23 The Bureau, obviously, was, as I understood and I testified  
24 already, concerned about anyone outside of the Crossfire  
25 Hurricane team being aware of the existence of the

1 investigation. So that was one of their concerns.

2 So that was -- to give an answer, they wanted to keep  
3 it within the counterintelligence.

4 Q. When you say "to give an answer", that makes me  
5 think that it's not necessarily what you thought. Is that  
6 correct?

7 A. Oh, no. Well, then I misspoke. You're taking  
8 that out of context.

9 Q. That's the answer that you were given and that's  
10 a reasonable answer in your view?

11 A. At the time, I understood the answer, but I  
12 disagreed with it.

13 Q. So you did disagree with it?

14 A. Correct.

15 Q. I'm curious, because you said earlier, a few  
16 minutes ago, that this particular unit did an enhanced  
17 validation, but yet, I mean, I assume, and correct me if I'm  
18 wrong, that the individuals that are doing this enhanced  
19 validation of sources, which there are probably a very special  
20 category of techniques using sources in the Bureau -- this is  
21 what I'm guessing. These people that are doing the validation  
22 are trained and vetted, but there's a concern of leaks coming  
23 out of this enhanced validation unit.

24 A. That was what I was -- I mean, maybe not that  
25 unit, but there was concern about leaks overall in the Bureau

1 of anybody outside the department and team being aware of the  
2 existence of this investigation.

3 Q. So that would seem to me that if a decision is  
4 made and it's not your decision, you're being told it's being  
5 turned off, is what I'm hearing --

6 A. That's correct.

7 Q. And you disagree with that is what I'm hearing.

8 A. That's correct.

9 Q. Something so important that this unit is doing,  
10 evaluating the credibility of a source that's going to be used  
11 for some of the most sensitive, sophisticated things, I'm  
12 guessing, that are in the Bureau's arsenal and they're going  
13 to stop that because of leaks?

14 I mean, that sounds like there's a very serious leak  
15 problem at the FBI, either then or now. That just sounds  
16 incredible to me, that you're willing to trade -- not you, but  
17 there's a tradeoff of validating this source that's providing  
18 this pretty interesting and incredible information, but yet,  
19 the validation of that person is not going to be allowed to  
20 continue because of, apparently, an internal problem at the FBI  
21 regarding leaks.

22 Am I --

23 A. Is that a question?

24 Q. It's kind of a question and kind of maybe  
25 restating what you said. Is that the understanding you had why

1 that was being turned off, this enhanced validation?

2 A. The reason it was turned off is they were  
3 concerned about leaks. Anything more, you'd have to ask the  
4 individuals that made that decision.

5 Q. Okay. Thank you.

6 But Mr. Priestap was telling you that?

7 A. Through DAD Strzok.

8 Q. But it's coming down from the AD to the DAD to  
9 you?

10 A. Yes.

11 BY MR. SOMERS:

12 Q. Did they know about it because you informed them  
13 that you had started this process or did they find out the  
14 process had started in some other way?

15 You said the process had started?

16 A. I notified them that I initiated the process.

17 Q. And they stopped it?

18 A. Yes.

19 Q. What was your understanding of how Steele was  
20 collecting the information that was contained in the dossier?

21 A. It was my understanding, generally, that he had  
22 a subsource network. I don't want to get into too much detail,  
23 but he had a subsource network that provided him the reporting.

24 Q. So you understood that Steele, himself,  
25 was -- I'll just read from the IG report and see if you have

1 this understanding. That way, you don't have worry about  
2 revealing anything.

3 On Roman numeral five, the introduction to the IG  
4 report, it says: "Steele, himself, was not the originating  
5 source of any of the factual information in his reporting.  
6 Steele, instead, relied on the primary subsource for  
7 information who used his/her network of subsources to gather  
8 information that was then passed to Steele."

9 Was that your understanding of how Steele was gathering  
10 information?

11 A. That's fair.

12 Q. When did you become aware that -- was that always  
13 your awareness or did you become aware at some point in time  
14 that that's how this operation worked?

15 A. I don't know at what point in time, but I think  
16 once we received the initial reports, I believe it was clear  
17 that there were multiple subsources, but exactly how he got it,  
18 I don't remember when we knew that.

19 Q. I think you said earlier, but I'm going to ask  
20 it again, was identifying Steele's source network important?

21 A. Yes.

22 Q. Why?

23 A. It was especially important to have probable  
24 cause. For each one of those sources, we needed to -- for each  
25 one of them, we needed to also determine the veracity of their



1 employee as well.

2 Q. So was the credibility or reliability or  
3 unreliability of the subsources important?

4 A. Yes.

5 Q. Would it be fair to say that maybe the primary  
6 subsource's reliability is actually more important than  
7 Steele's reliability?

8 A. Not necessarily. I mean, it was -- all the  
9 subsources' reliability was important.

10 Q. I'm saying versus Steele, who wasn't -- Steele,  
11 himself, was not the originating source of any of the factual  
12 information in this reporting and you relied on the primary  
13 subsource for information. Given that fact pattern, isn't that  
14 primary subsource's reliability more important than Steele's  
15 reliability?

16 A. I don't know if I ever looked at it that way.  
17 That's a hypothetical that I'd have to sit down and think about,  
18 but I just don't have an answer for you.

19 BY MR. BAKER:

20 Q. In your experience with dealing with sources in  
21 any of your cases, is it common that there is a network of  
22 subsources below the person who's actually reporting the  
23 information?

24 A. It is.

25 BY MR. SOMERS:

1 Q. And you understood, I take it, that the level  
2 of removal that Steele had from all the subsources was that he  
3 was not talking to subsources; is that something you understood?

4 A. I don't know when I understood that, sir. I  
5 don't know if it was after the fact. There's been so much media  
6 about it, I couldn't color as to what I knew then and what I  
7 know today.

8 Q. Do you know if you knew it while you were still  
9 on the investigation or --

10 A. Sir, I'd have to refer to a document or something  
11 to help refresh my memory. There's been a lot out there.

12 Q. I know this happened after you rotated off, but  
13 were you aware that -- well, I don't know if part of it happened  
14 before you rotated off. Did you become aware when the FBI  
15 identified Steele's primary subsource?

16 A. I was.

17 Q. Were you aware they interviewed the primary  
18 subsource?

19 A. I was, because --

20 Q. Not now.

21 A. Right. So I was in the Washington Field Office  
22 when that occurred and I knew that they had asked other agents  
23 from Washington Field Office to participate.

24 Q. In the --

25 A. In the interview.

1 Q. -- interview?

2 A. Yeah.

3 Q. This was an important -- was this an important  
4 step in your mind if you had still been on the investigation  
5 that they identified the primary subsource; would that have been  
6 big news?

7 A. That would have been important to me at that  
8 point.

9 Q. Was it a topic of discussion while you were still  
10 on the investigation, identifying the primary subsource?

11 A. Yes.

12 Q. Did you have any awareness of the fact that there  
13 were inconsistencies between Steele's reporting and what the  
14 primary subsource told the interviewing agents?

15 A. I was not.

16 Q. Have you ever read the summary of the primary  
17 subsource's interview?

18 A. I have not. I don't have a need to know and have  
19 not read it.

20 Q. And you didn't read it at the time?

21 A. No. I wasn't part of the team. I wasn't  
22 involved.

23 Q. Were you aware of concerns like those expressed  
24 in February 2017 about Strzok and an email he wrote that is on  
25 page 247 of the IG report that "Recent interviews in the

1 investigation, however, reveal Steele may not be in a position  
2 to judge reliability of the subsource network"?

3 A. I was unaware of that.

4 Q. Were you ever aware -- leaving aside press  
5 reporting after the fact, were you ever aware that some of the  
6 information Steele's primary subsource was giving Steele was  
7 based on, quote, conversations with friends over beers, that  
8 the primary subsource characterized the information he gave  
9 Steele as word-of-mouth hearsay, that the primary subsource  
10 told the FBI that the information was intended to be taken with  
11 a grain of salt, and that the corroboration was zero?

12 A. Again, sir, my memory is colored with -- it's  
13 hard to make a distinction on what I knew when.

14 Q. Versus reading about it in press accounts?

15 A. Absolutely.

16 Q. So you don't recall, even though you weren't on  
17 the investigation, you don't recall anyone on the investigation  
18 saying, Hey, we have a problem with the primary subsource?

19 A. I don't remember that at all, no.

20 Q. Were you aware while you were still on the  
21 investigation that the primary subsource was actually a  
22 contract employee of Steele's firm?

23 A. No.

24 Q. Were you aware that the primary subsource was  
25 living in the United States?

1 A. I was.

2 Q. At the time?

3 A. Well, I'll give you the timeline. So I left  
4 Crossfire Hurricane on January 6, 2017. The following week,  
5 I received -- I was asked to participate, was told that he was  
6 identified, that the FBI had identified him and would I be  
7 willing to go out with another agent to that individual's home  
8 to try to make initial contact with who was the primary  
9 subsource.

10 I ended up doing that, establishing that contact. That  
11 was the extent. So yes. I did know that we had identified him.

12 Q. And that was just establishing contact; that  
13 wasn't --

14 A. Yes. It was just to establish contact, that's  
15 correct.

16 Q. There was no 302 generated based on that  
17 contact?

18 A. No. I spoke with him on the phone. He was not  
19 home. I later spoke with his attorney.

20 Q. That's what you were basically trying to get to,  
21 was an attorney or set up an actual meeting with the individual?

22 A. That is correct.

23 Q. But you did not, just for the record, take part  
24 in the actual interview of the primary subsource?

25 A. No, I did not.

1 Q. Did you know why you were asked to contact him,  
2 make the initial contact versus somebody else?

3 A. I don't know. Any time -- one of the  
4 difficulties of this case at Headquarters, any time you're  
5 operating in another AOR, Area of Responsibility, typically in  
6 the Washington Field Office Region, you need to coordinate with  
7 that office. I was an individual who was aware of the case and  
8 they needed somebody to go out and knock on the door.

9 So I received a call, Can you assist? Sure. I can help  
10 you.

11 Q. Were you asked to sit in on the interview?

12 A. I was not.

13 BY MR. BAKER:

14 Q. In your 16 years of working  
15 counterintelligence, was this the first case that you had been  
16 involved in that was worked out of Headquarters?

17 A. Yes.

18 Q. Did that, in and of itself, seem unusual or the  
19 circumstances justified? What are your thoughts on that?

20 A. The need for compartmentation, the need to have  
21 access to high-level individuals in the FBI to make decisions,  
22 with the overriding issues of compartmentation, I understood  
23 that.

24 Q. Are you aware of other cases, maybe ones you  
25 didn't work, that were worked at Headquarters for the reasons

1 you just cited?

2 A. I am.

3 Q. Is it common? Extraordinary?

4 A. It happens. It happens when, again, there is  
5 a need for compartmentation where I have seen it or you need  
6 decision makers at the Headquarters level.

7 Q. I think at some point, and this may be after  
8 you're gone, the individual pieces got farmed out to field  
9 offices, which would, in my understanding, kind of be the norm.  
10 You have one case that went to Chicago. One, I think, went to  
11 New York. One went to Washington Field, and sort of it went  
12 back to the model that I would think is the normal.

13 How was that able to happen when looking at the reasons  
14 you said were to be centralized at Headquarters? What changes  
15 that now allows it to be back at the field offices?

16 A. I don't know those considerations, sir.

17 MR. BAKER: Okay.

18 BY MR. SOMERS:

19 Q. Do you know why your temporary duty assignment  
20 was allowed to expire, why you were rotated off?

21 A. I asked to go back to the Washington Field  
22 Office.

23 Q. I think we just discussed how Steele was  
24 collecting his information. What was your understanding of why  
25 Steele was collecting the information that he had?

1           A.       At a certain point, I was aware that he was  
2 collecting this information for an entity that was conducting  
3 opposition research.

4           Q.       You weren't aware that he was collecting  
5 information for the DNC?

6           A.       I don't know when I knew that.

7           Q.       If I could just read on Footnote 223, this is  
8 long, but basically my question at the end is whether you recall  
9 receiving this email, but let me read the email.

10          A.       Sure.

11          Q.       Footnote 223 of the IG report, this is on page  
12 98. It says: "An FBI agent from another FBI Field Office sent  
13 an email to his supervisor stating that he had been contacted  
14 by a former CHS who, quote, was contacted recently by a colleague  
15 who runs an investigative firm. The firm was hired by two  
16 entities, the Democratic National Committee as well as another  
17 individual not named, to explore Donald J. Trump's longstanding  
18 ties to Russia."

19                On or about August 2, 2016, this information was shared  
20 by the supervisor with the section chief, intelligence analysis  
21 section, intelligence section chief, which is going to be  
22 Jonathan Moffa, who provided it to members of the Crossfire  
23 Hurricane team, then Section Chief Peter Strzok, [REDACTED], and  
24 the supervisor of intel analysts, end quote.

25                Do you recall on or about August 2, 2016 receiving



1 information regarding Steele being hired by the DNC?

2 A. So on August 2nd, I would have been overseas  
3 conducting an interview. I mostly likely would not have had  
4 access to email at the time.

5 I don't remember that, receiving that in August. I do  
6 remember in January of '17, that agent reached back out to me.  
7 I think that's when I made a connection between the two pieces  
8 there.

9 Q. So prior to -- I think that date was January  
10 11th, I believe.

11 A. That's correct. Yes.

12 Q. Prior to that, you didn't know that the DNC -- at  
13 least not definitively, you didn't know the DNC was the ultimate  
14 payer, his ultimate employer was the DNC?

15 A. That's correct.

16 Q. How did you become aware on January 11th? Can  
17 you walk through that a little bit more?

18 A. Sure. The individual, I believe, that would  
19 have sent that email in August, I think he reached back out to  
20 me. I, I guess, having the context and perspective of being  
21 there for four to five months, I think I made the connection  
22 at that point and then I turned him over to the next supervisor  
23 that took over for me on Crossfire Hurricane.

24 Q. Did you tell anyone else what you learned from  
25 the field agent?

1           A.       I don't remember doing so; however, I CC'd the  
2 incoming supervisor as well as there were others that were on  
3 that email on January 11th that were still on the team.

4           Q.       The supervisor that -- I'm just trying to  
5 remember, because, obviously, the case was divided a little  
6 differently when you were on it versus --

7           [Mr. Somers peruses document.]

8 BY MR. BAKER:

9           Q.       While he's looking for that --

10          A.       Yeah.

11          Q.       -- what was your reason for wanting to go back  
12 to Washington Field? This seems like a pretty big case, maybe  
13 one of the biggest cases for the Bureau, certainly in recent  
14 times, and it's right up your area of expertise,  
15 counterintelligence. Why the desire to go back to Washington  
16 Field?

17          A.       I had a professional disagreement with stopping  
18 the enhanced validation review.

19          Q.       Okay. We talked about that earlier. You're  
20 aware, I'm sure, that that was restarted not long after you  
21 rotated off. Are you aware of that?

22          A.       I've read that.

23          Q.       I'm just curious. The reasons you were given  
24 for the enhanced validation stopping when you recommended that  
25 it be done, how would those conditions that were given to you,

1 the possibly of the leaks, how would that have been resolved  
2 by the time this validation restarted again?

3 It seems to me based on not just this case, but others,  
4 the Bureau's problem with leaking continues to this day. So  
5 what changed for the powers that started it again?

6 What was their confidence that their concerns when they  
7 stopped it when you initiated it, what happened that they feel  
8 comfortable a year, a little over a year, later to start it up  
9 again?

10 A. I don't know. You'd have to ask those  
11 individuals who made the decision.

12 Q. Who did you have the professional disagreement  
13 with?

14 A. I guess at that point, it would be Bill Priestap.

15 Q. And your position was that the validation, the  
16 enhanced validation, should go forward?

17 A. That's correct.

18 Q. And his view was that it shouldn't?

19 A. That it shouldn't, that counterintelligence  
20 should continue on with their validation.

21 Q. And, I mean, did he elaborate on that at all?

22 A. No. It's just the facts that I gave you,  
23 concerned about leaks.

24 Q. But what concerns did you argue with him for  
25 doing the enhanced validation?

1           A.       This is the process, this is what we do, this  
2 is what we always do.

3           I recognized the significance of his reporting, the use  
4 in a FISA application. I had questions about our intel  
5 validation was ongoing in the Counterintelligence Division, and  
6 all of that contributed to my professional disagreement.

7           Q.       Did anyone weigh in on your side with Mr.  
8 Priestap? Mr. Strzok? Anybody?

9           A.       No. Case Agent 1, he did, as did a staff  
10 operations specialist that was working with us.

11          Q.       Were your concerns considered or was the  
12 stopping of the process determined by Mr. Priestap and that was  
13 the law of the land?

14          A.       I'm assuming he considered them. I gave him my  
15 rationale and he made the decision.

16          Q.       But this was a concern that you were so  
17 passionate about that it made you terminate your association  
18 with the case, the team, and go back to the Washington Field  
19 Office?

20          A.       It was.

21          MR. BAKER: Thank you.

22          BY MR. SOMERS:

23          Q.       I'm just looking at the January chart here in  
24 the IG report. At that point in time, there were two SSAs  
25 assigned to the case. It looks like one was handling the

1 Michael Flynn investigation and the George Papadopolous  
2 investigation and the other was handling the Carter Page  
3 investigation and the person who's identified as SSA 3.

4 I don't know if someone can tell me. I don't know who  
5 SSA 3 is, but whoever SSA 3 is, I understand that SSA 3 is who  
6 you gave the email to or CC'd on the email.

7 A. I'm trying go to the key here. SSA 3, are you  
8 asking me do I know who SSA 3 is?

9 Q. Yes.

10 [REDACTED]: We need to go off for a second.

11 [Counsel for witness confer.]

12 BY MR. SOMERS:

13 Q. Do you know if the person -- the supervisory  
14 special agent that you CC'd on the email linking up the agent  
15 that had the information that we discussed earlier, I believe  
16 is an agent in a field office; is that correct?

17 A. That sounds right.

18 Q. Do you know if that supervisory special agent  
19 that you gave -- you CC'd on the email reported to Jen Boone?

20 A. Did you say did he report the information?

21 Q. No. Did he report to? Was that his  
22 supervisor?

23 A. Yes.

24 Q. Okay. It's likely SSA 3, but, obviously, no one  
25 here knows who SS3 is.

1 A. I'm sorry. I don't know.

2 Q. That's okay. It's not your fault.

3 Do you recall receiving, directly or indirectly, some  
4 outreach from the State Department about Christopher Steele and  
5 Kathleen Kavalec?

6 A. I do remember that.

7 Q. Did you ever speak with Kathleen Kavalec?

8 A. No.

9 Q. Did you assign anyone to speak with Kavalec?

10 A. No.

11 Q. Why not?

12 A. We had a liaison at the State Department and that  
13 was his job.

14 Q. Why did you make the decision never to interview  
15 Kathy Kavalec?

16 A. What was the question? Like what do you expect  
17 me to interview about?

18 Q. About information she received from Christopher  
19 Steele.

20 A. So my recollection is -- I don't remember her  
21 receiving information. My recollection of that event was that  
22 she was aware of how our team was traveling to a foreign country  
23 to talk to him, and that was my understanding of what she knew  
24 and that's what I engaged with our liaison at State Department  
25 about.

1 Q. So you thought you had enough information from  
2 the liaison at the State Department; the same FBI liaison to  
3 the State Department, you thought provided enough information  
4 about what Kathleen Kavalec had to report about Christopher  
5 Steele?

6 A. From what I remember from the email exchange  
7 between myself and the FBI's Department of State liaison, I was  
8 just tracking an issue that she had become aware of our travel  
9 to meet with the source.

10 Q. You weren't aware that she met with Christopher  
11 Steele?

12 A. I was not aware.

13 Q. According to the IG report, the section chief  
14 forwarded you information that Kavalec had met with Christopher  
15 Steele. You don't recall receiving that information?

16 A. I don't recall receiving that.

17 Q. If she had information such as the -- you know,  
18 if she had information regarding an inaccuracy in Steele's  
19 reporting, would that have been important information to have  
20 gotten to the team?

21 A. Yes.

22 Q. I think, according to the IG report, Kavalec  
23 advised the FBI section chief in an email information related  
24 to an investigation of Steele's firm had been conducting.

25 "The section chief forwarded the document to [REDACTED]

1 the same day."

2 And that information was that there was a reference to  
3 Steele reporting to a Russian consulate being located in Miami  
4 when there is no Russian consulate in Miami. Were you ever  
5 aware of that fact?

6 A. It was brought up to me by the IG, but that's  
7 it.

8 Q. But not at the time?

9 A. Not at the time.

10 Q. And then also in that meeting -- I think this  
11 was conveyed in the email -- Steele said in a the meeting he  
12 had with Kavalec in undertaking the investigation at, quote,  
13 the behest of an institution he declined to identify that had  
14 been hacked, closed quote, which, I mean, isn't definitively  
15 the DNC, but I think the information would indicate the DNC.

16 Did you ever receive that information?

17 A. I have no recollection of receiving that  
18 information.

19 Q. The IG report indicates that you, Peter Strzok,  
20 Lisa Page, a supervisory intel analyst, and the OGC unit chief  
21 traveled abroad and met with persons who previously had  
22 professional contacts with Steele or had knowledge of his work.  
23 Do you recall that trip?

24 A. I do.

25 Q. Was it multiple persons you met with?



1           A.       The forum that I remember meeting in was -- yeah.  
2 There were multiple people, I think from two different agencies.

3           Q.       Was that the purpose of the trip?

4           A.       I believe so, yes.

5           Q.       Do you know why Lisa Page attended the trip?

6           A.       I do not.

7           Q.       Do you recall when the OGC unit chief attended  
8 the trip?

9           A.       I do not.

10          Q.       What did you learn from the trip about Steele?

11          A.       I don't remember learning anything about  
12 Steele. I remember having discussions about the Russian  
13 maligned foreign influence and a new threat emerging, which was  
14 their use of social media. We were discussing the broader  
15 questions.

16          Q.       But the purpose of the meeting was to learn more  
17 about Steele?

18               Or of the trip. I'm sorry.

19          A.       That was not what I understood the purpose of  
20 that meeting to be. I don't think in that forum that I  
21 participated in that Chris Steele was discussed.

22          Q.       So you were not -- and it does not indicate you  
23 were. I'm just asking.

24               You weren't in any meetings that Priestap and Strzok  
25 did get some information about Steele?

1           In the report, on page 182 of the IG report, it indicates  
2 that Priestap and Strzok gave notice of the feedback they  
3 received about Steele, some of which was positive and some of  
4 which was negative. You don't recall --

5           A.       I think you're conflating maybe two different  
6 trips. So Bill Priestap did not travel with us.

7 BY MR. BAKER:

8           Q.       If you know, who did Lisa Page work for?

9           A.       She worked for who I believe to be the deputy  
10 director.

11          Q.       And that would be?

12          A.       Andy McCabe.

13          Q.       Did you ever have a concern as the SSA with  
14 either the trips or any meetings that Lisa Page was at that  
15 information coming out of the meeting or what was discussed at  
16 the meeting would be, for lack of a better word, hotlined by  
17 Ms. Page to Mr. McCabe before you as the SSA could report it  
18 up to Mr. Strzok or Priestap or the acting section chief? Was  
19 that ever a concern?

20          A.       No. It was never a concern of mine.

21          MR. SOMERS: I think we are out of time for this hour.  
22 So it's 1:20. We'll go off the record.

23                [Whereupon, at 1:19 p.m., a lunch recess was taken, to  
24 reconvene at 2:00 p.m. this same day.]

25

1                   A F T E R N O O N                   S E S S I O N

2                   MS. ZDEB: It's 2:05. We can go back on the record.

3                   FURTHER EXAMINATION BY THE MINORITY

4 BY MS. ZDEB:

5                   Q.           Before the break, you spoke a bit about  
6 conversations between George Papadopolous and a confidential  
7 human source in which Papadopolous made comments to the effect  
8 of coordinating with Russia would be treasonous. I just wanted  
9 to ask a couple of quick followups about that.

10                  In your experience, do subjects or targets of an  
11 investigation sometimes deny that they are engaged in criminal  
12 conduct?

13                  A.           Yes.

14                  Q.           And, in your experience, should an agent or a  
15 prosecutor stop investigating a particular individual just  
16 because that individual denies engaging in crime?

17                  A.           No.

18                  Q.           Should the FBI close a counterintelligence  
19 investigation just because a U.S. person denies wittingly  
20 coordinating with a foreign power?

21                  A.           No.

22                  Q.           And, in other words, there could still be a  
23 legitimate reason to investigate that U.S. person, because he  
24 could be either wittingly working with a foreign government and  
25 lying about it or he could be unwittingly working with a foreign

1 government, and in either case, there would still be a basis  
2 for the FBI to investigate?

3 A. That is accurate.

4 Q. Turning back to the Steele Dossier for a minute,  
5 you were asked a number of questions about his election  
6 reporting. The IG report, obviously, spends a fair amount of  
7 time discussing it as well. I have a couple of questions just  
8 to put that reporting in context.

9 So Crossfire Hurricane was opened by the FBI on July  
10 31, 2016. You said before the break that you didn't personally  
11 become aware of Steele's reporting until September 19th and,  
12 indeed, the Inspector General determined that the Crossfire  
13 Hurricane team as a whole did not become aware of his reporting  
14 until September 19th such that, to quote the Inspector General,  
15 the Steele Dossier played no role in the opening of Crossfire  
16 Hurricane.

17 Are you aware of any evidence that disputes that finding  
18 by the IG?

19 A. No.

20 Q. As I mentioned earlier, the Inspector General  
21 testified before our committee last December, and when asked  
22 about the role that the Carter Page FISA and the errors that  
23 he identified played in the larger Russian investigation, he  
24 testified that those that related to Mr. Christopher Steele did  
25 not call into question any of the special counsel's report.

1           Are you aware of any evidence that contradicts the  
2 Inspector General's testimony that none of the FISA errors call  
3 into question any part of Special Counsel Mueller?

4           MR. BERGER: I'll direct you not to answer.

5           MS. ZDEB: I'm asking for his personal --

6           MR. BERGER: Yes.

7           MS. ZDEB: And the basis?

8           MR. BERGER: I'm directing him not to answer with  
9 respect to any role he played in the Woods verification, the  
10 first FISA application.

11          MS. ZDEB: That's not what I'm asking about.

12          MR. BERGER: Can you repeat the question?

13 BY MS. ZDEB:

14          Q.        So the Inspector General identified what we  
15 considered to be a variety of FISA errors. Recognizing that  
16 you do not necessarily buy into that characterization, when the  
17 Inspector General testified before our committee, he said that  
18 none of those what he considers to be errors played -- call into  
19 question any part of Special Counsel Mueller's report.

20                So the question I am asking is whether you are aware  
21 of any evidence that contradicts the Inspector General's  
22 testimony that none of the, again, what he characterizes as FISA  
23 errors call into question any part of the special counsel's  
24 report.

25          MR. BERGER: I'm just going to direct him not to answer.

1 That is really hypothesizing. The premise is that the  
2 Inspector General is accurate in identifying the errors. I'm  
3 not going to assume that.

4 You're asking a hypothetical question. There's no  
5 reality behind it. So I'm going to direct him not to answer  
6 from his perspective.

7 BY MS. ZDEB:

8 Q. Former Deputy Attorney General Rod Rosenstein,  
9 who supervised the Mueller investigation, testified before our  
10 committee in June of this year. He was asked whether he could  
11 identify which findings in Special Counsel Mueller's 448-page  
12 report relies on information from the Steele Dossier, and Mr.  
13 Rosenstein said "I don't believe there is any such information",  
14 meaning he is unaware of any information in the Mueller Report  
15 that relies in any way on Christopher Steele's election  
16 reporting.

17 Do you have any evidence that contradicts Mr.  
18 Rosenstein's statement that none of the findings in the Mueller  
19 Report rely on the Steele Dossier?

20 A. I haven't fully reviewed the Mueller Report to  
21 be able to speak intelligently about it.

22 Q. But sitting here today, you're certainly not  
23 aware of any aspect of that report that relies on the Steele  
24 Dossier?

25 MR. BERGER: He hasn't read the report. He's not aware

1 of all of its text. So he can't possibly answer that question.

2 BY MS. ZDEB:

3 Q. Since the IG report was released, we've heard  
4 arguments that the FBI should not have been investigating Carter  
5 Page in the first place and that the Inspector General's  
6 conclusions, which, again, I understand you may take issue with,  
7 undermine the entire individual counterintelligence  
8 investigation into Carter Page. So I would like to just ask  
9 you a couple of questions about that individual investigation  
10 and its basis.

11 On page 321 of the IG report, it indicates that on  
12 October 17, 2016, which is shortly before the FBI sought FISA  
13 authority on Page, Page told a confidential human source that  
14 he wanted to develop a research institute using a, quote, open  
15 checkbook from the Russians, and you told the Inspector General  
16 that Page's comment about an open checkbook from Russia brought  
17 you closer to believing that Page may have actually been acting  
18 as an agent of a foreign power.

19 Is that an accurate characterization of what you told  
20 the Inspector General?

21 A. Yes.

22 Q. Can you explain why hearing that comment from  
23 Carter Page brought you closer to believing that he may have  
24 been acting as an agent of a foreign power?

25 A. Sure. So, obviously, if you have an open

1 checkbook with Russians, and by Russians, in the context of that  
2 entire discussion about the Russian Federation, for him to have  
3 an open checkbook to initiate a think tank here speaks to the  
4 concerns for national security that I had that he would be,  
5 ostensibly, supporting their maligned foreign influence  
6 efforts in the United States and, therefore, would be  
7 acting -- being paid by the Russian Federation to do so would  
8 be acting as an agent of that foreign power.

9 Q. And, in your view, that was a  
10 counterintelligence concern that the FBI should have  
11 investigated further?

12 A. It was.

13 Q. The IG report also describes, and this is on page  
14 222, how in an August 2016 meeting with a confidential human  
15 source, and this is after Wikileaks had released thousands of  
16 emails that had been hacked by Russia and Carter Page said that  
17 there would be an October surprise and referenced, quote, a next  
18 email dump with these 333,000 emails, you know, which was,  
19 presumably, referring to the -- I'm sorry -- 33,000 emails,  
20 presumably referring to the Hillary Clinton emails.

21 Why would those comments be concerning from a  
22 counterintelligence perspective?

23 A. Again, using his words and looking at the  
24 original predicate with regards to an anonymous leak of damaging  
25 information for Hillary Clinton and Barack Obama, it appeared



1 based on his statement that he was privy to that effort.

2 Q. So is it fair to say that given the facts known  
3 and unknown to the FBI at the time regarding Carter Page that,  
4 in your view, the FBI had a legitimate basis to look at him when  
5 examining the question of whether there were potential ties  
6 between the Trump Campaign and Russia?

7 A. Yes. We should have run an investigation.

8 Q. My colleague asked you a number of questions  
9 about Christopher Steele's source network, and my impression  
10 is that you were being fairly careful in how you described those  
11 sources. I've always understood sources and methods to be  
12 things that the FBI takes great pains to protect. Is that an  
13 accurate assumption?

14 A. It is.

15 Q. And as a general matter, why is it important to  
16 protect sources?

17 A. Obviously, at times, their lives could be at  
18 risk. Their livelihoods could be at risk.

19 Q. And, in general, can you speak to what the risks  
20 are of publicly disclosing the identity of a source?

21 A. You know, pretty much what I stated there. I  
22 mean, the goal is to have a covert, if not a clandestine,  
23 relationship with an individual that could provide information  
24 at times, things that they don't want maybe the public to know  
25 what they're talking about, and that can have a serious impact

1 on their life, to include, you know, their life.

2 Q. And given your experience with Russia in  
3 particular, would you agree that those risks to sources,  
4 including potentially to their lives, are amplified when the  
5 source is located in Russia?

6 A. Absolutely. I think you can look at recent  
7 events about that, but specifically the assassination of  
8 Litvinenko in 2006, I believe, they have the means to carry out  
9 things outside of Russia as well.

10 Q. In addition to physical threats to the safety  
11 and of the life of sources, is there -- when the identity of  
12 a source is revealed, is there some risk, in your view, that  
13 that has a chilling effect of the FBI's ability to recruit  
14 additional sources?

15 A. Absolutely. Yeah. I mean, who's going to want  
16 to cooperate and provide information or enter into that covert  
17 relationship if we can't protect their identity?

18 Q. So along similar lines, if a source whose  
19 identity is publicly revealed is a current source who is  
20 currently providing information to the FBI, in your view, does  
21 the act of exposing that current source's identity make it less  
22 likely that that source will continue being someone who  
23 cooperates with the FBI?

24 A. Yes.

25 Q. Can you speak to, just in general, the impact

1 of dissuading the cooperation with current and  
2 future -- dissuading cooperation by current and future sources  
3 in that way would be specifically with respect to the Bureau's  
4 counterintelligence and counterterrorism, in other words,  
5 national security mission?

6 A. Could you rephrase that question, if you don't  
7 mind?

8 Q. So you just agreed with the general premise that  
9 identifying either a current or a former source could have a  
10 chilling effect on the Bureau's ability to continue getting  
11 information from a specific source or recruiting future  
12 sources. So my question is what is the impact of that chilling  
13 effect on the Bureau's ability to carry out its  
14 counterintelligence and counterintelligence mission?

15 [REDACTED]: Can we go off for a minute?

16 MS. ZDEB: Um-hum.

17 [Counsel for the FBI and the witness confer.]

18 THE WITNESS: So to answer that question, I'll speak  
19 for myself. It's drawing from my professional experience and  
20 not the Bureau.

21 Yes, and particularly with the Russia threat that I'm  
22 familiar with and worked, it is a consideration and it is  
23 something that we are concerned with as and when sources are  
24 exposed publicly, how that has a serious effect on the ability  
25 to find other individuals that would be willing to be -- would

1 want to volunteer to us or that we would recruit.

2 Does that answer your question?

3 BY MS. ZDEB:

4 Q. It does. So it's fair to infer from your  
5 response that the FBI depends on confidential sources in order  
6 to carry out its counterintelligence and counterterrorism work?

7 A. I depend on sources for that, yes.

8 Q. Are you aware that DOJ recently declassified the  
9 FBI's memo summarizing the January 2017 interview with  
10 Christopher Steele's primary subsource and that, shortly after  
11 the memo was posted on our committee's website, a blogger was  
12 able to deduce the identity of that subsource, which was pretty  
13 shortly thereafter publicized by the Russian state-owned news  
14 outlet, RT?

15 A. I've heard that.

16 Q. And based on your personal experience working  
17 in counterintelligence investigations involving Russia, what  
18 are the possible consequences of exposing the primary  
19 subsource's identity?

20 A. Hypothetically and how I would -- my concerns  
21 would be that we would be less likely to receive other  
22 individuals willing to cooperate with the U.S. Government or  
23 the FBI as a source.

24 Q. Are there also risks to the primary subsource's  
25 safety or the safety of the primary subsource's own source

1 network?

2 A. Yes.

3 MS. ZDEB: I think that's it for us this round. It's  
4 2:25. We can go off the record.

5 [Discussion held off the record.]

6 MR. SOMERS: It is 2:25. We will go back on the record  
7 for our next record round of questioning.

8 FURTHER EXAMINATION BY THE MAJORITY

9 BY MR. SOMERS:

10 Q. On August 17, 2016, you took part in a strategic  
11 intelligence briefing of the Trump Campaign; is that correct?

12 A. Of a Republican nominee for President and two  
13 other individuals.

14 Q. Who were those two other individuals?

15 A. One was General Flynn, Michael Flynn. The  
16 other one was Chris Christie.

17 Q. Why were you chosen to take part in that  
18 briefing?

19 A. I would -- I do not know. I would be  
20 hypothesizing.

21 Q. I think, earlier, you indicated that in the  
22 past, the only defensive -- this would be what you would call  
23 a defensive briefing; is that correct?

24 Can we use that term?

25 A. I think under this context, the term that was

1 used an "admonishment".

2 Q. An admonishment?

3 A. Yeah.

4 Q. I think, earlier, you testified that in terms  
5 of defensive briefings, admonishments, the ones that you had  
6 participated in the past have been defensive briefings of other  
7 FBI personnel. Do I hear that correctly?

8 A. That's correct.

9 Q. So this would be the first time you'd admonished  
10 or defensively briefed a political candidate?

11 A. That's correct.

12 Q. So you didn't have any particular expertise in  
13 doing, quote-unquote, defensive briefings?

14 A. No.

15 Q. Who told you that you were going to be doing the  
16 defensive briefing?

17 A. Peter Strzok.

18 Q. What was your response to his instruction?

19 A. When is the briefing? I asked when the briefing  
20 was.

21 Q. Do you recall how far in advance this was?

22 A. It was a week, maybe, I believe.

23 Q. What did he tell you as to why you were doing  
24 the briefing?

25 A. He let me know that prior to ODNI providing their

1 other classified briefings to the two presidential candidates  
2 as well as their vice presidential candidates, that he was aware  
3 that the President, at the time President Obama, wanted to  
4 ensure that everyone received an FBI counterintelligence and  
5 security brief.

6 Q. Where did you get the information that you  
7 included in your -- this is a larger briefing, you said with  
8 other members of the I.C. Where did you gather the information  
9 that you briefed the candidates and his two advisors on?

10 A. I mean, I created a format from FBI holdings.

11 Q. Did you have a meeting about this briefing prior  
12 to it happening with other people at the FBI?

13 A. We had mock sessions. I provided my outline to  
14 two individuals. Yes.

15 Q. Who attended those mock sessions?

16 A. From what I remember, Peter Strzok, Jonathan  
17 Moffa, Lisa Page, I think. I know that they did, maybe others  
18 too.

19 Q. You're going to get this question from me a lot:  
20 Do you have any understanding of why Lisa Page was at your mocks?

21 A. I don't. I didn't find it unusual.

22 Q. You didn't find it unusual because she was in  
23 a lot of things or you didn't find it unusual that there was  
24 a lawyer in the deputy director's office in the mocks?

25 A. I didn't find it unusual because she was around

1 all the time.

2 Q. Were you also instructed as part of your task,  
3 other than giving the briefing, were you instructed that you  
4 were to actively listen for topics or questions regarding the  
5 Russian Federation?

6 A. Yes.

7 Q. Who gave you that instruction or an instruction  
8 to that extent?

9 A. Peter Strzok.

10 Q. Who in particular -- was there anyone in  
11 particular you were supposed to listen to?

12 A. So we had a predicate subject in the room, as  
13 we've already established, General Flynn.

14 Q. General Flynn. Were you supposed to, you know,  
15 actively listen to him more than the others or was it just you  
16 were supposed to listen to all three individuals in the room?

17 A. All three of those individuals were part of the  
18 Trump team. So I had an investigation and we had yet to define  
19 other potential subjects. So if anyone on the Trump team, you  
20 know, made a statement regarding the Russian Federation, I was  
21 there to note it and record it.

22 Q. And you were only supposed to actively listen  
23 for information regarding Russia or were you supposed to  
24 actively listen for information regarding other foreign  
25 adversaries?



1 A. Just Russia.

2 Q. According to the IG report, it says that you told  
3 the Office of Inspector General that Flynn made comments during  
4 exchanges with the ODNI briefers on many subjects unrelated to  
5 Russia and that you did not document those because information  
6 was not pertinent to any FBI interests. Why were those other  
7 topics not pertinent?

8 A. So that briefing alone, a very highly classified  
9 briefing as you can imagine, it was not appropriate for me to  
10 report what those briefers were saying. In particular for  
11 General Flynn, all that I knew was he was a subject and I was  
12 going to write down what he said about the Russian Federation  
13 specific to the Crossfire Hurricane case.

14 Q. And you documented that in a 302; is that  
15 correct?

16 A. I believe it was an E.C.

17 Q. So you did create a written summary of the  
18 briefing?

19 A. I have.

20 Q. I'll try to formulate this in a question: I  
21 think it leaves something out if you ask -- if you only write  
22 down what he said about Russia and he said things about other  
23 countries as well and you only report back what he asked about  
24 Russia, doesn't that give you a misimpression of what it was  
25 that Flynn was really concerned with in the briefing?

1           A.       That wasn't important to us and our goals about  
2 what he was concerned about; however, if he made statement that  
3 I determined was, again, a threat to national security or a  
4 violation of law, I would have recorded it at that time.

5           Q.       Was this E.C. something that could possibly be  
6 turned over in future litigation?

7           A.       Sure.

8           Q.       Criminal litigation?

9           A.       Possibly.

10          Q.       So you didn't -- if he asked the same question  
11 about China that he did about Russia, you didn't -- for  
12 instance -- I'm not asking whether he did, but you wouldn't have  
13 documented if he said the exact same thing about China that he  
14 did about Russia?

15          A.       I did not.

16          Q.       Did anyone at the FBI express concerns about  
17 your attendance at the briefing?

18          A.       I don't remember.

19                 Actually, no. No one had concerns or voiced them to  
20 me.

21          Q.       Do you know if you were the originally-scheduled  
22 briefer of this briefing or was there someone else who was  
23 supposed to do it?

24          A.       I was not. Peter Strzok was to be the person  
25 to provide the briefing.

1 Q. Do you know why he did not do it?

2 A. I do. He was involved in a prior investigation  
3 midyear and I think it was looked at -- the optics of that. He  
4 was going to be briefing, you know, providing the same briefing  
5 to Candidate Clinton.

6 Q. You provided the identical briefing to the  
7 Trump -- then Candidate Trump and his two advisors as you did  
8 to Secretary Clinton?

9 A. Secretary Clinton and Vice President Pence and  
10 Kaine, Tim Kaine.

11 BY MR. BAKER:

12 Q. Who made the decision to take Strzok out?

13 A. I don't know.

14 Q. Was there a discussion as to who should  
15 substitute him that you're aware of? Were you approved?

16 A. I was not part of any of those discussions. My  
17 only visibility to that process was when Pete came down and  
18 notified me, told me what I told you, the purpose as well as  
19 that he was the original person that was going to do it and it  
20 was determined he would not be doing it.

21 Q. So you were just told the what, the where, and  
22 that you were the one doing it?

23 A. Yes, sir.

24 Q. Did you know in advance how much time you would  
25 be allotted for the official presentation that you were to make?

1           A.       Yes.  So we knew that the ODNI briefings overall  
2 were going to be about two hours in length and there was  
3 approximately 10 briefers, so about 10 minutes of a briefing  
4 provided for C.I. security briefing and admonishment.  That's  
5 pretty much what I understood was how much time I had.

6           Q.       So then the rest of your time, you just made  
7 notes about the number of times and topics that Russia came up  
8 on?

9           A.       Yes, sir.

10          Q.       Did you make any notes about any observations  
11 that you made?

12          A.       No.  I don't believe so.

13 BY MR. SOMERS:

14          Q.       Did you find anything problematic -- I asked if  
15 others found anything problematic.  Did you find anything  
16 problematic about using this strategic intelligence briefing  
17 to gather information on Flynn or Christie or Trump?

18          A.       No.

19          Q.       The IG report says that part of what you were  
20 doing there was you wanted to gauge, I think the quote is, norms  
21 to compare his mannerisms in a future interview.

22          A.       That's correct.

23          Q.       What does that mean, "norms" or "mannerisms"?

24          A.       Sure.  When you're -- any time that you consider  
25 that you're going to conduct an interview, you want to establish

1 a baseline of how a person acts, how they sit, how they speak,  
2 their tone prior. That helps you during a possible eventual  
3 subject interview that you have something to compare that to.

4 Q. Did you use any of the norms or mannerisms that  
5 you learned at this August 17th strategic intelligence  
6 briefing; did you apply any of those observations to the January  
7 24, 2017 interview you conducted with General Flynn?

8 MR. BERGER: I'm going to direct him not to answer that  
9 question.

10 MR. SOMERS: On what basis?

11 MR. BERGER: Because there is a parallel investigation  
12 by the U.S. Attorney and we are going to be participating in  
13 that. I will not authorize him to answer any questions about  
14 that.

15 MR. SOMERS: Just for the record, the FBI has no  
16 objection to him answering that question?

17 [REDACTED]: The FBI has no objection.

18 BY MR. SOMERS:

19 Q. Did the Justice Department know that you were  
20 going to use that August 17, 2016 strategic intelligence  
21 briefing to observe Flynn and/or Christie and then Candidate  
22 Trump?

23 A. I don't know. I had very minimal interaction  
24 with anybody in the Justice Department.

25 Q. So you don't know whether the Justice Department

1 was informed?

2 A. I don't.

3 MR. SOMERS: Your last objection applies just to the  
4 January 24th interview? Where are we? I mean, I don't need --

5 MR. BERGER: Well, it's not just confined to the  
6 interview itself, but the inception, decisionmaking that he  
7 made prior to that, and reporting afterwards. You can try.

8 BY MR. SOMERS:

9 Q. Let me try. The FBI had an investigation of  
10 General Flynn open since, basically, the inception of Crossfire  
11 Hurricane on August 16, 2016, I believe is the date; is that  
12 correct?

13 A. That sounds about right.

14 Q. What was the predication for that?

15 MR. BERGER: I'm going to direct him not to answer.

16 BY MR. SOMERS:

17 Q. On or about January 4, 2016, did you approve a  
18 memo written by an agent in the Washington Field closing the  
19 investigation?

20 MR. BERGER: I direct him not to answer.

21 BY MR. SOMERS:

22 Q. Did you at some point in time become aware of  
23 phone calls between General Flynn and Russian Ambassador  
24 Kislyak?

25 MR. BERGER: I direct him not to answer.

1 BY MR. SOMERS:

2 Q. Did you ever have any discussion within the  
3 Bureau or attorneys at the Department of Justice regarding the  
4 Logan Act?

5 MR. BERGER: I'm going to direct him not to answer.

6 BY MR. SOMERS:

7 Q. Prior to being assigned to Crossfire Hurricane,  
8 had you ever worked on a case involving a violation of the  
9 Foreign Agents Registration Act?

10 MR. BERGER: I'm going direct him not to answer.

11 BY MR. SOMERS:

12 Q. Same question regarding the Logan Act.

13 MR. BERGER: I direct him not to answer.

14 MR. SOMERS: For the record, the FBI has no objection  
15 to any of those questions that I just posed, him answering them?

16 [REDACTED]: The FBI has no objection to those questions  
17 as posed.

18 MR. SOMERS: I'm going to switch topics again.

19 MR. BERGER: Okay.

20 BY MR. BAKER:

21 Q. Let me ask a general question, just about how  
22 something works. It doesn't have to be related to this case.

23 You have a field office that is handling a case or may  
24 be a part of a case. It's overseen by Headquarters. A field  
25 office either refers the lead back to Headquarters as being

1 completed or the case, they write it up as to be closed or they're  
2 closing it and they're notifying Headquarters.

3 Does Headquarters have the final say if the field office  
4 can, in fact, close the case or is it reviewed by a program  
5 manager at Headquarters to see if there's any other leads that  
6 the program manager at Headquarters thinks need to be done  
7 before it's appropriate to close the case?

8 A. It depends on the case; however, the field  
9 office has the authority to close the case.

10 Q. Okay. Would it be unusual for a -- if a field  
11 office closes the case, can Headquarters come back and say,  
12 Well, you didn't interview this person or you didn't cover this  
13 lead, it needs to be -- those needs to be covered before you  
14 can officially close it?

15 A. Yes.

16 Q. So that's not unusual?

17 A. No. I've seen it before.

18 MR. BAKER: Okay.

19 BY MR. SOMERS:

20 Q. All right. Switching off of the Flynn matter,  
21 the IG report indicates that through you, the team advised  
22 O.I. -- I guess that's DOJ -- based on information from Steele,  
23 Steele was specifically hired by an individual to provide  
24 information on Candidate Trump's business affairs and contacts  
25 with Russian.



1           Then it says you provided information that Steele was  
2 never advised of the motivation of the individual who hired him.  
3 Is that your recollection, that Steele, to your knowledge,  
4 Steele was never advised of the motivation of the individual  
5 who hired him?

6           A.       To give you a little bit of background and  
7 context on that email exchange, as I stated on the record, my  
8 role by policy and process was not to be involved in the drafting  
9 of the FISA application, nor was it to engage with DOI attorneys  
10 and, clearly, the record shows that.

11           On this case, the Case Agent 1 was out of the office  
12 and there was information that O.I. needed. I did not have a  
13 day-to-day command of the facts as opposed to some of the folks  
14 on the team that had institutional knowledge in specific and  
15 could answer that question. So that's why that says with help  
16 from the team, this is the response.

17           So, again, with the help of the Crossfire Hurricane  
18 team, I drafted that email.

19           Q.       So someone gave you the information that you  
20 included in the email?

21           A.       That's correct.

22           Q.       So you weren't aware that, for instance, I think  
23 there's notes that Steele allowed the IG's office to review that  
24 say that Steele told Handling Agent 1 the Democratic Party  
25 associates are paying for Fusion GPS's research and that the

1 ultimate client was the leadership of the Clinton Presidential  
2 Campaign and the candidate was aware of Steele's reporting?

3 You weren't aware of information like that?

4 A. Sir, I can't remember, again, going back -- it's  
5 been four years -- what I remember when. I cannot speak to that.

6 Q. You sent the team to a European City in October  
7 of 2016. Did they ask Steele who the ultimate -- who he was  
8 the client for?

9 A. I don't know.

10 Q. There's also information that the handling  
11 agent seemed to know who the ultimate client was or at least  
12 had some speculation about it. Among other things, it says:  
13 "The assistant special agent in charge of the FBI Field Office  
14 took notes of the July 13th call. The ASAC Handling Agent  
15 1 -- "Among other things, the notes identify Simpson as the  
16 client of the law firm and the law firm works for the Republican  
17 Party or Hillary and will use the information described in the  
18 report at some point in time."

19 You weren't aware that the handling agent seemed to have  
20 some knowledge of who Steele was working for?

21 A. No, sir.

22 Q. Whatever information you conveyed was not your  
23 information; you merely were the transmitter of the  
24 information?

25 A. Yes.

1 Q. The IG report also indicates that you told the  
2 OIG team that the team, quote, speculated Steele's information  
3 was corroborated and used in criminal proceedings because they  
4 knew Steele had been, quote, a part of, if not predicated, the  
5 FIFA investigation and was known to have an extensive source  
6 network into Russian organized crime.

7 Let's just break that down a little bit.

8 "██████████ told the OIG that the team -- I assume that's  
9 the Crossfire Hurricane -- "speculated that Steele's  
10 information was corroborated."

11 Why did they speculate the information was  
12 corroborated?

13 A. So I've had the opportunity to go back and read  
14 my transcripts over 30 hours from my IG testimony. I said  
15 "speculate" three times. If I would have known that my  
16 testimony would have boiled down to that word in the IG report,  
17 I would have said something different.

18 I think I was taken out of context with regard to that.  
19 I understood that that was the case. So when I was looking at  
20 those facts, that was my understanding at the time.

21 I think the speculation part is I speculated or I  
22 believed that the team that was doing the validation on the intel  
23 side were doing their job. That's what I speculated.

24 Q. So you weren't actually speculating; you  
25 shouldn't have used the word?

1 A. Correct. That was taken out of context.

2 Q. But there would, obviously, have been -- why  
3 this has been singled out because there's people at the FBI that  
4 could answer that question. Was it your understanding that  
5 people had asked those people at the FBI or at the Justice  
6 Department that could answer the question and asked them the  
7 question?

8 Is that your understanding, that Crossfire Hurricane  
9 had done that?

10 A. I understood that, through my observations,  
11 that the process was occurring as it normally had, if not better  
12 than normally had. We actually had O.I. attorneys in our space  
13 working with Case Agent 1 as well as OGC attorneys. That  
14 typically doesn't happen in the field. It should happen in  
15 classified calls when conveying information.

16 So I saw the exchange of information occurring from -- I  
17 had no reason to believe that what was in the application wasn't  
18 anything more than the most accurate recent information that  
19 we had.

20 Q. So you didn't know the FIFA case agent or the  
21 prosecutor on the FIFA case told us that, to their  
22 knowledge -- told OIG, to their knowledge, that Steele did not  
23 have any role in the investigation himself, he did not provide  
24 court testimony, and that information did not appear in  
25 indictments, search warrants, or other court filings?

1 A. I was unaware of that.

2 Q. And then, also, you were not aware that  
3 according to Handling Agent 1, he was clear to the Crossfire  
4 Hurricane team concerning Steele's role and Steele had provided  
5 leads and not evidence in the FIFA case; are you aware of that?

6 A. I'm sorry?

7 Q. According to Handling Agent 1, he was clear with  
8 the Crossfire Hurricane team concerning Steele's role and that  
9 Steele had provided leads and not evidence in the FIFA case.  
10 You were unaware of that interaction with Handling Agent 1?

11 MR. BERGER: Can we stop for a moment? I would like  
12 to just talk.

13 MR. SOMERS: Yes.

14 [Mr. Berger confers with the witness.]

15 THE WITNESS: To answer your question, for Crossfire  
16 Hurricane team, I can tell you that Handling Agent 1 never  
17 provided that information directly to me. If he provided to  
18 anybody else, I can't speak to that. No one ever conveyed that  
19 to me.

20 BY MR. SOMERS:

21 Q. I know we've had a little bit of discussion about  
22 that and just to revisit what was and was not included from the  
23 confidential human source consensual monitoring with Carter  
24 Page, what was included in the FISA application and what was  
25 not included in the FISA application. A couple of points that

1 were not included, the OIG report states and I'll try just read  
2 as little as I can here, but it's on page 170:

3 "We further noted the documents in the Woods file  
4 specifically stated that Page denies meeting with  
5 Sechin/Diveykin and said that he, quote, stayed clear of the  
6 efforts of the Republican platform committee and knew nothing  
7 about Wikileaks. Neither Case Agent 1 nor ██████ noticed this  
8 inconsistency during their Woods procedures even though instant  
9 messages showed ██████ also knew as of October 17 that Page  
10 denied ever knowing Diveykin.

11 Do you know or have any recollection of why the denials  
12 of Page knowing Sechin and Diveykin didn't make it into the FISA  
13 application?

14 MR. BERGER: I'll direct him not to answer.

15 MR. SOMERS: On what grounds?

16 MR. BERGER: The grounds that we don't have the draft  
17 of the FISA application that my client reviewed and he has no  
18 reference to determine whether any of that is accurate as a  
19 firsthand witness. He has nothing to aid his recollection as  
20 to what he actually saw. Therefore, he's unable to answer that  
21 question.

22 He does not have enough information available to him  
23 to answer that question because he does not have that draft of  
24 the FISA application that he actually reviewed.

25 MR. SOMERS: I don't think that's the question. My

1 question was whether he recalls why Sechin and Diveykin, the  
2 denials were not included in the FISA. Either he recalls or  
3 he doesn't recall. I don't understand.

4 MR. BERGER: I'm going to direct him not to answer.  
5 He's not in a position where he can even make an affirmative  
6 statement that he doesn't recall. He doesn't have enough  
7 information available.

8 I'm going to direct him not to answer. He can't answer  
9 whether he recalls or not.

10 We're in the ether here.

11 MR. SOMERS: I don't think we are in the ether here.  
12 I can ask him whether he recalls something. Either he recalls  
13 it or he doesn't recall it.

14 MR. BERGER: Look, he's under oath. Even an answer  
15 that says I don't recall has to be sincerely given in good faith  
16 and that's what he's here to do. He can't give a sincere good  
17 faith answer without access to that document.

18 BY MR. SOMERS:

19 Q. You discussed in the last round about -- I  
20 believe this is the comment, that you discussed -- "██████████" told  
21 the Office of Inspector General on Page's comments on funding  
22 a research institute using a, quote, open checkbook from Russia  
23 brought ██████████ closer to believing that Carter Page may  
24 actually be acting as an agent of a foreign power.

25 Do you recall having that impression?

1 [Witness confers with counsel.]

2 THE WITNESS: Yes. That is correct. That's what I  
3 stated earlier.

4 BY MR. SOMERS:

5 Q. I'm just trying to understand with all of these  
6 questions the line between, you know, on one hand, that brought  
7 you closer to believing that Carter Page may actually be acting  
8 as an agent of a foreign power. That's a comment that he made  
9 during a confidential human source consensual monitoring.  
10 That, you gave credence to. There's other comments that didn't  
11 make it into the FISA application.

12 I'm just trying to understand the line of how can you  
13 give credence to some things and not others in a consensual  
14 monitoring?

15 MR. BERGER: He's not able to respond to that question.  
16 I'm going to direct him not to answer.

17 MR. SOMERS: Generally why certain things might make  
18 it in and others won't?

19 MR. BERGER: Correct.

20 BY MR. SOMERS:

21 Q. Do you recall -- this is on page -- this is in  
22 the footnote on page 310 of the OIG report.

23 It says: "The only express direction we found that  
24 McCabe gave regarding the use of a confidential human source  
25 concerned the former FBI CHS who contacted an FBI agent in an



1 FBI field office in late July 2016 to report information."

2 This is the information we talked about earlier in that  
3 August 2nd email. That's not necessarily the important part  
4 of what I'm asking.

5 It says: "In mid-September 2016, McCabe told [REDACTED]  
6 to instruct the FBI agent from the field office not to have any  
7 further contact with the former CHS and not to accept any  
8 information regarding the Crossfire Hurricane investigation."

9 Do you recall why you were asked to instruct the agent,  
10 to so instruct the agent?

11 A. Somebody brought that to my attention recently.  
12 I don't remember.

13 Q. You don't remember?

14 A. No.

15 Q. You don't remember giving the instruction? I'm  
16 just asking why were you giving the instruction.

17 A. No. I don't have any recollection of that at  
18 all.

19 Q. "We further found -- this another quote from IG  
20 report.

21 "We further found that [REDACTED] briefed the FBI  
22 supervisors in his chain of command, Strzok, Priestap, and on  
23 one occasion McCabe, about the CHS operation planned by the  
24 investigative team."

25 Why, in general, would you have briefed Strzok,

1 Priestap -- we'll start with Strzok and Priestap -- about CHS  
2 operations?

3 A. Sure. As I mentioned before, on a daily basis,  
4 I kept my management apprised of the progress of the  
5 investigation and/or any kind of operational operations that  
6 we were conducting, to include CHS operations.

7 Q. And McCabe, do you recall why you briefed McCabe  
8 on the CHS operation?

9 A. Just more of kind of the same. It was an update.

10 Q. It wasn't a specific briefing for him about an  
11 operation; it was part of a more general meeting?

12 A. It was a more general meeting, yes, sir.

13 Q. Switching topics here a little bit, you probably  
14 recall that there was a September 23, 2016 Yahoo news article  
15 that related to the Crossfire Hurricane investigation. Do you  
16 recall that article?

17 A. I do.

18 Q. The article was titled "U.S. Intel Officials  
19 Probe Tie Between Trump Adviser and Kremlin". The article  
20 describes efforts by U.S. Government intelligence agencies to  
21 determine whether Carter Page had opened communication channels  
22 with Kremlin officials.

23 I think there was some back and forth about whether  
24 Steele was the source. The article itself said that there was  
25 a western intelligence source that was providing at least some

1 of information.

2 Do you recall discussions about whether Steele was that  
3 western intelligence source?

4 A. I do not and I did not have those discussion with  
5 anybody.

6 Q. You did not have discussions about that?

7 A. That I recall. It notes a senior law  
8 enforcement official was the source. It also notes that there  
9 was a source that was at the time a western intelligence officer.  
10 It was very broad.

11 Q. You don't recall any discussion of whether there  
12 was speculation as to whether Steele could have been the source  
13 of the article or one of the sources of the article?

14 A. I don't remember having those discussions.

15 Q. You don't remember any concerns being raised  
16 about Steele possibly talking to the media around that time?

17 A. No.

18 Q. And I'll ask and maybe you don't have any  
19 knowledge about this either, but on page 107 of the FISA report,  
20 it says: "Drafts of the Carter Page FISA application stated  
21 until October 14, 2016, Steele was responsible for a leak that  
22 led to the September 23rd Yahoo news article. One of the drafts  
23 specifically stated that Steele was, quote, acting on his/her  
24 own volition and has since been admonished by the FBI.

25 Do you have any knowledge of the FISA application ever

1 saying Steele was the source of the --

2 MR. BERGER: I direct him not to answer.

3 BY MR. SOMERS:

4 Q. Okay. Do you have any knowledge of Steele being  
5 admonished around that time period for talking to the media?

6 A. No. I do not remember that.

7 Q. I think another issue came up surrounding not  
8 this article, but a later article. I think you aware of this  
9 one. It was an article in "Mother Jones" and that it says that  
10 after that article appeared in "Mother Jones", FBI officials  
11 told OIG that after these disclosures, they continued to assess  
12 if Steele was reliable; however, they said that they viewed the  
13 "Mother Jones" disclosure as a control issue.

14 What's a control issue? I think I believe you used that  
15 term as well, although, I don't have a quote in front of me.  
16 What's a control issue?

17 A. Also, just to back up to what you were saying  
18 before, it was a very large group of people. I'm on the record  
19 saying I did not have that same overall understanding and belief  
20 about Chris Steele at that point. At that point, I felt that  
21 we had control and behavior issues, is how I put it.

22 From a control standpoint and behavior standpoint, we  
23 had traveled to another country. We had asked him to enter -- we  
24 asked him for what I call exclusivity, and seeing his work and  
25 acknowledgment of our case in the press on that day, he had,

1 as I put it, politicized himself, and that was a big problem  
2 for me.

3 Q. How so?

4 A. I guess at that point, it goes back to his  
5 behavior and control. You know, any time you are going to  
6 either put your hand on the scale or acknowledge the existence  
7 of our case, basically, it's just significant.

8 Q. Does that in any way affect his reliability?  
9 Does that kind of spill over the line some between control, as  
10 you describe it, and his reliability?

11 A. What could also be true is what my goal is, to  
12 find out in the allegation, Okay, what about your subsources.  
13 Right? The information that you were receiving from those  
14 individuals, just because you may have put your hand on the scale  
15 doesn't mean that their information is invalid.

16 Q. But if you can't control -- if you have control  
17 issues with a source, doesn't that affect trust in some way?  
18 I mean, you instruct someone to do something and they don't do  
19 it --

20 A. That's a trust issue, yes.

21 Q. So around this time, and I think it was -- I think  
22 the "Mother Jones" article was on October 31st, if I'm not  
23 mistaken. On November 1st Steele is closed as a source.

24 Were you aware that he was closed when he was closed  
25 or somewhere thereabouts?

1 A. I instructed the handling agent to close him.

2 Q. I'm sorry. You instructed?

3 A. I instructed the handling agent to close him.

4 BY MR. BAKER:

5 Q. What was their response to that instruction?

6 A. I think at the time, the handling agent might  
7 not have known that the article was out. I think I alerted him  
8 to that, and then I think once he confirmed from the source what  
9 occurred, I think he knew that was the appropriate course of  
10 action.

11 Q. So did you instruct him to close the source or  
12 did you request that he did it based on A, B, and C and then  
13 he looked at A, B, and C, agreed and closed the source?

14 A. So I'll back up a little bit. I had briefed this  
15 to executive management at, I believe, one of those eleven  
16 o'clock C.I cyber meetings that I was chairing, and when I  
17 briefed it to A.D. Priestap, he instructed me to instruct the  
18 handling agent to close the source for cause.

19 Q. So when you told the handling agent to close the  
20 source for cause, it was, essentially, you relaying the  
21 instruction or the order from A.D. Priestap?

22 A. Yes, sir.

23 Q. And there was no reluctance by the handling  
24 agent to do it and he was going to look further into it?

25 A. Sir, I don't remember anything out of the

1 ordinary. I think he took it and did it, I think that same day.

2 Q. When you said exclusivity, is that to say that  
3 he should be, the source should be, reporting solely to the  
4 Bureau and he was doing -- he was peddling his wares in other  
5 places and is that an issue for you?

6 A. So that is on two points. One of them was he  
7 had, obviously, acknowledged to someone at the State Department  
8 that he was in a meeting with us in a foreign city a month prior,  
9 and that was something that we wanted to ensure that he wasn't  
10 talking to another government agency about that or his  
11 relationship. That was one piece of exclusivity.

12 The second part that we were, say, negotiating on or  
13 wanted to negotiate on was whoever his customer was where he  
14 was getting the source information, we were interested in  
15 establishing -- I don't want to say cut that customer off, but  
16 have this reporting only go to the FBI.

17 Q. Those are good specific examples on the  
18 exclusivity issue. Do you have any specific examples on what  
19 the control issues relate to?

20 A. Control is also going to the State Department.  
21 He was talking to the individual, I believe, that was at that  
22 embassy in that country. That's how I remember the issue, and  
23 we just didn't want to do that.

24 So that was the control issue.

25 Q. Okay. A long time ago in this interview, we

1 mentioned briefly or I asked a question about whether there was  
2 a delay in the reporting coming from the handling agent. You  
3 didn't seem to think there was.

4           Were you aware, either at the time or in  
5 hindsight -- with the IG report as a benefit to answer some of  
6 this stuff, did it seem to you that at some point there seemed  
7 to be an us versus them that shook out between Handling Agent  
8 1 and the Headquarters team?

9           I got a sense that there were people at Headquarters  
10 that thought had the information, had the Steele information,  
11 come to Headquarters quicker, they could have started the  
12 validation of Steele sooner and then there was a thought from  
13 Handling Agent 1 that had the Headquarters people got into the  
14 Delta file sooner, I think his words were something to the effect  
15 of I would have turned that file upside down.

16           It just seemed to me it was he said-she said at one  
17 point. Did that become apparent to the team or is that just  
18 me reading the IG report in hindsight?

19           A.       Sir, it might just be hindsight. I didn't feel  
20 that the case agent, the handling agent at the time -- again,  
21 I think it was just a few-week time period here, these  
22 characterizations we're talking about, but I never got that  
23 sense from the handling agent.

24           Q.       Thank you.

25           A.       But I also never met with him. I spoke with him



1 on a secure line on a headset.

2 Q. But he or she is not someone you had worked with  
3 before?

4 A. I didn't know him or her.

5 Q. You just knew them in the capacity as they  
6 existed when you were the SSA on the case?

7 A. Yes, sir.

8 MR. BAKER: Thank you.

9 BY MR. SOMERS:

10 Q. You indicated earlier that Priestap instructed  
11 you to close Steele as a source. Did you agree with that  
12 instruction?

13 A. I did.

14 Q. And what was either -- well, let's start with  
15 what was -- do you know what Mr. Priestap's rationale was?  
16 Obviously, the "Mother Jones" article was the event, but what  
17 was the rationale, as best you understood it, to close Steele?

18 A. He didn't express the rationale. He was upset.

19 Q. You said you agreed with his decision. What  
20 would your rationale be for why?

21 Obviously, the event is the "Mother Jones" article.  
22 What was the rationale based on the "Mother Jones" article that  
23 it's time to cut this guy loose?

24 A. The same thing, behavior, control, and trust  
25 issues.

1 Q. And then but the FBI continued to receive  
2 information from Steele through Bruce Ohr after he was  
3 terminated. Did you have an issue with that arrangement?

4 A. So that was not my primary objective from  
5 talking with Bruce Ohr, as I understood it. My primary  
6 objective from him was, as I mentioned to you, you can have a  
7 source that's closed for cause and a source that you might have  
8 concern about that individual and we also have subsources out  
9 there that we had information in a FISA that we were relying  
10 on for that probable cause, and we needed to verify those  
11 subsources.

12 So my objective was to, during my engagements with Bruce  
13 Ohr, try to learn as much I could about Chris Steele and his  
14 subsource network to help piece that together and try to  
15 identify those individuals and vet them individually.

16 Q. Did you ask Ohr to ask Steele anything?

17 A. No.

18 Q. So you were just -- your trying to learn from  
19 Ohr is based on Ohr's knowledge of Steele based on his past  
20 relationship with him?

21 A. That's correct.

22 Q. But you did continue to receive information from  
23 Steele through Ohr?

24 A. I didn't necessarily look at it that way. I  
25 received a lot of -- well, various information from Ohr. I

1 received information from his wife. I received information  
2 from Simpson as well as Steele.

3 At the time that I was accepting this information,  
4 again, there were thumb drives that we needed to retain and I  
5 didn't fully understand what was on those, but we needed to take  
6 it in just like we take in any information from anybody who wants  
7 to provide us information. So I wasn't going to place a  
8 judgment on what that information before I talked to him or  
9 examine that.

10 Q. What did you do with the thumb drives that you  
11 received from Bruce Ohr?

12 A. So I brought them back to -- I had to go to the  
13 Washington Field Office, because, again, the case was run out  
14 of Headquarters. I needed to have a [REDACTED] to process  
15 this and create a working copy and put it into evidence.

16 So went to WFO for that. Then I brought it back and  
17 I provided it to the analysts on the Crossfire Hurricane team  
18 that were working to validate the source.

19 Q. That's what you did with all the thumb drives  
20 you received?

21 A. I did.

22 Q. And did they know, the analysts, where this was  
23 coming from?

24 A. Yes.

25 Q. Was there any sort of chain of custody into

1 taking account these thumb drives?

2 A. Yes. So they went into evidence. I provided  
3 them working copies.

4 Q. Okay. Where did the chain -- the chain started  
5 with you or the chain started with Bruce Ohr?

6 A. Bruce Ohr.

7 Let me back that up. I would have to review the actual  
8 evidentiary form and what I filled out, but I don't remember  
9 what I put on that form.

10 Q. Getting back to what we were discussion just a  
11 second ago, on page 281 of the IG report, it says: "[REDACTED]  
12 told the Office of Inspector General that no one in the meeting  
13 directed Ohr to contact Steele or take any action on behalf of  
14 the FBI, but added that Ohr likely left the meeting with the  
15 impression that he should contact the FBI if Steele contacted  
16 him."

17 What would have left that impression with Ohr?

18 I can read it again if you'd like.

19 A. Yeah. That would be helpful.

20 Q. Sure.

21 "[REDACTED] told us -- us being OIG.

22 "[REDACTED] told us that no one in the meeting directed  
23 Ohr to contact Steele or take any action on behalf of the FBI,  
24 but added that Ohr likely left the meeting with the impression  
25 that he should contact the FBI if Steele contacted him."

1           My question is what would have left Ohr with that  
2           impression?

3           A.       I would say based on the things we were talking  
4           about in the meeting, he knew that we were interested in  
5           information regarding the subsources and any information would  
6           be pertinent that he would receive in that realm, and so I think  
7           it was implied or he just understood -- I mean, he was a  
8           professional who's worked a long time in law enforcement. He  
9           just understood.

10          Q.       But you still -- even though Steele was a closed  
11          source, you had no issue with Ohr continuing to speak to him?

12                 It's one thing if you get information from Ohr about  
13          Steele in general, but to have him continue to contact a closed  
14          source wasn't a problem?

15          A.       I was introduced to Bruce Ohr by senior  
16          executives in the FBI, and I know of no policy prohibiting that  
17          occurring, talking to a closed source.

18          BY MR. BAKER:

19          Q.       Who were the senior executives?

20          A.       That was Peter Strzok and Lisa Page.

21          Q.       But you didn't think it odd or unusual that  
22          someone of Ohr's rank and workplace officially being Main  
23          Justice, that he would so many contacts and be a conduit for  
24          a source providing information to such a big case of the  
25          Bureau's?

1           A.       I didn't find it odd. Washington is a -- as you  
2 know, it's a well-connected town and there's a lot of people  
3 who know a lot of people. So it didn't raise any concerns with  
4 me.

5           ██████████: We would just like to go on the record to  
6 clarify that Lisa Page was not a senior executive of the FBI  
7 if the record says she's a senior executive.

8 BY MR. BAKER:

9           Q.       But she was in a lot of meetings that you were  
10 privy to. Correct?

11          A.       Yes, sir.

12 BY MR. SOMERS:

13          Q.       Case Agent 1 told the OIG -- it says: "Case  
14 Agent 1, the lead agent on the Carter Page investigation told  
15 us he recalled learning about Ohr from ██████████ likely before  
16 the first Carter Page FISA application was filed on October 21,  
17 2016."

18               Do you dispute that timing? Do you have any issues with  
19 the timing there? Did you know about Ohr prior to the first  
20 Carter Page FISA application?

21          A.       I don't remember knowing Bruce -- well, the  
22 first time I met Bruce Ohr was in November. I have no  
23 recollection that I knew his name or the existence of Bruce Ohr  
24 prior to that time.

25          Q.       Or the Ohr-Steele connection?

1           A.       Or the Ohr-Steele connection.  If I would have,  
2 we would have probably attempted to go out and talk with Bruce  
3 Ohr.

4           Q.       The first time you met Ohr was in a meeting with  
5 Strzok and Page?

6           A.       It was.

7           Q.       Was there anyone else in that meeting?

8           A.       John Moffa may have attended.

9           Q.       What was your knowledge before the first Carter  
10 Page FISA application was filed on October 21st, what was your  
11 knowledge about Carter Page's relationship with another  
12 government agency, intelligence agency?

13          A.       I had no knowledge.

14          Q.       You had no knowledge prior to?

15          A.       No.

16          Q.       Did you at a later time gain knowledge of that?

17          A.       I have since learned.

18          Q.       I'm sorry.  You since learned while you were  
19 still on the Crossfire Hurricane?

20          A.       I was not while I was on Crossfire Hurricane.

21 BY MR. BAKER:

22          Q.       In your experience, your 18 years total Bureau  
23 experience, when a source is opened or used in a case, are there  
24 database checks or inquiries made as a matter of routine from  
25 other agencies to make sure that, you know, drugs aren't being

1 bought from the DEA or something like that?

2 Is it standard procedure to do an agency check?

3 A. It is.

4 Q. Then as the result of that agency check  
5 routinely put into a case file? Are the case agents notified  
6 when a result come back from another agency check?

7 A. Yes. The handling agent would go to the Delta  
8 file.

9 BY MR. SOMERS:

10 Q. Had you worked with Case Agent 1 prior to  
11 Crossfire Hurricane?

12 A. Yes.

13 Q. Regularly? On how many occasions?

14 A. He was a program manager when I was in the  
15 Washington Field Office on my Russian counterintelligence  
16 squad.

17 Q. He was on your squad?

18 A. He was -- I'm sorry -- a FBI Headquarters program  
19 manager SSA. So he was an SSA. In the Bureau, you have squads  
20 out in the field and, obviously, we have a Headquarters  
21 structure.

22 So he was assigned to the Counterintelligence Division.  
23 In particular in the Counterintelligence Division, you have  
24 various sections. He was a part of the Eurasian Section and  
25 that have the responsibility for looking at all 56 field offices



1 and supporting their Russian investigations and operations.

2 So in that programmatic capacity at the national level,  
3 he had supported my squad prior.

4 BY MR. BAKER:

5 Q. So did he step down from being an SSA to being  
6 an SA and then you became his supervisor on Crossfire?

7 A. No, sir. I believe he had traveled back to his  
8 field office. His time at Headquarters as a supervisor there  
9 expired and he transferred back to his field office.

10 So he was SA in his field office when I spoke with him  
11 in July or August 2016.

12 BY MR. SOMERS:

13 Q. Did you recruit him to the team or ask  
14 to -- "recruit" is the wrong word. I'm sorry.

15 Did you ask him to join the Crossfire Hurricane team?

16 A. Yes.

17 Q. So you must have thought he had a solid  
18 reputation or solid work ethic in order to invite him to be on  
19 the team.

20 A. I was very familiar with his work product when  
21 it came to Russian foreign counterintelligence and [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 [REDACTED].

2 Q. When you said earlier he was a program manager  
3 at Headquarters, was that the program manager -- for instance,  
4 the Carter Page FISA was application ultimately signed by the  
5 Headquarters program manager. Is that the type of position he  
6 held?

7 A. Yes.

8 Q. Did he ever sign FISA applications for you as  
9 a Headquarters program manager when he was previously in that  
10 position?

11 A. Yes. He was the acting on a few.

12 BY MR. BAKER:

13 Q. I'm still a little confused. He's an SSA at one  
14 point at Headquarters and then he's a case agent under you on  
15 Crossfire Hurricane.

16 A. So he was an SSA program manager assigned to the  
17 Counterintelligence Division while I was an SSA at the  
18 Washington Field Office. I believe he was on a 18-month TDY.

19 Q. As a program manager?

20 A. As a program manager and, usually, when that  
21 expires --

22 Q. He went back?

23 A. -- you go back to the field office.

24 Q. And then you recruited him back?

25 A. Correct. So he was already back in his field

1 office when I came to Headquarters for a TDY and I said, Hey,  
2 can you go on the team?

3 Q. So he came back on another TDY?

4 A. Correct. Those were the circumstances.

5 Q. Your assessment of his experience when he left  
6 Crossfire Hurricane, was it a good, enriching or  
7 career-developing experience for him or did he leave  
8 frustrated?

9 A. I thought, for him, that we had a unique  
10 experience.

11 Q. When you say "unique", what does that mean?

12 A. This case was unique. It was something that not  
13 a lot of people would get the opportunity to work in their  
14 career.

15 Q. If you knew -- when your TDY was over and said  
16 I'm going back to Washington Field, if you had known what this  
17 unique experience would be like when you got the call from Mr.  
18 Strzok, would you have come and been a part of the team or sat  
19 out?

20 MR. BERGER: That is a real speculative -- you know,  
21 that's --

22 MR. BAKER: Well, it's something that you consider as  
23 an agent.

24 MR. BERGER: I understand that, but, you know, there  
25 are so many variables in making an assessment like that. I'm

1 going to direct him not to answer that right now.

2 BY MR. BAKER:

3 Q. Are you glad you did this? Are you glad the time  
4 you put in was spent at Headquarters or would you have preferred  
5 to have stayed at Washington Field and run your squad?

6 A. I grew a lot by this experience.

7 MR. BERGER: Leave it at that.

8 BY MR. BAKER:

9 Q. Well, I believe that Bureau experiences and  
10 Bureau managers, you can learn from bad experiences and be a  
11 better manager by having worked for bad managers and you can  
12 take good from good managers. I'm just curious what the  
13 totality of your time in Crossfire Hurricane was. You were  
14 specifically recruited because of your expertise and you leave  
15 for reasons of principle, again, relating to your expertise  
16 and --

17 [Witness confers with counsel.]

18 MR. BERGER: Sir, respectfully continue. I'm sorry.  
19 I guess we get the gist of your question.

20 THE WITNESS: Overall, Crossfire was rewarding. The  
21 aftermath was not so good. So that's the answer.

22 MR. BAKER: Thank you.

23 MR. SOMERS: I think our hour has expired. We'll take  
24 a short break.

25 [Whereupon, at 3:25 p.m., a recess was taken,

1 reconvening at 3:36 p.m.]

2 MS. ZDEB: We can go back on the record. It's 3:36.

3 FURTHER EXAMINATION BY THE MINORITY

4 BY MS. ZDEB:

5 Q. I just had a couple of followup questions on the  
6 August 2016 strategic intelligence briefings.

7 So you indicated that you gave substantively the exact  
8 same briefing to both the Clinton team and Trump team; is that  
9 right?

10 A. That's correct.

11 Q. And you told OIG that, substantively, there was  
12 nothing you did differently with the Trump briefing as compared  
13 to the Clinton briefing; that was one of the things that was  
14 very key, the briefings needed to be consistent.

15 And that's on page 342 of the IG report. Why was it  
16 key that the briefings be substantively identical?

17 A. Obviously, the message wasn't tailored for  
18 anyone in particular. It needed to be consistent so that  
19 everybody was afforded the same admonishment.

20 Q. So, obviously, you spoke a bit before the break  
21 about the one difference between the two briefings, which was  
22 the fact that the briefing for the Trump team involved your  
23 observing and listening to General Flynn and, in particular,  
24 to the extent he discussed Russia. At the time of this  
25 briefing, was the FBI conducting a predicated

1 counterintelligence investigation into the Clinton Campaign  
2 ties to Russia?

3 A. Not to my knowledge.

4 Q. If the FBI had been conducting a predicated  
5 investigation into the Clinton Campaign's ties with Russia and  
6 if a subject of that investigation attended the briefing that  
7 you provided for the Clinton team, is it possible that you would  
8 have approached that briefing in the same way you did the Trump  
9 briefing, in other words, to observe, listen to, and record any  
10 discussion by that subject of Russia?

11 [REDACTED]: I'm going to have to object. The nature of  
12 that one is speculative, particularly to a hypothetical  
13 investigation and what investigative steps he would take in that  
14 circumstance.

15 BY MS. ZDEB:

16 Q. So with respect to the notes that you took and  
17 the fact that you memorialized aspects of the briefing for from  
18 Trump team, you told OIG, and this is on page 343, that you did  
19 not memorialize the briefings for Hillary Clinton, Mike Pence,  
20 or Tim Kaine because the attendees at those briefings did not  
21 include the subject of an FBI investigation; is that correct?

22 A. That is correct. If there was any question to  
23 that, there were 10 other individuals in the room present at  
24 each one of those briefings to let you know the consistency with  
25 which I delivered the briefing.

1 Q. To give you a sense of what I'm getting at,  
2 there's been allegations that there was a double standard  
3 applied to the briefing given to the Clinton team and the Trump  
4 team. It sounds like, based on that explanation, it was the  
5 same standard, but just applied to a different set of facts.

6 Would you agree with that?

7 A. There was no double standard.

8 Q. Just to drill down on that a little bit more,  
9 the Senate Intelligence Committee recently published a  
10 bipartisan report and, among other things, it concluded that  
11 Trump's campaign manager, Paul Manafort, posed a grave  
12 counterintelligence threat because, quote, his presence on the  
13 campaign and proximity to Trump created an opportunity for  
14 Russian intelligence services to exert influence over and  
15 acquire confidential information on the Trump Campaign.

16 At the time of the strategic intelligence briefings,  
17 to your knowledge, was there anyone on the Clinton Campaign  
18 whose presence created an opportunity for Russian intelligence  
19 services to influence the campaign?

20 [REDACTED]: To the extent he has that knowledge, I object  
21 to providing that information if it relates to an ongoing and  
22 any other investigation. He can't answer that.

23 MS. ZDEB: Are you saying that it relates to an ongoing  
24 investigation?

25 [REDACTED] No. I can't confirm or deny that was or was

1 not an investigation, but his answer would, presumably, confirm  
2 or deny that.

3 BY MS. ZDEB:

4 Q. Your notes memorializing the briefing state  
5 that you told President Trump, Lieutenant General Flynn, and  
6 Mr. Christie that if you are not already a target of a foreign  
7 intelligence service, due to the fact that you are receiving  
8 this classified briefing, you will be.

9 You went on to explain that foreign intelligence  
10 services want information pertaining to the political,  
11 economic, energy, technology, and military policy and plans of  
12 the U.S., that this information is extremely valuable. Putting  
13 it plainly, foreign intelligence services look to collect  
14 inside information to give their country a competitive  
15 advantage over the U.S.

16 Are you aware of whether at any point after you provided  
17 this briefing where you warned President Trump and Lieutenant  
18 General Flynn that they would be targeted by foreign  
19 intelligence services, whether any member of the Trump team  
20 reported any of their contacts or reported any contacts with  
21 Russia to the FBI?

22 A. I'm unaware of that.

23 MS. ZDEB: So I think that concludes our questioning.  
24 Before I go off the record, I just want to say on behalf of myself  
25 and Mr. Charlet and also Ranking Member Feinstein, thank you



1 for being here. I know, [REDACTED] acknowledged at the outset that  
2 your presence and the fact that the Bureau made you available  
3 is somewhat extraordinary. We acknowledge and appreciate that  
4 and thank you for being here.

5 THE WITNESS: Thank you.

6 MR. HOLMES: Off the record.

7 [Discussion held off the record.]

8 FURTHER EXAMINATION BY THE MAJORITY

9 BY MR. SOMERS:

10 Q. Are you aware of any errors or omissions that  
11 the IG did not identify in the --

12 MR. BERGER: That, I didn't hear.

13 MR. SOMERS: I didn't know if [REDACTED] [REDACTED] was aware of  
14 any errors or omissions in the Carter Page FISA application or  
15 the Crossfire Hurricane investigation that were identified.

16 MR. BERGER: I'm directing him not to answer.

17 BY MR. SOMERS:

18 Q. One question: We touched on this a lot, but I  
19 don't know that we quite got to this point of it. We talked  
20 a lot about the verification of the Steele Dossier and  
21 verification of Steele. First of all, those are two things.  
22 Right?

23 Those are two tracks you were on; one was verification  
24 of Steele's liability, etc.; is that one track you were  
25 pursuing?

1           You, when I say "you", I mean the FBI, not you, but the  
2 Crossfire Hurricane team.

3           A.       So the Crossfire Hurricane team  
4 was -- obviously, we wanted to examine the totality of his  
5 reporting, his entire history and help in the FBI and CHS.  
6 That's what was important to us.

7           Q.       So I guess I see is like three things you could  
8 look at. Maybe you can tell me if you'd looked at all three  
9 of these things. You could look at is Steele reliable, without  
10 bias, etc., Steele the person. Then you look at the same  
11 questions for his primary subsource and subsources, and then  
12 you could, third, actually look at the allegation made in the  
13 dossier.

14           Were all three of those what the verification was or  
15 not?

16           MR. BERGER: I'm going to direct him not to answer.

17           MR. SOMERS: Okay. Is there a basis for him not  
18 answering? I think it's a yes or no question.

19           MR. BERGER: Ask it again and I'll reconsider it.

20 BY MR. SOMERS:

21           Q.       I'm asking whether you tried to verify Steele  
22 and the Steele Dossier. I'm asking whether that verification  
23 was of Steele, the person, reliability, bias, everything, the  
24 subsources, reliability, biases, who they were; and then,  
25 third, the actual allegations in the dossier.

1           Was it that tri-part verification or was one of those  
2 elements not part of what you were trying to do?

3           MR. BERGER: You can answer that.

4           Thank you.

5           THE WITNESS: So, again we, did have a two different  
6 elements through Crossfire Hurricane: Operation on the  
7 investigative side and then the intelligence side. I can't  
8 speak intelligently about what the D.I. did, our intelligence  
9 folks did.

10          They were looking at all three pieces. Right?

11          I believe that they were, and at the same time, I was  
12 mindful of those three things, as you put it there, and that  
13 was our interest as well, to verify each one of those.

14          Q.        There's one thing I think I missed earlier when  
15 we were discussing everything. There's a reference in the IG  
16 report, considerations about whether Steele's information  
17 could also include Russian disinformation. Was that something  
18 that you were ever involved in discussions of, whether what was  
19 Steele was including in this so-called dossier could possibly  
20 be Russian disinformation?

21          A.        I don't remember those conversations occurring.

22          MR. SOMERS: Then one last thing, and I don't know if  
23 this changes your objection, but I just want to -- there was  
24 an objection earlier that I want to clean up for the record a  
25 little bit just on our end.

1           We did talk to the Inspector General's Office about the  
2 Woods file you reviewed or they reviewed versus the Woods file  
3 you reviewed sometime prior to October 21, 2016, and for the  
4 record, the IG's Office says that it is the same file, but they  
5 did -- the notation, what it was noting, they had to, in their  
6 minds, move pages around because they were numbered  
7 sequentially, but the numbers were not in sequential order in  
8 the actual binder they were given.

9           So what they did was take the bind you saw and put either  
10 the pages or the notes back into sequential order. That's a  
11 representation from the IG. I just want to put that on the  
12 record.

13           The Woods file they reviewed as a part of their process  
14 is the same Woods file you reviewed as part of your process.

15           MR. BERGER: I can't accept that on face value.

16           MR. SOMERS: I'm not asking you to accept it. I'm just  
17 putting it on the record to say what the IG's Office has  
18 represented to us, just so it's clean on the record.

19           MR. BERGER: I understand.

20           MR. BAKER: Two quick points.

21           ██████████: I have a followup question on that though,  
22 what you said, that the IG represented that --

23           MR. SOMERS: The office.

24           ██████████: Fair enough. Got it. The IG's Office  
25 represented that the Woods file they reviewed -- are you talking

1 about or is the IG ruling out that there was a different Woods  
2 file at the time the Woods process was conducted as opposed to  
3 at the time that Mr. [REDACTED] came in and was questioned?

4 MR. SOMERS: They're saying it's the same file.  
5 They're saying that there was sequential numbering. I don't  
6 know if it's page numbering or actual numbers of facts, and as  
7 they were given the Woods file, instead of it being one, two,  
8 three, four, five, it was five, ten, thirteen; and they went  
9 and put it back in order, one, two, three, four.

10 That's what they're representing.

11 [REDACTED]: Did they make any further representation  
12 that that is, in fact, the same Woods file that existed at the  
13 time of FISA warrant?

14 MR. SOMERS: They said the content is identical.  
15 Whether it's actually the physical same one, they did not make  
16 a representation one way or the other.

17 They tell me the content is identical and it was just  
18 a numbering thing, and because they -- they didn't renumber  
19 anything. Because they reordered things, someone put a  
20 notation on the Woods file; but, to them, they didn't want to  
21 five, fifteen, three. They wanted to put one, two, three, four  
22 and that type of order.

23 [REDACTED]: I just want to clarify. They didn't make  
24 a representation that the file is the actual original file out  
25 of order, the same file out of order?

1 MR. SOMERS: They said the content was identical. I  
2 didn't ask them whether it was the actual same physical file.  
3 It just did not come up in the conversation, whether it was the  
4 exact document.

5 They just said the content was identical. So it could  
6 have been a photocopy of the original, but they said that the  
7 notation that was noted, the reason they made the notation was  
8 because the sequencing was off in the file they were given and  
9 that all they did was take a page and move it back into sequential  
10 order or multiple pages and moved back into sequential order.

11 We haven't been able to get -- we were hoping to be able  
12 to get something in writing, but I have not received a written  
13 explanation yet, but I have orally.

14 [REDACTED]: Thank you.

15 BY MR. BAKER:

16 Q. I just have two quick points.

17 We talked a good bit today about Christopher Steele.  
18 Did you or anyone on your squad or your Headquarters entity that  
19 you supervised, did you have any interaction with Source No.  
20 2?

21 A. Not to my recollection, no.

22 Q. Okay. And then did you put any of your agents  
23 or support employees in for any type of formal recognition for  
24 their work on Crossfire Hurricane, a QSI, an incentive award,  
25 any kind of formal recognition?

1 A. I did not.

2 Q. And were you, yourself, put in for anything by  
3 your supervisors?

4 A. They did not.

5 MR. BAKER: Thank you and thank you for being here  
6 today, sir.

7 THE WITNESS: Thank you.

8 MR. SOMERS: I think that's all we have. Thank you for  
9 appearing today.

10 [REDACTED]: Before we go off, I just want to add one thing  
11 into the record.

12 I think it's fair to say the FBI made an accommodation  
13 to the Senate Judiciary Committee under extraordinary  
14 circumstances to provide Mr. [REDACTED] a non-SES onboard agent.  
15 The FBI was not advised in advance, however, of the attendance  
16 at stated interview by staff of committees other than the Senate  
17 Judiciary Committee.

18 We would respectfully request that the Judiciary  
19 Committee ensure the confidentiality of this interview, both  
20 the fact of it and the substance and the testimony taken therein,  
21 that that information will be maintained by all staff in  
22 attendance and their respective committees.

23 MR. SOMERS: Absolutely. We will also maintain the  
24 transcript in the same manner.

25 [REDACTED]: Thank you.

1 MR. SOMERS: On behalf of the committee, let me thank  
2 you again for coming in today and traveling here to take part  
3 in this interview. We appreciate it.

4 THE WITNESS: You're welcome.

5 [Whereupon, at 3:55 p.m., the interview concluded.]

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# ERRATA



Notice Date:

Deposition Date: August 27, 2020

Deponent: Supervisory Special Agent 1

Case Name: Senate Judiciary Committee

Page:Line                      Now Reads                      Should Read

<u>62:24</u>	<u>He said had</u>	<u>He said "had</u>
<u>63:1</u>	<u>into, and if</u>	<u>into, and, if</u>
<u>63:2</u>	<u>he or she</u>	<u>he/she</u>
<u>63:3</u>	<u>his or her</u>	<u>his/her</u>
<u>63:3</u>	<u>tactics or otherwise</u>	<u>tactics and/or otherwise</u>
<u>63:4</u>	<u>his or her activities</u>	<u>his/her</u>
<u>63:6</u>	<u>could prove that.</u>	<u>could prove that."</u>
<u>64:19</u>	<u>document</u>	<u>documentary</u>
<u>65:6</u>	<u>FBI, quote, engaged</u>	<u>FBI engaged</u>
<u>65:7</u>	<u>a, quote, massive</u>	<u>a "massive</u>
<u>65:8</u>	<u>Court.</u>	<u>Court."</u>
<u>66:6</u>	<u>of, quote, people who hated Trump</u>	<u>of "people who hated Trump"</u>
<u>66:7</u>	<u>had, quote, an</u>	<u>had "an</u>
<u>66:8</u>	<u>elected.</u>	<u>elected."</u>
<u>118:14</u>	<u>a, quote, open</u>	<u>an "open</u>

